

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 27, 1933

The House met at 12 o'clock noon.

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

O Thou, our everlasting portion, who hast inclosed us in an everlasting past of goodness and a future of endless glory, we praise in our hearts Thy holy name. Thy mercy is as constant as the stars that never set, as the mountains that never move, and as the tide that never forgets to flow. O Lord of all being, to each loving heart how very near Thou art. Day by day be present with this Congress. May we here realize the richness of life, its glorious opportunities with their vast outlook and their inexpressible joys. O God, journey with us as we pass through the gateway of this noonday hour. Amen.

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

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOODRUM, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 14458, Rept. No. 1922) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1934, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. TABER reserved all points of order.

RECONSTRUCTION FINANCE CORPORATION

The SPEAKER laid before the House the following communication, which was placed in the archives of the House.

RECONSTRUCTION FINANCE CORPORATION,
Washington, January 26, 1933.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Sir: In the report submitted by the Reconstruction Finance Corporation under date of January 25, 1933, pursuant to House Resolution 335, the loan made by the corporation to the Bronx County Trust Co., New York, N. Y., was reported as having an unpaid balance of \$441,400 at the close of business January 6, 1933, whereas the loan was paid in full prior to that date. The column headed "Repayments on principal" should show repayments of \$555,125 with respect to this loan, and the column headed "Balance outstanding" should show nothing outstanding.

Respectfully,

ATLEE POMERENE, *Chairman.*

Mr. HOWARD. Mr. Speaker, as the author of the resolution requesting a report of the doings of the Reconstruction Finance Corporation during the months of February, March, April, May, and June, 1932, and well aware of the great burden imposed upon the corporation in preparation of its doings during the designated months, and in such limited time, I trust the House may be pleased to look lightly and generously upon any slight errors which may have crept into the report. Indeed it would be akin to a miracle if the voluminous report, prepared in such haste as requested by the House, should be wholly free from error. I am confident that the corporation will be entitled to commendation because of the almost perfect compilation of such vast figures, rather than to condemnation because of one slight error, as noted in the communication of the corporation just now read to the House.

THE DEFICIENCY BILL

Mr. BYRNS, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 14436, Rept. No. 1923) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1933, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. TABER reserved all points of order.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the bill be taken up now for consideration and be considered in the House as in Committee of the Whole.

May I say that this bill is exactly the same bill which passed the House and the Senate and went to the President the other day, with the refund item of \$28,000,000 eliminated.

Mr. SNELL. I think the gentleman's statement is proper, and the bill ought to be passed as soon as possible; but I am wondering why the refund item of \$28,000,000 was left out. I understand that these have been determined and are judgments against the United States and that we will have to pay 6 per cent interest on them—

Mr. BYRNS. Four per cent.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. STAFFORD. It is 6 per cent on all claims that arose prior to the time of the adjudication, but those since July 1 carry 4 per cent.

Mr. BYRNS. Under the economy act I think it is 4 per cent. I will say this: I had this looked up and investigated and computed, and if no appropriation is made for this refund before the last of April, it will amount to less than \$100,000. They have some on hand now. This item can be carried in the next deficiency bill, which will come along in a week or two.

Mr. SNELL. It makes an additional expenditure for the Government.

Mr. BYRNS. To that extent, but as I understand, we are confronted with a serious situation in the city involving the health and happiness and possibly the lives of a great many people.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CHINDBLOM. With reference to the interest on the refunds I have given some attention to the matter, and figuring the difference in the interest to the taxpayers who are to receive the refund and credit and the interest to be paid by the Government on this \$28,000,000 refund and credit will cost the Government and the taxpayers at the rate of \$800,000 per annum.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, of course, there are two schools of thought on this question of refunding, particularly as to the rights of the legislative branch of the Government to control, without limitation or qualification, the expenditure of public funds. I rise to ask the gentleman whether we will have an opportunity when the matter comes up to put a proviso and limitation upon the appropriation if the committee does not do it.

Mr. BYRNS. I do not think that that could be denied the gentleman if we desired to do so. There will be no inclination upon my part, and I am sure upon the part of the committee, to deny the gentleman that opportunity.

Mr. BLANTON. Mr. Speaker, reserving the right to object, if this bill had been signed when it reached the White House last week, and it had not been vetoed, this money would have been paid by now and there would not have been any interest to be considered at all.

Mr. SNELL. That may be true, but there was a definite constitutional question involved, and the President gave attention to the highest authority we have on these matters, the Attorney General of the United States. He was right in doing what he did.

Mr. BLANTON. On a frivolous matter.

Mr. SNELL. No; it was not a frivolous matter, and the gentleman knows it.

Mr. BLANTON. I did not yield. On the contrary, I say it was frivolous for that big deficiency bill to be vetoed simply because it reserved to Congress its right to pass upon all refunds over \$20,000.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk proceeded to read the bill.

Mr. BYRNS (interrupting the reading). Mr. Speaker, I made the statement to the House that this bill is an exact copy of the bill as it passed both bodies, with the elimina-

tion of the tax fund. I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. Is there objection to dispensing with further reading of the bill?

There was no objection.

The bill referred to is as follows:

H. R. 14436

A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1933, and for other purposes

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1933, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

Senate

To pay to Anna R. Waterman, widow of Hon. Charles W. Waterman, late a Senator from the State of Colorado, \$9,000.

To pay to Minda N. Jones, widow of Hon. Wesley L. Jones, late a Senator from the State of Washington, \$9,000.

Office of Sergeant at Arms and Doorkeeper: For two telephone operators, at \$1,560 each per annum, from March 1 to June 30, 1933, \$1,040.

For miscellaneous items, exclusive of labor, fiscal year 1933, \$20,000.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1933, \$40,000.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate under the supervision of the Committee on Rules, United States Senate, fiscal year 1933, \$15,000.

House of Representatives

To pay the widow of Daniel E. Garrett, late a Representative from the State of Texas, \$9,000.

To pay the widow of Charles A. Karch, late a Representative from the State of Illinois, \$9,000.

To pay the widow of J. Charles Linthicum, late a Representative from the State of Maryland, \$9,000.

To pay the widow of Henry St. George Tucker, late a Representative from the State of Virginia, \$9,000.

The four foregoing appropriations to be disbursed by the Sergeant at Arms of the House.

Committee on Revision of the Laws: For the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, fiscal years 1933 and 1934, \$3,000.

Joint Committee on Inaugural Ceremonies of 1933

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1933, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, fiscal year 1933, \$35,000.

EXECUTIVE OFFICE AND INDEPENDENT ESTABLISHMENTS

Executive office

Protection of interests of the United States in matters affecting oil lands in former naval reserves: For an additional amount for expenses of special counsel and for all other expenses, including employment of experts and other assistants at such rates as may be authorized or approved by the President, in connection with carrying into effect the joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, approved February 21, 1924, \$5,000, to be expended by the President.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

Salaries: For an additional amount for personal services in the District of Columbia and elsewhere, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1933, \$21,900.

General expenses: For an additional amount for general expenses in connection with the maintenance and care of public buildings, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1933, \$9,415.

United States Geographic Board

Printing and binding: For an additional amount for printing and binding for the United States Geographic Board, fiscal year 1933, \$1,700.

DISTRICT OF COLUMBIA

Public welfare

Emergency relief of residents, District of Columbia: For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia, by loan, employment, and/or direct relief, under rules and regulations to be prescribed by the Board of Commissioners, and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, fiscal year 1933, \$625,000: *Provided*, That not to exceed \$50,000 of this appropriation shall be available for administrative expenses including necessary personal services.

DEPARTMENT OF AGRICULTURE

Forest service

Salaries and expenses (fighting and preventing forest fires): For an additional amount for fighting and preventing forest fires, fiscal year 1933, including the same objects specified under this head in the agricultural appropriation act for the year 1933, \$1,000,000.

For payment to Charles Lamkin, of Banning, Calif., as authorized by Private Act No. 159, Seventy-second Congress, entitled "An act for the relief of Charles Lamkin," approved July 13, 1932 (47 Stat., Pt. 2, 82), \$66.

DEPARTMENT OF JUSTICE

Contingent expenses

For an additional amount for contingent expenses, Department of Justice, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1930, \$331.52.

Miscellaneous objects

Detection and prosecution of crimes: The amount which may be expended for personal services in the District of Columbia from the appropriation "Detection and prosecution of crimes, 1933," is hereby increased from \$477,356 to \$523,851.

Marshals, district attorneys, clerks, and other expenses of United States courts

Fees of commissioners: For additional amounts for fees of United States commissioners and justices of the peace acting under section 1014, Revised Statutes of the United States (U. S. C., title 18, sec. 591), for the fiscal years that follow:

For 1925, \$138.50;

For 1930, \$1,007.15;

For 1931, \$3,275.80;

For 1932, \$43,812.67.

Fees of jurors and witnesses: For an additional amount for fees of jurors and witnesses, United States courts, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, \$11,356.85.

Pay of bailiffs, etc.: For an additional amount of pay of bailiffs, etc., United States courts, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, \$1,261.07.

Miscellaneous expenses: For an additional amount for such miscellaneous expenses as may be authorized or approved by the Attorney General for the United States courts and their officers, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1930, \$244.55.

Penal and correctional institutions

United States Hospital for Defective Delinquents, construction: For an additional amount for United States Hospital for Defective Delinquents, construction, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1933, \$177,983, to remain available until expended.

Support of United States prisoners: The sum of \$185,000 is hereby transferred from the appropriation "Federal jails, 1932," to the appropriation "Support of United States prisoners, 1932."

DEPARTMENT OF LABOR

Bureau of Immigration

Salaries and expenses: The amount authorized to be expended for personal services in the District of Columbia during the fiscal year 1933 from the appropriation for salaries and expenses, Bureau of Immigration, is hereby increased from \$300,000 to \$320,000.

Employment Service

For an additional amount for the Employment Service, including the same objects and under the same limitations specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1933, \$200,000.

NAVY DEPARTMENT

Secretary's office

Claim for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in Senate Document No. 166 and House Document No. 503, Seventy-second Congress, \$1,858.58.

Public works, Bureau of Yards and Docks

The limit of cost of the buildings, equipment, accessories, utilities, and appurtenances for the naval hospital at Philadelphia, Pa., authorized by the act approved February 12, 1931 (46 Stat. 1091), shall be as prescribed in such act, any provision in the act approved June 30, 1932 (47 Stat. 436), to the contrary notwithstanding: *Provided*, That section 320 of the act approved June 30, 1932 (47 Stat. 412), shall not be applicable to such project.

POST OFFICE DEPARTMENT

Out of the postal revenues—Office of the chief inspector

Payments of rewards: For an additional amount for payment of rewards, including the same objects specified under this head in the act making appropriations for the Post Office Department for the fiscal year 1932, \$26,500.

Office of the Fourth Assistant Postmaster General

Not to exceed \$3,000 of the appropriation "Rent, light, and fuel, 1933," may be expended for payment as a compromise settlement in connection with the cancellation of the lease at Highland, Ill., which expires September 30, 1937, and which cancellation is necessary because of the occupancy of a Federal building.

DEPARTMENT OF STATE

General disarmament conference, Geneva, Switzerland: For an additional amount for the expenses of participation by the United States in a general disarmament conference at Geneva, Switzerland, as authorized by Public Resolution No. 6, approved January 20, 1932, and for each and every purpose connected therewith, including per diem allowances in accordance with the subsistence expense act of 1926, as amended (U. S. C., Supp. VI, title 5, chap. 16), and other traveling expenses; personal services in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended; stenographic and other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent of offices and rooms; purchase of necessary books, and documents; printing and binding; official cards; entertainment; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; and such other expenses as may be authorized by the Secretary of State, fiscal year 1933, to remain available until June 30, 1934, \$150,000.

Mixed Claims Commission, United States and Germany: For an additional amount for expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the preparation of a final report by the American commissioner and the orderly arrangement for preservation and disposition of the records of the commission; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said Mixed Claims Commission, and the preparation of a final report of the agent and the orderly arrangement for preservation of the records of the agency and the disposition of property jointly owned by the two Governments, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), law books and books of reference, printing and binding, contingent expenses, traveling expenses, press-clipping service, and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1933, \$40,000: *Provided*, That the appropriation made for this commission for the fiscal years 1932 and 1933 by the first deficiency act, fiscal year 1932, shall be available for payments heretofore or hereafter made for press-clipping service.

WAR DEPARTMENT

Military activities—Quartermaster Corps

Acquisition of land, Fort Knox, Ky.: For the completion of the acquisition of approximately 75 acres of land at Saunders Spring, Ky., for the construction of a water-supply system for Fort Knox, Ky., authorized by the act approved July 3, 1928 (44 Stat., p. 877), fiscal year 1933, \$250.

TITLE II

JUDGMENTS AND AUTHORIZED CLAIMS

Damage claims

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent establishments under the provisions of the act entitled "An act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215-217), as fully set forth in Senate Document No. 162 and House Document No. 509, Seventy-second Congress, as follows:

Veterans' Administration, \$37,500;
Department of Agriculture, \$106,800;

Department of Commerce, \$1,086,200;
Department of the Interior, \$1,246,088;
Department of Justice, \$298,377;
Navy Department, \$1,944,566;
Post Office Department (out of the postal revenues), \$13,532,377;
Treasury Department, \$1,456,566;
War Department, \$3,948,233;
In all, \$23,656,677.

Judgments, United States courts

SEC. 2. For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (U. S. C., title 28, sec. 41, par. 20; sec. 258; secs. 761-765), certified to the Seventy-second Congress in House Document No. 508, under the following departments and establishments, namely:

Department of Agriculture, \$1,885,811;
Department of Commerce, \$400;
Department of Labor, \$1,000;
War Department, \$3,991,467;

In all, \$7,277,277, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (U. S. C., title 46, secs. 781-789), certified to the Seventy-second Congress in House Document No. 508, under the following departments, namely:

Navy Department, \$2,793;
War Department, \$190;

In all, \$2,983, together with such additional sum as may be necessary to pay interest on any such judgment where specified therein and at the rate provided by law.

For the payment of the judgments, including costs of suits, rendered against the Government by United States district courts in special cases under the provisions of certain special acts and certified to the Seventy-second Congress in Senate Document No. 163 and House Document No. 508, under the following departments:

Navy Department, \$150;
War Department, \$74,812.79;

In all, \$74,962.79, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Payment of interest wherever provided for judgments contained in this act shall not in any case continue for more than 30 days after the date of approval of the act.

Section 319 of the act of June 30, 1932 (economy act) (47 Stat. 412), shall not apply to any judgment rendered against the United States prior to July 1, 1932. Appropriations for the payment of any such judgment and interest thereon shall be available for the payment of principal and interest in accordance with the terms of such judgment and the appropriation therefor, notwithstanding the provisions of sections 319 and 803 of such act.

Judgments, Court of Claims

SEC. 3. For payment of the judgments rendered by the Court of Claims and reported to the Seventy-second Congress in Senate Document No. 164 and House Document No. 504, under the following departments and establishments, namely:

United States Veterans' Administration, \$6,335,211;
Navy Department, \$675,565.68;
Treasury Department, \$6,238.43;

War Department, \$49,950; in all, \$738,089.32, together with such additional sum as may be necessary to pay interest on certain of the judgments as and where specified in such judgments.

None of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b), section 3, of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes," approved February 13, 1925 (U. S. C., title 28, sec. 288).

Audited claims

SEC. 4. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in House Document No. 510, Seventy-second Congress, there is appropriated as follows:

Legislative

For Capitol, building and repairs, \$21.

Independent offices

For Federal Trade Commission, \$24.60.
 For salaries and expenses, United States Shipping Board, \$5.62.
 For medical and hospital services, Veterans' Bureau, \$36,011.30.
 For military and naval compensation, Veterans' Administration, \$2,169.48.
 For salaries and expenses, Veterans' Bureau, \$136.50.
 For vocational rehabilitation, Veterans' Bureau, \$123.72.
 For hospital facilities and services, Veterans' Bureau, \$428.82.
 For Army pensions, \$333.73.
 For investigation of pension cases, Pension Office, \$11.20.
 For salaries and expenses, employees' retirement act, Bureau of Pensions, \$2.

District of Columbia

For general expenses, public parks, District of Columbia, \$450, payable from the revenues of the District of Columbia.

Department of Agriculture

For salaries and expenses, Extension Service, \$4.80.
 For salaries and expenses, Weather Bureau, \$5.
 For salaries and expenses, Bureau of Animal Industry, \$368.15.
 For salaries and expenses, Bureau of Plant Industry, 50 cents.
 For general expenses, Forest Service, \$1.80.
 For salaries and expenses, Bureau of Entomology, \$6.95.
 For prevention of spread of European corn borer, \$4.95.
 For salaries and expenses, Bureau of Biological Survey, \$1.
 For salaries and expenses, Bureau of Agricultural Economics, \$5.08.
 For salaries and expenses, plant quarantine and control administration, \$34.80.

Department of Commerce

For contingent expenses, Department of Commerce, \$10.
 For collecting statistics, Bureau of the Census, \$4.
 For scientific library, Patent Office, \$9.32.
 For salaries, keepers of lighthouses, \$37.33.
 For general expenses, Lighthouse Service, \$13.
 For protecting seal and salmon fisheries of Alaska, \$2.85.
 For investigating mine accidents, \$1.
 For aircraft in commerce, 75 cents.
 For air navigation facilities, \$23,761.98.

Department of the Interior

For Geological Survey, \$17.
 For National Park Service, \$987.04.
 For education of natives of Alaska, \$425.12.
 For medical relief in Alaska, \$19.81.
 For industry among Indians, \$7.37.
 For Indian agency buildings, \$14.80.
 For purchase and transportation of Indian supplies, \$2.71.
 For irrigation, San Carlos and Florence-Casa Grande projects, Arizona (reimbursable), \$4.26.
 For conservation of health among Indians, \$118.73.
 For Indian boarding schools, \$157.97.
 For Indian school support, \$176.78.
 For relieving distress and prevention, etc., of diseases among the Indians, \$114.
 For support and civilization of Indians, \$11.85.
 For support of Indians and administration of Indian property, \$19.35.

Department of Justice

For contingent expenses, Department of Justice, \$129.90.
 For printing and binding, Department of Justice and courts, \$205.50.
 For detection and prosecution of crimes, \$31.50.
 For examination of judicial offices, \$2.50.
 For books for judicial officers, \$782.
 For salaries, fees, and expenses of marshals, United States courts, \$1,860.27.
 For salaries and expenses of district attorneys, United States courts, \$2.12.
 For fees of commissioners, United States courts, \$1,607.35.
 For fees of jurors, United States courts, \$41.
 For fees of witnesses, United States courts, \$41.10.
 For fees of jurors and witnesses, United States courts, \$10.30.
 For support of United States prisoners, \$369.60.
 For United States penitentiary, Atlanta, Ga., \$39.58.

Department of Labor

For salaries and expenses, Commissioners of Conciliation, \$1.50.
 For expenses of regulating immigration, \$52.55.
 For miscellaneous expenses, Bureau of Naturalization, \$28.95.

Navy Department

For pay, miscellaneous, \$3.35.
 For organizing the Naval Reserve, \$53.63.
 For engineering, Bureau of Engineering, \$112.74.
 For construction and repair, Bureau of Construction and Repair, \$336.47.
 For pay, subsistence, and transportation, Navy, \$9,409.13.
 For pay of the Navy, \$5,562.68.
 For transportation, Bureau of Navigation, \$162.77.
 For maintenance, Bureau of Supplies and Accounts, \$389.01.
 For maintenance, Bureau of Yards and Docks, \$101.20.
 For aviation, Navy, \$37,536.37.
 For pay, Marine Corps, \$1,629.33.

For general expenses, Marine Corps, \$137.50.
 For maintenance, Quartermaster's Department, Marine Corps, \$42.91.

Post Office Department—Postal Service

(Out of the postal revenues)

For balances due foreign countries, \$138,631.13.
 For car fare and bicycle allowance, \$11.34.
 For city delivery carriers, \$1,466.40.
 For clerks, first and second class post offices, \$5,470.80.
 For clerks, third-class post offices, \$221.25.
 For compensation to postmasters, \$2,056.68.
 For foreign-mail transportation, \$10,493.36.
 For freight, express, or motor transportation of equipment, etc., \$26.78.
 For indemnities, domestic mail, \$1,271.56.
 For indemnities, international mail, \$673.69.
 For miscellaneous items, first and second class post offices, \$12.42.
 For post office equipment and supplies, \$25.40.
 For railroad transportation and mail messenger service, \$1,099.25.
 For rent, light, and fuel, \$2,593.96.
 For separating mails, \$7.50.
 For special-delivery fees, \$13.09.
 For star-route service, \$20.47.
 For vehicle service, \$28.80.
 For village delivery service, \$184.80.

Department of State

For contingent expenses, Department of State, \$1,897.86.
 For contingent expenses, foreign missions, \$35.91.
 For contingent expenses, United States consulates, \$16.04.
 For immigration of aliens, Department of State, \$43.
 For relief and protection of American seamen, \$123.78.
 For salaries, ambassadors and ministers, \$1.94.
 For salaries, consular service, \$574.76.
 For salaries, Foreign Service officers, \$7.90.
 For salaries, Foreign Service officers while receiving instructions and in transit, \$861.11.
 For transportation of Foreign Service officers, \$4,666.69.

Treasury Department

For stationery, Treasury Department, \$11.46.
 For contingent expenses, public moneys, \$2.87.
 For collecting the revenue from customs, \$221.17.
 For collecting the internal revenue, \$95.52.
 For salaries and expenses of collectors, etc., of internal revenue, \$39.83.
 For enforcement of narcotic and national prohibition acts, internal revenue, \$1,290.97.
 For Coast Guard, \$360.21.
 For contingent expenses, Coast Guard, \$36.17.
 For pay and allowances, Coast Guard, \$406.71.
 For compensation of employees, Bureau of Engraving and Printing, \$18.59.
 For pay of other employees, Public Health Service, 85 cents.
 For pay of personnel and maintenance of hospitals, Public Health Service, \$141.
 For interstate quarantine service, \$3.75.
 For quarantine service, \$120.
 For mileage, etc., Coast Guard, \$4.
 For furniture and repairs of same for public buildings, \$178.65.
 For general expenses of public buildings, \$11.56.
 For mechanical equipment for public buildings, \$80.94.
 For operating force for public buildings, \$9.53.
 For operating supplies for public buildings, \$89.09.
 For remodeling and enlarging public buildings, \$1,591.75.
 For repairs and preservation of public buildings, \$10.11.

War Department

For contingencies, Military Intelligence Division, General Staff Corps, \$1,233.16.
 For civilian military training camps, \$16.03.
 For Organized Reserves, \$113.13.
 For Reserve Officers' Training Corps, \$153.90.
 For increase of compensation, Military Establishment, \$7,625.91.
 For increase of compensation, War Department, \$480.
 For pay, etc., of the Army, \$64,727.02.
 For pay of the Army, \$7,389.98.
 For mileage of the Army, \$44.25.
 For mileage to officers and contract surgeons, \$121.34.
 For arrears of pay, bounty, etc., \$39.10.
 For pay, etc., of the Army, war with Spain, \$279.43.
 For Army transportation, \$2,877.88.
 For barracks and quarters, \$5.50.
 For barracks and quarters, other buildings, and utilities, \$3.40.
 For clothing and equipage, \$180.92.
 For construction of buildings, utilities, and appurtenances at military posts, \$1,491.32.
 For incidental expenses of the Army, \$50.
 For subsistence of the Army, \$37.57.
 For general appropriations, Quartermaster Corps, \$7,811.08.
 For supplies, services, and transportation, Quartermaster Corps, \$282.04.
 For ordnance service and supplies, Army, \$192.44.
 For armament of fortifications, \$17.38.
 For manufacture of arms, \$829.20.
 For ordnance stores, ammunition, \$92.76.
 For proving grounds, Army, \$638.32.
 For replacing ordnance and ordnance stores, \$593.94.
 For seacoast defenses, Panama Canal, ordnance, \$85.50.

For medical and hospital department, \$163.25.
 For Signal Service of the Army, \$230.
 For Air Corps, Army, \$80.
 For arming, equipping, and training the National Guard, \$1,370.56.
 For pay of National Guard for armory drills, \$557.38.
 For arms, uniforms, equipment, etc., for field service, National Guard, 75 cents.
 For headstones for graves of soldiers, \$1.98.
 For Shiloh National Military Park, \$175.81.
 For operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers, \$3.55.
 Total, audited claims, section 4, \$404,514.06, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Audited claims

Sec. 5. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 165, Seventy-second Congress, there is appropriated as follows:

Independent offices

For Interstate Commerce Commission, \$180.
 For medical and hospital services, Veterans' Bureau, \$1,501.96.
 For military and naval compensation, Veterans' Administration, \$144.25.
 For salaries and expenses, Veterans' Bureau, \$5.30.
 For vocational rehabilitation, Veterans' Bureau, \$51.
 For Army pensions, \$7.14.

Department of Agriculture

For salaries and expenses, Bureau of Animal Industry, \$33.33.
 For dairying and soil improvement, experiment station, South Carolina, \$6.25.
 For loans to farmers in storm and flood stricken areas, Southwestern States, \$2.

Department of Commerce

For party expenses, Coast and Geodetic Survey, \$15.26.
 For protecting seal and salmon fisheries of Alaska, \$4.62.
 For air navigation facilities, \$1.25.

Department of the Interior

For relieving distress and prevention, etc., of diseases among Indians, \$250.
 For conservation of health among Indians, \$83.

Department of Justice

For miscellaneous expenses, United States courts, 94 cents.

Navy Department

For pay, subsistence, and transportation, Navy, \$381.49.
 For pay of the Navy, \$69.33.
 For transportation, Bureau of Navigation, \$4.60.
 For maintenance, Bureau of Supplies and Accounts, \$2.68.
 For pay, Marine Corps, \$154.30.

Post Office Department—Postal Service

(Out of the postal revenues)

For balances due foreign countries, \$781.28.
 For city delivery carriers, \$82.56.
 For indemnities, domestic mail, \$123.75.
 For indemnities, international mail, \$22.89.
 For miscellaneous items, first and second class post offices, \$320.
 For Railway Mail Service, salaries, \$53.04.
 For rent, light, and fuel, \$32.
 For Rural Delivery Service, \$3.37.
 For separating mails, \$48.

Department of State

For contingent expenses, United States consulates, \$3.12.
 For transportation of Foreign Service officers, \$40.76.

Treasury Department

For enforcement of narcotic and national prohibition acts, internal revenue, \$385.05.
 For Coast Guard, \$60.
 For pay and allowances, Coast Guard, \$167.81.
 For operating supplies for public buildings, \$67.50.

War Department

For pay, etc., of the Army, \$6,777.49.
 For pay of the Army, \$1,067.17.
 For Reserve Officers' Training Corps, \$79.50.
 For increase of compensation, Military Establishment, \$8.53.
 For pay, etc., of the Army, war with Spain, \$2.40.
 For Army transportation, \$142.24.
 For general appropriations, Quartermaster Corps, \$378.56.
 For ordnance service and supplies, Army, 76 cents.
 For arming, equipping, and training the National Guard, 32 cents.
 For pay of National Guard for armory drills, \$17.65.
 Total, audited claims, section 5, \$13,564.45, together with such additional sum due to increases in rates of exchange as may be

necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Sec. 6. For payment of interest on amounts withheld from claimants by the Comptroller General of the United States under the act of March 3, 1875 (U. S. C., title 31, sec. 227), as allowed by the General Accounting Office and certified to the Seventy-second Congress, in House Document No. 507, under the Treasury Department, \$484.98.

For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States district courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 989, Revised Statutes (U. S. C., title 28, sec. 842), and certified to the Seventy-second Congress in House Document No. 507, under the Treasury Department, \$1,669.93, together with such additional sum as may be necessary to pay interest as specified in the judgments.

For the payment of a claim allowed by the General Accounting Office covering a judgment rendered by a United States district court against a collector of internal revenue, where a certificate of probable cause has been issued as provided for under section 989, Revised Statutes (U. S. C., title 28, sec. 842), and certified to the Seventy-second Congress in House Document No. 507, under the Treasury Department, \$139.85.

For the payment of the claim allowed by the General Accounting Office under the provisions of Private Act No. 524, approved March 2, 1929 (45 Stat., pt. 2, p. 2364), and certified to the Seventy-second Congress in House Document No. 507, under the War Department, \$52.71.

Total audited claims, section 6, \$2,347.47.

SHORT TITLE

This act may be cited as the "first deficiency act, fiscal year 1933."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, FISCAL YEAR 1934

Mr. OLIVER of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14363) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1934, and for other purposes. Pending that, there is one item in the bill which will provoke some controversy, and I think it should be discussed, since it involves a policy that Congress itself laid down, and which, if it is now being violated, Congress should know. In view of the fact that I feel amendments are to be offered in good faith, and that the Members offering such are possibly prompted by misinformation, I desire that there be time for discussion, so that Members of the House may know the facts. The matter I refer to relates to prison industries. Yesterday that item was passed with the understanding that we would agree on some reasonable time for discussion of it and all amendments thereto that might be offered. I ask unanimous consent, therefore, that after the expiration of the time fixed by the House for the discussion of the prohibition item, the committee be authorized to fix one hour for the discussion of the item in reference to prison industries and all amendments thereto, the time to be equally divided between the gentleman from Pennsylvania [Mr. SHREVE] and myself, and one-half of the time to be allotted to those in favor of such amendments as may be offered to that item.

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

Mr. OLIVER of Alabama. Yes.

Mr. SHREVE. Does the gentleman desire to go into a discussion of all of the various articles that are manufactured in the penitentiaries?

Mr. OLIVER of Alabama. I understand there may be amendments that may relate to different activities.

Mr. SHREVE. Affecting Atlanta?

Mr. OLIVER of Alabama. Affecting all of the prisons; and that is why I suggest that we fix the time. It will enable us to proceed in an orderly way, immediately after disposing of the prohibition item, and hasten the reading of the bill.

Mr. SHREVE. That is entirely satisfactory to this side of the House.

Mr. SABATH. I understand an agreement has been entered into about the time to be allotted to the prohibition item.

Mr. OLIVER of Alabama. Two hours.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the item on page 33 relating to prison-industries working-capital fund is reached there be one hour of debate on the paragraph and all amendments thereto, one-half of the time to be controlled by the gentleman from Alabama [Mr. OLIVER] and one-half by the gentleman from Pennsylvania [Mr. SHREVE], those two halves to be controlled one-half of the time by those in favor of the amendment and one-half by those opposed. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14363.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14363, with Mr. OLIVER of New York in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

BUREAU OF PROHIBITION

Salaries and expenses: For expenses to enforce and administer the applicable provisions of the national prohibition act, as amended and supplemented (U. S. C., title 27), and internal revenue laws, pursuant to the act of March 3, 1927 (U. S. C., Supp. V, title 5, secs. 281-281e), and the act of May 27, 1930 (U. S. C., Supp. V, title 27, secs. 144-192), including the employment of executive officers, attorneys, agents, inspectors, investigators, supervisors, clerks, messengers, and other personnel, in the District of Columbia and elsewhere, to be appointed as authorized by law; the securing of evidence of violations of the acts; the cost of chemical analysis made by other than employees of the United States and expenses incident to the giving of testimony in relation thereto; the purchase of stationery, supplies, equipment, mechanical devices, newspapers, and periodicals not to exceed \$350, books, including law books and books of reference, and such other expenditures as may be necessary in the District of Columbia and the several field offices; costs incurred in the seizure, storage, and disposition of liquor and property seized under the national prohibition act, including seizures made under the internal revenue laws if a violation of the national prohibition act is involved and disposition is made under section 3460, Revised Statutes (U. S. C., title 26, sec. 1193); costs incurred in the seizure, storage, and disposition of any vehicle and team or automobile, boat, air or water craft, or any other conveyance, seized pursuant to section 26, Title II, of the national prohibition act, when the proceeds of sale are insufficient therefor or where there is no sale; purchase of passenger-carrying motor vehicles at a total cost of not to exceed \$50,000, including the value of any vehicles exchanged, and the hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles for official use in field work; and for rental of quarters; in all, \$9,120,000, of which amount not to exceed \$336,453 may be expended for personal services in the District of Columbia.

Mr. BLANTON. Mr. Chairman, under the unanimous-consent agreement had yesterday in the House the disposition of the prohibition item and amendments thereto was to be made under two hours of debate, immediately after we went into the Committee of the Whole to-day.

Mr. OLIVER of Alabama. That is correct.

Mr. BLANTON. We are now in the Committee of the Whole.

The CHAIRMAN. The paragraph alluded to has just been read by the Clerk, and we are about to proceed to its consideration under the unanimous-consent agreement entered into yesterday. That agreement divides the time of two hours, one hour to the gentleman from Alabama [Mr. OLIVER], and one hour to the gentleman from Pennsylvania [Mr. SHREVE], and the gentleman from Alabama is to allot one-half of that time to the control of the gentleman from New York [Mr. GRIFFIN], and Mr. SHREVE to allot one-half of his time to the control of the gentleman from Massachusetts [Mr. TINKHAM].

Mr. GRIFFIN rose.

The CHAIRMAN. The gentleman from New York [Mr. GRIFFIN] is recognized for one-half hour.

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

Mr. TARVER. Mr. Chairman, if the gentleman will permit, if amendments to this paragraph are not offered now, we will have two hours' debate without having any idea of what amendments are to be considered by the committee, and then will be required to vote on the amendments without opportunity having been offered for an explanation of the amendments by their authors. I should like to know whether or not it would be permissible to have all amendments to the provision offered at this time, in order that they may be pending before the committee and discussion be had at the time argument is had.

Mr. OLIVER of Alabama. Mr. Chairman, I hope the gentlemen who expect to offer amendments will follow that course. The gentleman from Massachusetts [Mr. TINKHAM] told me on yesterday he had three amendments to offer, and I think they should be read. I therefore ask unanimous consent that all amendments may be read, Mr. Chairman, and considered as pending.

Mr. SABATH. Reserving the right to object, if I am not mistaken, the gentleman from New York [Mr. GRIFFIN] has been recognized and has offered his amendment.

Mr. GRIFFIN. I was about to make a statement.

The CHAIRMAN. The only amendment at the desk is the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The gentleman from Alabama [Mr. OLIVER] asks unanimous consent that all amendments to be voted upon after two hours' debate be read by the Clerk for the information of the House now and be considered as pending. Is there objection?

Mr. STAFFORD. Reserving the right to object, that would not foreclose Members offering amendments during the two hours' general debate?

Mr. OLIVER of Alabama. The gentleman may propose that as an amendment to the unanimous-consent request, but let me say the amendments will not be voted on until the expiration of the two hours.

Mr. KUNZ. Reserving the right to object, that does not limit the 5-minute rule, does it, Mr. Chairman, after an amendment is offered?

The CHAIRMAN. There is no 5-minute rule now under the unanimous-consent agreement. The time is in control of the various parties in accordance with the agreement made on yesterday.

Mr. STAFFORD. Mr. Chairman, has the unanimous-consent request been submitted as modified?

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] asks unanimous consent that the Clerk now report for the information of the committee all amendments sent to the desk which will be discussed during the two hours' debate, and that those amendments will be considered pending and will not be voted upon until the expiration of the two hours' debate, and that thereafter any amendment sent to the desk between this time and the close of the debate will be voted upon by the House. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Amendment proposed by Mr. TINKHAM: On page 24, line 26, after the period, insert the following proviso: "Provided, That no part of this appropriation shall be used for or in connection with wire tapping to procure evidence in violation of the national prohibition act, as amended and supplemented."

Amendment proposed by Mr. TINKHAM: On page 24, line 26, after the word "supplemented," insert the following proviso: "Provided further, That no part of this appropriation shall be used for the purchase, for use as evidence of violations of the national prohibition act, as amended and supplemented, of any intoxicating liquors the sale of which is prohibited by law."

Amendment proposed by Mr. TINKHAM: On page 24, line 26, after the period after the word "supplemented," insert the following proviso: "Provided further, That no part of this appropriation shall be expended for the hire of special employees under contract."

Amendment offered by Mr. GRIFFIN: On page 24, line 24, after the word "all," strike out "\$9,120,000" and insert in lieu thereof "\$7,199,986."

Amendment offered by Mr. O'CONNOR: On page 23, line 14, strike out all down to and including line 26 on page 24.

Amendment proposed by Mr. TABVER as a substitute for the Tinkham amendment: On page 24, line 26, strike out the period, insert a colon, and add the following proviso: "Provided, That no funds hereby appropriated shall be used for the purchase of intoxicating liquors nor to pay informers nor for the purchase of evidence."

Mr. DYER. Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from New York [Mr. GRIFFIN] may again be reported.

There was no objection.

The Clerk again reported the amendment offered by Mr. GRIFFIN.

The CHAIRMAN. The gentleman from New York [Mr. GRIFFIN] is recognized for one-half hour.

Mr. GRIFFIN. Mr. Chairman, I ask to be notified when I have consumed five minutes.

Mr. Chairman, the amendment which I have proposed to this appropriation is intended to harmonize our appropriations with the economy bill. I hope my friends will not consider there is anything personal about this proposal or anything indicating my attitude on the prohibition question itself. The people spoke on the subject of prohibition in the election. Both parties stand for the repeal of the eighteenth amendment, and I feel that the Members of this House are, in large measure, committed to the proposition of conforming our appropriation bills to what is to be reasonably anticipated in the coming year.

Of course, I realize that the eighteenth amendment is not going to be repealed offhand, and probably not within the next year, but I want to call attention to this fact, that in all of our bills we have made reductions in the appropriations. My amendment proposes to take from the Budget figures 25 per cent, and from the figures as reported by our committee, 20 per cent.

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

Mr. GRIFFIN. I yield.

Mr. BRITTEN. Did I understand the gentleman to say that his committee had been informed that reductions had been made in various departmental appropriations of 20 per cent, but a lesser reduction was made for the Prohibition Unit?

Mr. GRIFFIN. Yes.

Mr. BRITTEN. Will the gentleman be good enough to state just what that was?

Mr. GRIFFIN. I am coming to that. The bill as reported by the committee takes 5 per cent from the Budget figures for the Prohibition Unit. My amendment proposes to take off 20 per cent additional, making a total reduction of 25 per cent, so as to conform to the economy program.

I feel I am justified in making this proposal, because the Bureau of Industrial Alcohol and the Bureau of Narcotics are no longer a part of the Prohibition Enforcement Bureau.

Now, I ask your attention to these figures: The Bureau of Industrial Alcohol receives an appropriation in the Treasury bill of \$4,000,000.

The Bureau of Narcotics, likewise in the Treasury bill, receives an appropriation of \$1,400,000. This makes a total of \$5,400,000 for the carrying on of these two bureaus, which were formerly part of the Prohibition Enforcement Bureau.

For the fiscal year 1931 we gave to the Prohibition Enforcement Bureau, for the combined activities of industrial alcohol, narcotics and prohibition enforcement, \$15,543,370.

In the fiscal year 1932 the Prohibition Enforcement Bureau was taken out of the Treasury Department. Contrary to expectations this change made practically no reduction whatever. Instead, it has actually increased the total cost of administration. In other words, we are increasing the expense of prohibition enforcement year by year at a time when the whole system is about to disintegrate.

Mr. BRITTEN. So that as a fact, where every other department of the Government is being reduced in its appropriations and in its expenditures, this one particular bureau is singled out for favoritism of practically \$5,400,000. That is what the gentleman's figures resolve themselves to.

Mr. GRIFFIN. To be accurate, the increase is the difference between \$14,500,000 and \$9,120,000.

Mr. BRITTEN. Almost \$5,400,000.

Mr. GRIFFIN. Yes.

Mr. BRITTEN. Five million four hundred thousand dollars. So that the present bill now before the House practically carries an increase in the appropriation for the prohibition unit of \$5,400,000 rather than any decrease.

Mr. GRIFFIN. I would not say for the Prohibition Enforcement Unit, because \$1,400,000 of that goes to the Bureau of Narcotics and \$4,000,000 to the Bureau of Industrial Alcohol; but there is a relative increase in the appropriation for the carrying on of the work of this bureau, instead of a marked decrease, as might reasonably be expected.

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

Mr. GRIFFIN. I yield.

Mr. SHREVE. Will the gentleman inform the House just how this \$4,000,000 he mentions is made up? He has already mentioned narcotics. How does the rest come in? We appropriated nine millions and a few hundred thousands of dollars. That is our appropriation. The gentleman here puts it up to something over \$14,000,000. Will the gentleman inform the committee how the difference between \$9,000,000 and \$14,000,000 is made up?

Mr. GRIFFIN. I have just stated that. We appropriated \$9,120,000 for the Prohibition Enforcement Bureau. That does not include the Bureau of Industrial Alcohol, which has a separate appropriation of \$4,000,000, while the Narcotic Bureau gets a separate appropriation of \$1,400,000.

Mr. SHREVE. Then, the law enforcement item carries only the \$9,000,000, the item for the enforcement of law by Mr. Woodcock's division receives about \$9,000,000 or a little over. Is not that true?

Mr. GRIFFIN. No; I do not think it is.

Mr. SHREVE. Then we will look in the book and see.

Mr. BRITTEN. The gentleman [Mr. SHREVE] is correct.

Mr. GRIFFIN. I think we are talking about different things. I am simply trying to show that all three bureaus were included in the appropriation before the Enforcement Bureau was taken out of the Treasury Department.

Mr. SHREVE. We should differentiate between the amount of money we are paying for law enforcement and the amount of money that is paid by the Narcotic Division. That is not the same thing that we are discussing here to-day. We are discussing just one thing, and that is the appropriation for law enforcement; and the gentleman can not bring in the Narcotic Division classified as a division for enforcing the liquor law.

Mr. GRIFFIN. It is all part of the system.

Mr. SHREVE. I do not think so.

Mr. GRIFFIN. When we were appropriating for prohibition enforcement, we appropriated also for the Bureau of Industrial Alcohol, which used to be under the control of prohibition-enforcement officers. Permits had to be granted before any alcohol was made or sold.

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

Mr. GRIFFIN. I yield.

Mr. BRITTEN. Prior to last year the Industrial Alcohol Division was under the Bureau of Prohibition; now it is not. The gentleman has made it very clear that this work was taken out of the Prohibition Unit, thereby promoting a great reduction in expenditures of the Prohibition Unit.

Mr. GRIFFIN. It was.

Mr. BRITTEN. Therefore the amount carried in the bill should be reduced.

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

Mr. GRIFFIN. I yield.

Mr. KUNZ. The increase of \$4,000,000 added to the \$9,000,000 would make \$13,000,000. Is that on the recommendation of the Budget Bureau, or was the increase made by the committee?

Mr. GRIFFIN. It was made on the recommendation of the Budget Bureau.

Mr. KUNZ. And their recommendation was taken by the committee; is that true?

Mr. GRIFFIN. No; the Budget figures were reduced by about 5 per cent. In that connection I may say that there is a suggestion that the committee has been very liberal in deducting only 5 per cent from the Prohibition Enforcement Bureau; but when you compare the reduction of the Prohibition Enforcement Bureau with that of the other bureaus, 5 per cent will not be found to be a very liberal cut.

For instance, the Foreign Service of the Department of State received a reduction of 10 per cent. The entire State Department received a reduction of 10 per cent. The Department of Commerce and some of the other departments and bureaus of our Government have received reductions of as much as 18 per cent.

Mr. BRITTEN. Eighteen per cent from what, if you please?

Mr. GRIFFIN. From the Budget figures. So I think it would be perfectly fair and just to the prohibition unit to compel it to accept the economies which other bureaus are forced to take.

Mr. CLANCY. Will the gentleman state what the Department of Labor received?

Mr. GRIFFIN. I did not go into the Labor Department. I have not made that calculation.

Mr. WILLIAM E. HULL. What would be the total reduction you would make in this bill?

Mr. GRIFFIN. I propose to reduce the prohibition-enforcement item 25 per cent instead of 5 per cent now in the bill.

Mr. BRITTEN. So the amendment pending would reduce the amount covered in the bill 20 per cent?

Mr. GRIFFIN. Yes.

Mr. WILLIAM E. HULL. What would be the total?

Mr. GRIFFIN. Seven million one hundred and ninety-nine thousand nine hundred and eighty-six dollars.

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman, I do not propose to discuss in detail any of the pending amendments. I should like to make this statement as a general proposition. There is no issue, or should be no issue raised here, between those who believe in the retention of the eighteenth amendment and those who are opposed to its retention. The question before the committee has nothing whatever to do with the merits of prohibition. We have before us the simple question, Shall we now do anything to obstruct the officials in the Department of Justice who are sworn to enforce existing law? I hope none of us takes the view that we ought to do anything here to obstruct the enforcement of law.

Presently the people of the Nation will vote on the merits of prohibition. They are certain to have this opportunity if the Congress in a repeal resolution shall live up to that plank which both parties agreed upon and incorporated in their platforms; namely, the proposal to submit the question of repeal to the people to be passed upon by them in constitutional conventions. This is the only way they ought to pass upon this question, because in this way and in this way alone shall we be able to isolate the liquor question from every other question.

The people have passed upon the liquor question in recent elections, some will tell you. But after the selections are over and the votes are counted, some have always insisted that it was not the liquor question which determined the result, and they will rightly insist that other questions were involved.

If ratification is attempted through legislatures, the prohibition question can not be separated from other issues. Members of State legislatures are elected not because of their views on prohibition alone. Many other considerations are involved. Members are and will be sent to the State legislatures on issues of local taxation. Regardless of his views on the eighteenth amendment many a man will be elected to a State legislature because of his general legislative experience or his general reputation for getting results for his constituents.

In the process of ratifying or rejecting a proposal for the repeal of the eighteenth amendment one issue and one alone should come to the people. There is only one way to bring this issue in clear-cut fashion to the people. The States should be given a chance to set up their constitutional conventions so that the people may vote for their candidates to such conventions with one question in mind, viz: Do they stand for or against the repeal of the eighteenth amendment?

When the people shall have passed upon this issue, then the Congress should conform to the will of the people in passing upon its appropriations; but I submit that as long as this law is on the statute books that discriminatory cuts in appropriations for law enforcement would amount to an unjustifiable attempt to forestall the popular will and encourage nullification. Whatever may be our views on this question, I assume that each of us believes in law and order. Therefore let us take no action here to-day which will hamper the officials in the Department of Justice charged with the enforcement of this law.

Mr. BRITTEN. Will the gentleman yield?

Mr. BEEDY. I am pleased to yield.

Mr. BRITTEN. I agree with practically every word the gentleman has uttered, but I disagree with his use of certain words. The gentleman suggests that we are aiming to obstruct law enforcement. I do not agree with the gentleman. It is merely a reduction of law enforcement such as will apply to every department of the Government in accordance with the Federal economy program. We have got to reduce the cost of law enforcement, generally, in every department of the Government, but not necessarily obstruct it. Aside from this, the gentleman and I are in complete accord in every statement the gentleman has made. The pending amendment is in the interest of true economy.

[Here the gavel fell.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. WILLIAM E. HULL. Will the gentleman yield for a question?

Mr. BEEDY. I shall be pleased to yield if I have the time, but first let me answer the question just put to me.

We all wish to economize; and if we are going to make a flat reduction of 20 per cent all along the line, well and good. Let us not single out this particular item in the appropriation bill and cut it 20 per cent and pass over other items. Has the gentleman advocated the cutting of all the items which precede this item in the bill by 20 per cent, or does the gentleman propose to take the floor and advocate a flat cut of 20 per cent in all the appropriation items in this bill?

Mr. BRITTEN. Yes; I am for that and other general reductions. The Department of Commerce has been cut 18 per cent in this bill by its framers, and that cut is reflected in the bill.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BEEDY. I yield to the gentleman from Alabama.

Mr. OLIVER of Alabama. Many of the activities of the Department of Commerce have not been cut at all.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. BLANTON. Is my friend the gentleman from Illinois [Mr. BRITTEN] in favor of cutting the Navy Department appropriation 20 per cent?

Mr. BRITTEN. Yes; when that kind of an amendment comes properly before the House.

Mr. BLANTON. Will the gentleman vote for it?

Mr. BRITTEN. Yes.

Mr. BLANTON. Well, we will see about that when the chance for him to so cut comes.

Mr. BEEDY. Then let us have it understood that we will not play any favorites; that our prejudices will not move us, and that we will not work any injustice upon any separate division of any branch of the Government in considering these appropriation bills. If we can wisely cut all the items in the pending bill 20 per cent, very well; but

I repeat that we ought not to lay for particular items and vent our prejudices by undue reductions of them.

[Here the gavel fell.]

Mr. GRIFFIN. Mr. Chairman, I yield four minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I have offered an amendment as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM], relating to the same subject matter, which proposes to add to this section a proviso limiting the expenditure of the funds appropriated under it, so that no portion of the funds may be used for the purpose of buying intoxicating liquors, paying informers, or purchasing evidence.

I offer this amendment as a friend of prohibition. I deny that in order for a Member of this House to be a friend of prohibition, it is necessary for him to indorse carte blanche all the methods which have been used by the Prohibition Bureau in its efforts to bring about enforcement of the law.

I submit that no law will be respected by the people unless it is enforced in a way and manner entitling it to respect; in other words, enforced in a respectable way. [Applause.] The sending of the agents of the Government into speak-easies to become tanked on intoxicating liquors and then turn around and arrest the men whom they incited to a violation of the law is contemptible, and the effect of such conduct is to bring the prohibition law into contempt. The same thing may be said of the practice of buying evidence from alley rats in the city of Washington and elsewhere. No self-respecting juror anywhere in this country would convict any man upon evidence of that character, and the expenditure of money for such purposes is a waste of public funds.

It is not necessary, Mr. Chairman, in order to enforce prohibition, to resort to despicable methods of this kind.

Last year near the city of Washington, at Chesapeake Beach, you had what was known as a Texas barbecue. Thousands of people went down there. I was one of them. It was fostered by the newspaper fraternity of the city. Down there truckloads of what were said to be kegs of beer were brought in and the beer rolled across an open platform into a large room where hundreds of men, including Members of this House, stood and drank it. Whether it was intoxicating or not I do not know of my own personal knowledge, except I observed the effect of that liquor upon those who drank it, and I know from my observation that it must have been intoxicating.

Why spend \$5 to hire an alley rat in the city of Washington to buy some liquor and turn up some alleged violator of the law, when the law was being violated in the presence of thousands of people, including hundreds of the Members of this House, within 40 miles of the Capital of the Nation and nothing said about it.

I tell you the mistake made by the prohibition advocates in this country is that after having procured the law they were satisfied, and they failed to follow the law into the courts and into the administrative bureau where its enforcement must be brought about, in order to see that it was properly and decently enforced.

Men who stage a champagne party, as is said to have been done at a local hotel by prohibition agents not long ago, pay for intoxicating liquors from Government funds, have an evening of revelry, and then turn around and arrest those from whom they bought their liquor, are not enforcing the law; they are merely criminals themselves, prohibition agents or not.

Gentlemen have said that unless prohibition agents are permitted to spend money for purposes like these, the law can not be enforced. I challenge the correctness of that statement. For more than 10 years I served as judge of the superior courts in six counties in Georgia, trying thousands of liquor cases, in not one of which had any money been spent by officers to buy liquor, pay informers, or purchase evidence; and those who live in that judicial circuit know that the prohibition laws were enforced far better than is done by Federal authority. The same thing is true of other

judicial circuits in my district and State. The State of Georgia does not appropriate any money to enable officers to buy liquor, pay informers, or purchase evidence; and yet, if it were not for these State officers and State courts, prohibition would indeed be practically a dead letter in my State.

I regret to say that in my judgment there has been no earnest, bona fide effort on the part of Federal authorities to enforce prohibition. I have many reasons for entertaining that belief which lack of time prevents my giving in detail. Those who believe in prohibition will not help their cause by undertaking to back up rotten and inefficient enforcement. If prohibition is to be maintained, and I pray God that it may be maintained, the Augean stables of rottenness that have existed in the Bureau of Prohibition must be cleansed, inefficient and corrupt agents must be gotten rid of, and methods of enforcement adopted such as we use in enforcing our State laws and which will be decent and entitled to the backing of decent people. It is in the interest of that character of enforcement and in the interest of the continuance of our prohibition laws that I offer this amendment.

[Here the gavel fell.]

Mr. TINKHAM. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I am in favor of the amendment offered by the gentleman from New York [Mr. O'CONNOR] to strike from this bill all that pertains herein to prohibition.

One reason, Mr. Chairman, why I am in favor of this is that this money sought to be appropriated is not needed and is not to be used prior to July 1 of this year. That is some five months and more before the money will be needed. There is to be a session of the next Congress called in April, and if it is found that the Democratic Party is not going to carry out its mandate from the people to repeal the eighteenth amendment, then they with their great majority in this House can go ahead and appropriate money for the next fiscal year for prohibition enforcement—if this party is not to keep its word to the American people.

If this amendment is not agreed to by the committee, then I shall support the amendment of my colleague, Mr. TARVER, of Georgia, and some of the other amendments that have been offered, including the one offered by the gentleman from Massachusetts to prevent the tapping of private telephone wires that go into your home by these prohibition agents, for the purpose no doubt of obtaining testimony of violations of the prohibition law, but which results in obtaining the private conversation by you and your family, affecting your business and your own private affairs.

This appropriation of \$9,120,000 for prohibition enforcement is not the whole story. It is not only the money that is appropriated directly for prohibition that affects the taxpayers of the country, but there are many items throughout the appropriation bills that could be saved to the people if they did not have this national prohibition.

Prohibition is what the people have condemned, the issue upon which the Democratic Party carried the November election, and which this party said to the people, "Elect us and we will put an end to it," yet this bill carries more than \$9,000,000 to enforce it for the year July 1, 1933, to June 30, 1934. Do the Democrats intend to keep their word? Forty-four Democrats refused to carry out their platform pledge upon which they secured the national election when the resolution to repeal the eighteenth amendment was voted on recently.

There are other items, Mr. Chairman, costing the taxpayers money to try to enforce prohibition, and one of these that causes the expenditure of a lot of money has been the necessity of increasing the number of judges to try and dispose of prohibition cases. Since prohibition became a part of the Constitution the number of United States district judges has been increased from 97 to 145, and the number of circuit judges has been increased from 33 to 40. For what reason? They are giving most of their time to prohibition cases. Not only the salaries of the judges, but that

of clerks and marshals, court expenses, and so forth, have amounted to millions of dollars. Mr. Chairman, this is an opportunity for the House to get rid of something that is costing a lot of money, and also is harmful to the people and to the taxpayers of the country. [Applause.]

[Here the gavel fell.]

Mr. GRIFFIN. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman and members of the committee, I am of the opinion that we are now afforded a real opportunity to do a constructive job in connection with the reduction of governmental expenses. We can reduce this appropriation and be reasonable in our action. We can apply the same reduction in this case that has been applied in many of the major departments of the Government.

A number of appropriations have been reduced all the way from 5 to 20 per cent. We have already eliminated appropriations that were very important, surely more important than this appropriation for the enforcement of a repudiated law. We can at least reduce it by 25 per cent, as suggested by the amendment offered by my distinguished colleague from New York.

We must take into consideration in connection with this item the essential points we took into consideration in the case of other items. One of these points was, according to members of the Appropriations Committee, the reductions made possible by a reduction in prices. For illustration, the appropriation for food for the enlisted men of the Army could be reduced because of the reduction in the cost of such commodities. In that connection we anticipated a possible reduction, and we took advantage of these lower costs to reduce the appropriation.

Now, with regard to prohibition, we can with safety anticipate the changes that will be made in the Volstead Act—changes that will permit of a lower enforcement cost. Already a number of States have taken affirmative action in this matter. In the Senate an effort has been made to reduce Federal expenses by 25 per cent. Here is our opportunity to make a real reduction in the cost of enforcement of a law soon to be repealed. The President elect, Mr. Roosevelt, has stated that prohibition is doomed, and that he was in favor of a 25 per cent reduction in the expenses of the Government. Therefore, anticipating the demands of public opinion, taking into consideration the action the States have already taken, and the great need for a reduction in Federal expenditures, we can with safety adopt this amendment.

We reduced the appropriations for the Army. We cut to the danger point the appropriation for the Post Office Department. No doubt we will reduce the amount required by the Navy Department. So why continue to dole out millions in a futile effort to enforce a law we never could or never will enforce?

By the end of the next fiscal year the Volstead Act will have passed into oblivion and the eighteenth amendment will be well on its way to the graveyard. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, I have not been and I refuse to be hypnotized upon the subject of economy, important though it may be. There are some phases of our national life the expenses of which ought not to be reduced at all. They ought to be increased. I was glad the other day when this House by an overwhelming majority overrode the Committee on Appropriations on the Army appropriation bill and wrote into that measure \$500,000 to continue the Reserve Officers' Training Corps at its present strength. I was also pleased when the same House, by the same action, overrode the committee and gave new life to the citizens' military training camps; and why? Because the first duty, the most imperative duty, the paramount duty of this Congress, is national defense; and when that question was raised on this floor the Members of the House rallied to the cause. National defense was uppermost, and no reduction was made on those features of our national

need. Why did they do that? National defense against what? Against whom? Why, against a foreign enemy, of course; certainly not against our own people. That was not considered at all.

But, Mr. Chairman, are foreign enemies the only enemies this country has? Nay, nay, verily. There are in our own country, on our own soil, enemies ten times as dangerous to the future of this country and the perpetuity of this Government as any foreign enemy could possibly be, and yet in the face of such action only a few days ago Members of this House now propose a reduction, and one proposes the abolition, of an appropriation to strike down and paralyze the warfare we are trying to make against what I regard as one of the greatest enemies within our country, and that is lawlessness, which is threatening the very foundation of our Government.

Mr. Chairman, I sleep when I am at home in a house remote from any other dwelling, no one in the house but myself. I do not know when some strolling hobo, some convict, some criminal, will take it into his head to enter that house, rob it, and, if necessary, butcher me, and destroy the evidence of his crime by burning the house. I keep at the head of my bed a 10-gage shotgun. I have not had it outside the house in 10 years, but it is there, and I can put my hands upon it in a moment. I have five silver cups that I have won at trap shooting, and I am glad that I know how to use that gun. If the logic of these gentlemen is to prevail, these men who offer these amendments for the reduction of our law-enforcement forces, then according to them I ought to reduce the caliber of my shotgun or, at any rate, I should reduce the size of the shot and the amount of powder in its loads; but I am not going to do that. It seems to me, at a time like this, if we enter upon a policy proposing to reduce the appropriations for the enforcement of laws against lawlessness, we would take the same sort of action as it would be for me to pitch that shotgun out of the window, to reduce its caliber, to take the loads out of it, or to reduce the size of the shot and the amount of powder that is in them. [Applause.]

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

Mr. OLIVER of Alabama. Mr. Chairman, I yield six minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, although I received an invitation, I did not attend the wet party mentioned by my friend from Georgia [Mr. TARVER]. It was not a press picnic and not a congressional party, although distinguished Texans had it given in their honor, and numerous Representatives and Senators were there. But there is nothing strange about arrests not being made there, even if the gentleman from Georgia did see some under the influence of liquor, for if there were 150 Congressmen there, as he says, they were all immune from arrest. I have been one of those who have been continually fighting to remove from all of us Members every immunity that we possess. I am not in favor of a Senator or a Representative having a single immunity by reason of his position. I think he ought to be treated just like every other citizen of the United States, but there is an immunity that is in the law, and it was in the law when I came here, and which I have never been able to help get out, for the Constitution provides that you can not arrest a Congressman during sessions of Congress unless it is for a felony or a breach of the peace.

Mr. LA GUARDIA. Oh, the gentleman is in error.

Mr. BLANTON. No; I beg the gentleman's pardon; the Constitution provides that during sessions of Congress no Member may be arrested except for felony or a breach of the peace, and I say that there is not an officer in the city of Washington who would dare arrest a Congressman unless he was guilty of some felony or breach of the peace, when Congress is in session, or when he is coming to Congress from his home or when he is going back. He is immune from arrest. It ought not to be so, but it is so, and we ought to abolish all immunities.

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

Mr. BLANTON. Just a moment, and I will.

Mr. TARVER. The gentleman has misconstrued my statement and that is the reason why I interrupt him.

Mr. BLANTON. I regret that my time is so limited that I can not yield. I want to mention the threat that has been made here on this floor against Members in an attempt to intimidate their votes on these various amendments. We are told that we are to be watched when we pass through the tellers on the various votes we are to register respecting these amendments, and that if we vote to uphold prohibition enforcement the wet forces are to punish us for it later. Such threats may intimidate some. Such threats do not scare me. I know that because of my votes here to-day I am incurring renewed displeasure of wet forces, and I know that they will oppose me politically and every other way in an attempt to punish me; but I had rather give up my position here than sacrifice my principle.

One of my good friends, who is an editor of a newspaper in my district, Mr. W. L. Garner, of Strawn, Tex., who is the owner and editor of the Strawn Tribune, has written me a letter dated January 18, 1933, inclosing a special newspaper release sending a special news item to all the leading newspapers in my district, specially written and designed to hurt me politically. It was sent from Austin, Tex., and headed: "Special to leading papers in the seventeenth congressional district—for immediate release." The seventeenth district is mine. Editor Garner tells me that—

The people here believe you have voted right on this issue; this district is almost solid for the eighteenth amendment.

My constituents now watch for these misleading, unjust, special news items that are sent specially to the newspapers of my district. They are no longer fooled by them. They check up such articles with the CONGRESSIONAL RECORD, and there learn the true facts.

As to whether we are carrying out our oaths or evading the Constitution which we are sworn to uphold when we vote for these amendments now pending that are designed to cripple and stop prohibition enforcement, I want to refer you to what six distinguished members of our Committee on Ways and Means said about the beer bill when it was before the House for passage. Here is what three of them said:

MINORITY VIEWS OF MESSRS. HAWLEY, TIMBERLAKE, AND CROWTHER

At the beginning of this session of Congress, in company with all my colleagues, I stood on the floor of the House and took the oath to support the Constitution of the United States, as required by Article VI of the Constitution. I quote from that oath:

"I do solemnly swear that I will support and defend the Constitution of the United States * * * bear true faith and allegiance to the same * * * without any mental reservation or purpose of evasion."

Article 18 of the amendment provides that—

"The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all Territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

I listened with careful attention to the evidence submitted to the committee during the hearings preceding the report of the pending bill—H. R. 13742. My observation covers a period prior to prohibition as well as under prohibition. I am convinced by the evidence submitted at the hearing and by observation and evidence extending over a period of a lifetime that beer and other liquors described in the bill are intoxicating. They were intoxicating prior to prohibition. A legislative declaration to the contrary does not overcome that fact, and if I were to support this legislation it would require a "mental reservation" on my part and a "purpose of evasion" of the eighteenth article of amendment to the Constitution.

On the part of the Federal Government this bill proposes that the country enter upon a new era in the manufacture, distribution, sale, and consumption of intoxicants. It provides for the reestablishment of 90 per cent in volume of the liquor traffic on the basis of the amount prior to prohibition.

The brewing interests, realizing the influence that the great fundamental law of the land and the strength of the purpose of the people for its observance, attempted to avert opposition to this bill by constant reiteration of the allegation that malt beverages of the strength proposed were not intoxicating in fact as the basis and justification of their sale.

The bill originally proposed that the alcoholic content should be 2.75 per cent by weight, or 3.4375 per cent by volume. The majority of the committee increased the alcoholic content to 3.2 per cent by weight, or 4 per cent by volume, on the ground that this would increase the attractiveness of the beverage and increase its sale.

The question of the influence of alcohol on the human system has an added importance, owing to the development by national, State, and local funds of great highways and other improved roads, over which are operated some 26,000,000 motor vehicles. An individual may not be visibly intoxicated to the extent that he may be identified as a "drunk," but his muscular reactions and mental activities may be so depressed that he is not able to respond as quickly as when normal. Detailed evidence of this fact was submitted to the committee. The lives and property of people who use the highways are subjected to constant risk, and the traffic problem is one of the most important in the United States, and anything that will increase its dangers is against the public interests. During the hearings the brewing interests indicated their desire to secure a widespread distribution and opportunity of sale for beer and other beverages provided in the bill. On the allegation that they were not intoxicating, it was suggested that beer be sold at soda fountains, drug stores, cafeterias, hotels, restaurants, clubs, and also at wayside eating places, filling stations, and other places along the highways, or, to put it in other words, it should be sold as freely as soda water, ginger ale, and other soft drinks. The wayside sales would become a direct and continuing menace to vehicular traffic. The sale in drug stores, soda fountains, and other places where soft drinks are dispensed to the multitude would bring beer within the reach of everyone, including the very young, and be a constant temptation to them to drink this toxic and habit-forming beverage. That which might not intoxicate people of mature years will certainly intoxicate the young. The motion to restrict the sale to clubs, restaurants, hotels, etc., was voted down in the committee.

If it should be argued that the matter of distribution can be controlled by the States, let me call your attention to the fact that this bill expresses the attitude of the Federal Government toward the matter and that the refusal of many of the States to participate in enforcement indicates that from them at least no help can be expected.

During the hearings the brewing interests stated they had no desire for the return of the saloon and referred to the planks in the party platforms; but a motion to prevent the return of the saloon, by refusing to permit beer to be sold in such places, was voted down in the committee.

According to an estimate called to the attention of the committee, the consumption of alcohol liquors in the United States is approximately but one-third of what it was prior to prohibition.

The public health under prohibition has materially improved and, according to the information furnished, reached a remarkable degree in the last fiscal year.

Some urged upon the committee that bootlegging, racketeering, speakeasies, blind tigers, illicit distilling and brewing were the result of prohibition. This can not be true because such operations were carried on for a long period of years before prohibition. Terms have been altered to some extent, but the operations are similar.

The estimates of reemployment submitted to the committee by proponents of the bill varied, but altogether were a comparatively small number, without taking into consideration the loss of labor to persons now working in other industries whose sales would diminish because the money theretofore expended in purchases of their products would go to the purchase of malt liquors.

The income of the people generally of the United States will not be increased by the sale of malt liquors. Purchases of such beverages must be paid for from the family income. Other purchases must be reduced in amount, since incomes can not be expended twice.

It is alleged that the revenue to be derived from this measure will tend to balance the Budget. The brewing interests indicated that at the end of two years they will be manufacturing 40,000,000 barrels of beer of 31 gallons each, if the taste for this beverage is re-created, which at \$5 a barrel will bring \$200,000,000 of revenue to the Government, to which they added an estimate of income from the so-called allied industries; but they failed to deduct therefrom the losses that will be incident to other businesses from which revenue is now being derived. This would materially reduce the supposed income. I do not believe the Government should obtain revenues through the violation of the Constitution and by legalization of beverages which produce intoxication. Beer was intoxicating before prohibition. Its constituent elements remain the same and will undoubtedly produce intoxication again. I believe the Budget should be balanced, but that legitimate sources of revenue legal under the Constitution should furnish the necessary amount.

From the above, as well as from many other factors I shall not take occasion to name, it appears that we are facing a wide-open situation in the matter of the dispensation of malt liquors. Some things were said during the hearings by the brewing interests concerning the protection of the dry States from the entrance of intoxicants within their borders from wet States. With our motor system of transportation, with tens of thousands of automobiles moving continually back and forth, with trucks on the highways carrying freight brought from many sources and distributed to many destinations, with increased traffic in the air, I came to the conclusion that a dry State surrounded by wet States or adjacent to one or more wet States would find itself subject to an impossible task in maintaining its dry status.

My feeling, after listening to many discussions and the recent hearings, is that the liquor interests are planning, by this measure to secure again the existence of 90 per cent by volume

of the liquor traffic, the repeal of the eighteenth amendment, and the return again of the sale of all intoxicating liquors with attendant and acknowledged evils. It seems to me that if we adopt the policy contained in this bill the return of the saloon is inevitable.

We concur in the above statement.

W. C. HAWLEY.

CHAS. B. TIMBERLAKE.
FRANK CROWTHER.

Here is what the other three said:

MINORITY VIEWS OF MESSRS. RAGON, SANDERS, AND COOPER

We have heard and read all of the testimony before the Ways and Means Committee relating to the proposed legislation on beer. Taking all of this testimony as a whole and duly considering same, we are of the opinion that the proposed bill is violative of the Constitution of the United States, which in this regard reads as follows:

"After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

As Members of Congress we took the following oath:

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Therefore we can not under our oath support this legislation.

We further submit that the proposed bill is not only in violation of the Constitution of the United States but of the Democratic platform, which calls for the "sale of beer and other beverages of such alcoholic content as is permissible under the Constitution." The above quotation from the platform shows that it was not the intent of those framing the platform to declare for legislation which would be violative of the Constitution.

The very clear and definite proof before the Ways and Means Committee during the extended hearings on this bill shows conclusively that beer of alcoholic content of 3.2, which means beer of 4 per cent alcohol by volume, is intoxicating in fact and is the same type of beer which was generally produced and sold prior to the Volstead Act. The sale of such beer, because of its alcoholic content, is not permissible under the Constitution.

HEARTSILL RAGON.
MORGAN G. SANDERS.
JEEB COOPER.

As to the amendments of the gentleman from Massachusetts [Mr. TINKHAM] and of the gentleman from Georgia [Mr. TARVER], which would prohibit Government enforcement officers from buying liquor, I wonder how many arrests could be made by the prohibition unit without their agents buying liquor, when in the jurisdiction of many courts, they require that the Government must prove a sale.

They have to go into court with evidence that there was a sale made. Let a prohibition officer go into a place and not buy something, but merely hang around there watching, and he would not live long in most of those joints.

Mr. TARVER. Will the gentleman yield?

Mr. BLANTON. In just a moment. I have but a few minutes. I am sorry, but my time is too limited on this important matter.

My friend the gentleman from Massachusetts [Mr. TINKHAM] whom we see here very active once in a while on a few subjects, is going to speak on trying to stop them from tapping wires. Just who is it that the gentleman has in mind who ought to be protected from wire tapping? I proved by the Attorney General there was not any danger of tapping his wires unless he violated the law. I proved by the Attorney General that he would not permit any Congressman's wire to be tapped, unless the Congressman was at the head of a big liquor machine that was violating the law over the United States. Then probably it would be necessary to tap his wire.

I want you to take these hearings. The gentleman from Massachusetts [Mr. TINKHAM] is a member of the subcommittee which brings in this bill for four departments. Four of them. The hearings on the State Department are printed in a separate document. The State Department hearings comprise 342 printed pages. I ask you to show me one question which the gentleman from Massachusetts asked concerning the State Department in all those 342 pages of printed hearings. The gentleman was not interested in the

State Department. Not a question did he ask any of those splendid gentlemen who came before our committee, as far as the hearings disclose.

The printed hearings on the Department of Labor do not show any questions which the gentleman from Massachusetts [Mr. TINKHAM] saw fit to ask there. He did not seem to be interested about the Labor Department. The Department of Commerce, with its great document of printed hearings, 446 printed pages, does not show where the gentleman from Massachusetts [Mr. TINKHAM] asked any questions concerning the various bureaus and business of that department. No interest. The gentleman was not interested; but when it comes to the Department of Justice, oh, his pointed questions are all through the 446 printed pages. I wish you Members would take the hearings and read all of the questions which the gentleman from Massachusetts asked Colonel Woodcock and Attorney General Mitchell on prohibition, reading from his voluminous brief he had during all those days; and that shows where his interest was—to break down the national prohibition law. [Applause.]

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

Mr. TINKHAM. Mr. Chairman, I yield five minutes of my time to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, I realize, as has been said, that this is not a prohibition question. It is one of ordinary, everyday common sense and should be so treated. The Prohibition Enforcement Unit is made up generally of clerks, snoopers, mattress friskers, men who obtain evidence by tapping telephone wires and buying liquor, and things like that, for evidence purposes. Nine million one hundred and twenty thousand dollars is carried in this bill. I maintain, after having talked with members of the Committee on Appropriations, that \$9,120,000 appropriated for a department which, within a year from now, will be more or less defunct and out of business, is too much money, and the amendment now pending before the House aims to bring a reduction in that particular department in line with the policy of the Federal Government for a reduction of 25 per cent generally in all departments of the Government.

I have been told, and so have you, that up to the present moment the reduction made for the Prohibition Unit below the recommendation of the Director of the Budget has been 5 per cent. We have also been told that the reduction for the Department of Commerce is 18 per cent. Be that as it may, we are aiming, Mr. Chairman, to reduce appropriations in every department of the Government. In this particular department, controlling nothing but clerks—90 per cent of the money goes for that—I maintain that the \$7,199,986, which will remain in this bill if the amendment offered by the gentleman from New York [Mr. GRIFFIN] is agreed to, is ample under any reasonable form of government, to carry this department through to its successful or unsuccessful conclusion. The amount carried in the bill is not available until July 1 of this year. By that time undoubtedly, we will agree, the manufacture and sale of beer will have been legalized.

Mr. BLANTON. No.

Mr. BRITTEN. The gentleman from Texas says "no," because the gentleman does not know what is going on, but everybody else does.

Beer will have been legalized, and the work now connected therewith will no longer be performed by the Prohibition Enforcement Unit. That work undoubtedly to-day is costing the bureau many millions of dollars. In the interest of the taxpayers, from whom the \$9,120,000 that is carried in the bill comes, we are reducing salaries. Last year we reduced the salaries of the poor, underpaid postal employee who has a family of four or five to care for. We have piled income taxes and excise taxes upon the shoulders of the taxpayers until to-day they are a tremendous burden. This must come to an end. We are destroying business as well as initiative, and at the same time squandering the money we collect through taxation.

Let me call your attention to a few of the many nuisance taxes this Congress has imposed upon a weary public:

Increased postage from 2 cents to 3 cents. That is made necessary by amounts like the amount carried in this bill—\$9,000,000—for an unpopular cause, to say the least.

Bank-check stamps, legal conveyances, electric energy that goes into almost every home in the United States are taxed in order to bring money for the Prohibition Department and other departments of the Government. Are we going to squander a great portion of that \$9,000,000 or are we going to attempt to save some of it? That is the question before the House this afternoon.

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

Mr. SHREVE. I yield the gentleman from Illinois one additional minute, Mr. Chairman.

Mr. BRITTEN. Small safe-deposit boxes and many other directions which have never in the history of this Government been taxed, are now being taxed in order to get money to pay for such activities as are carried in this bill. We tax telephone and telegraph messages, soft drinks in every drug store, candy, chewing gum, radios, cameras, tobacco, matches, movies and amusements of every sort, even baseball games. We have piled taxes upon the automobile and its accessories until now it is the most highly taxed piece of mechanical equipment in all the world. The voters of the country last November emphatically registered their disapproval of the eighteenth amendment as well as the now discredited Volstead Law, and this House has an opportunity to record its vote in favor of an economy which will meet with the popular accord of millions of people in every State of the Union. Prohibition as a national policy, is dead. The various States will soon regulate their own alcoholic-beverage traffic. Fanaticism, bigotry, and intolerance have played their complete part in the destruction of an ignoble experiment.

While millions of dissatisfied taxpayers are being taxed to put this \$9,120,000 and other millions into the Federal Treasury, we should at least promote economies where they can so easily be made effective.

The amendment of the gentleman from New York [Mr. GRIFFIN] should be adopted. It is in the interest of good business. Surely they can reduce their clerical force; they can easily bring about such reorganization of the Prohibition Bureau as will be made necessary by this amendment.

[Here the gavel fell.]

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. MOORE].

Mr. MOORE of Ohio. Mr. Chairman, the gentleman from Illinois, who has just spoken, is still consistent. He was opposed to the eighteenth amendment in the beginning and he is still opposed to it. It may not be removed from the Constitution as soon as he thinks it will be. I venture to say it will be in the Constitution a year from now in spite of the prediction of the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield? Mr. MOORE of Ohio. I yield.

Mr. BRITTEN. I said "legalized beer" and nothing about the eighteenth amendment.

Mr. MOORE of Ohio. Well, I do not know, of course, but since we did not get beer by Christmas, as promised by its advocates, we may not even have beer a year from now. As the dates are being advanced, I do not know when we shall have beer. At any rate, the eighteenth amendment is in the Constitution now and those who believe in law enforcement ought to be willing to support sufficient appropriations to enforce the law.

The gentleman from Illinois makes a very specious argument, as though all of the taxes for increased postage went into this particular item for prohibition enforcement. Those special taxes go into the Treasury of the United States for general taxation purposes. If the gentleman were consistent, he would advocate a 25 per cent reduction, or whatever it is, for the entire bill; but, of course, the animus of the gentleman is against prohibition and its enforcement. He continually speaks about that subject, but while it is in the Constitution he should insist upon an adequate amount of

money to enforce it. Of course, the gentleman thinks that this is sufficient to carry on the work of the department. I imagine that Mr. Woodcock knows more about what it ought to take to enforce the prohibition laws than does the gentleman from Illinois. In fact, the Prohibition Department asked for more than the amount that is allowed here. It seems to me if we want to reduce expenditures and appropriations, and we all do, we ought to be fair enough not to aim at one particular branch of the Government. There is a group that claim to want to economize, but all their efforts are directed toward economy in the Department of Prohibition. All these years they have been giving comfort to those who have been violating the prohibition laws.

The one who has the responsibility of enforcing these laws frequently has said that the agitation and the attitude of men like the gentleman from Illinois have given encouragement to the lawbreakers, not only by what they say, but by their act in wanting to cut the appropriations. The gentleman evidently does not want to enforce the law even while it is in the Constitution.

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

Mr. MOORE of Ohio. I yield.

Mr. BRITTEN. The gentleman has suggested that attitudes like mine have lent peace, comfort, and assistance to those who have violated the law. I rarely see the gentleman at a dinner around Washington, so he, consequently, does not know that there is drinking in practically every home in Washington almost every night by officials, almost from the highest official in the United States Government down to the gentleman himself, a Member of Congress—every day and every night of every year since prohibition went into effect. The gentleman, of course, does not know that, he is such a hidebound prohibitionist.

Mr. MOORE of Ohio. Evidently the gentleman from Illinois would like to leave the impression that simply because there is drinking in the homes where he goes there is drinking in every home in Washington. [Applause.]

Mr. BRITTEN. I applaud that statement. I agree with the gentleman; there is in nearly every home.

Mr. MOORE of Ohio. It is absolutely unfounded, and it shows the poor taste and the lack of information on the part of the gentleman from Illinois, because I have gone around a little myself in the last 14 years. There is no drinking in the homes where I go. [Applause.]

[Here the gavel fell.]

Mr. GRIFFIN. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, the gentleman from Ohio [Mr. MOORE] would have you believe that no Government agency is being cut except the Prohibition Bureau. Why, we have cut the Bureau of Foreign and Domestic Commerce, also in this bill, almost 35 per cent in two years, but when we take a couple of million dollars away from prohibition enforcement the cry goes up that those who favor reduction are only the Members who oppose prohibition. Such is not the case.

What has prohibition done? In 1932 there were 13,698 Government prisoners in penitentiaries and 12,000 in jails. Why do we not have over 50,000 in these institutions? Simply because Congress passed the probation law and the Federal judges of this country have placed upon probation since that law was enacted a few years ago over 25,000 citizens who violated the Volstead law. Had it not been for that law they too would be in jail.

When you put a man in the penitentiary, when you put a man in jail, you are only saddling additional expense upon the taxpayers of this country; the prisoners must be maintained; and fully 85 per cent of the taxpayers of this country told you on November 8 last that they no longer wanted this law in effect; they no longer wanted their money spent in this way.

I say that the Prohibition Department is receiving more than it actually deserves, because it can not enforce the law; any fair-minded person knows that you could appro-

priate \$100,000,000 and still could not enforce prohibition in this country. You never will enforce it.

The gentleman from Ohio says he has been around. Well, if he goes around a little more he will see what exists in this country. I can take him around and show him in any city of the United States—and I have been around a little too—I will bet him \$500 that within an hour's time in any big city he can get liquor if he has the money to buy it, and I do not exempt any one city—North, South, East, or West; I will take him into his own State of Ohio, because I have been in the city of Columbus, which is the seat of the Anti-Saloon League headquarters, where you can buy liquor just as fast as you like if you have the money to pay for it.

Colonel Woodcock is an excellent official. He has tried hard. There has been less scandal under his régime than prior to the time he took office. He tries to keep his men from violating one law to enforce another law, but with all his skill, with all his experience, the best we can say for him is that he has been a faithful public servant; he has performed his duty but the overwhelming sentiment throughout the Nation in opposition to the law he would enforce has prevented him from even making a little dent in the liquor traffic.

Colonel Youngquist likewise is an honest gentleman who will not tolerate the personnel of the enforcement agency's violating the regulations laid down by the Attorney General. He, too, fails because of the situation that confronts him. All the colonels in this land—and I might add generals and admirals—can not enforce this law, no matter what funds are placed at their disposal.

The amendments upon which we are soon to vote simply save the taxpayers money. Can you name any law other than the Harrison Narcotic Act and the revenue acts where we set up an individual enforcement agency? Look at the appropriation for enforcing the narcotic act! Why, Mr. Chairman, I would rather place 1 man back of the bars for selling dope than put 5,000 men in the penitentiary for selling liquor. Still the Congress gives the Narcotic Bureau a little over \$1,000,000. The country is honeycombed with drug addicts; dangerous men and women. The great majority commit crime to buy the drug they must have. They are most unfortunate people—diseased people; but instead of going after those who dispense dope in a real way we give them a small sum. Why? Because there is no Anti-Saloon League with a big lobby threatening Members of Congress in support of the enforcement of that law.

The sentiment existing in this country in opposition to the eighteenth amendment and Volstead law prevents enforcement. Increase the agents to any number and the violations would still prevail.

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

Mr. COCHRAN of Missouri. I yield.

Mr. BLANTON. The gentleman is proving our case for the need of more money for enforcement. [Applause.]

Mr. COCHRAN of Missouri. We could appropriate \$100,000,000 for enforcement, but this law would not be enforced. I will take the gentleman from Texas [Mr. BLANTON] to Texas, where I was in 1928, where you could get all you wanted, the Texas Rangers notwithstanding. [Applause.] No matter where you go—I do not care where it is in this country, the city of Washington or any other place—you can get all the liquor you want to buy; and everybody who has been around who is awake to conditions must admit it.

Frankly this bootlegging business is causing the people of this country a great deal of concern. The bootleggers who now support the dries—they do not want their source of living taken from them—have methods that enable them to deceive their customers. They not only print the labels but have identical bottles manufactured, printed wrappers, and even the corks have the name of some Canadian or other foreign brand of liquor blown in. They sell this to the public at high prices, making them believe that they are getting foreign-made goods. When it is opened it is found to be North Carolina, Virginia, Maryland, South Carolina, or some other kind of rye, a few weeks old, which you can buy in

those States for as low as \$3 or \$4 a gallon, but which brings big prices when placed in bottles with labels and wrapped exactly like the product manufactured abroad and in Canada. It might be well to spend some of this money to protect the innocent investor.

I have been fair to the Prohibition Unit. I voted for the past appropriations, but in my last campaign I told my constituents I was through, that I would vote to hold the appropriations down to the minimum, and I propose to do so to-day.

Let the bureau use what it gets to try and stop some of the illicit manufacture of liquor. It can not do it, for as soon as they destroy one still another is put up.

The recent decision of the Supreme Court on entrapment spells the death of prohibition enforcement. How can a Federal agent make a case if he does not induce the bootlegger or proprietor of a speakeasy to violate the law. When he does that it is practically entrapment. It seems to me that the only field for enforcement now is the source of manufacture. Leave the fellow who sells a pint or a drink alone for a while and concentrate all efforts and use what money is appropriated to try and destroy the source.

Concluding, Mr. Chairman, let me say prohibition has failed; the people, knowing this noble experiment had had a fair trial, spoke last November. Why, then, should we spend the taxpayers' money in times such as we are now experiencing to try and enforce a law which all honest men and women who know conditions must admit is impossible.

[Here the gavel fell.]

Mr. TINKHAM. Mr. Chairman, I yield five minutes of my time to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman and members of the committee, I was, indeed, gratified to hear the American speech of our heretofore dry Democratic colleague from Georgia [Mr. TARVER]. I do not agree, however, with his statement that there was drunkenness and high-power beer sold at the Texas barbecue. He perhaps observed a few of the disciples of Bishop Cannon down there drinking near beer. The bishop testified before the Committee on Ways and Means that several of his disciples claimed to have become intoxicated as a result of drinking a couple of bottles of one-half of 1 per cent near beer.

I almost agree with the statement of the gentleman from Ohio [Mr. MOORE] when he said a year will roll by and we will still have the eighteenth amendment. A year will roll by, and two years will roll by, and we will still have the eighteenth amendment, unless our Democratic colleagues who have control of the House take the bull by the horns and vote to submit a repeal resolution at this session.

If you wait until the next session of Congress, many of the State legislatures will have adjourned; and if action is to be taken by States through legislative action, you will not have this action. If action looking toward repeal is to be taken by State conventions, many of the State legislatures which must provide for the conventions will not be in session. I prophesy right now that unless you can convert six of the dry-voting Democrats and submit an eighteenth amendment repeal resolution at this session, you will find two years from now that the eighteenth amendment is still in the Constitution.

It is reasonable in these days of high cost of government to reduce the appropriations for prohibition enforcement 25 per cent in order to relieve the taxpayers. The Democratic Party promised to reduce all appropriations for the Government 25 per cent. We have to cut the cost of government. The excessive burdens of taxation are helping to crucify the American people and keep people who have money from putting it into industry and furnishing employment. We can also help these overburdened taxpayers by adopting the Tinkham amendment and stopping the expenditure of many thousands of dollars of the taxpayers' money to purchase booze to be consumed by prohibition agents and stool pigeons.

Look at the newspapers each day, and you will find that some of these agents admit before court commissioners and admit when testifying in court that they make 10 or 12

purchases of whisky and drink it before they make an arrest.

For goodness sake, let us give some relief to the overburdened American taxpayers, and let us commence to give that relief in this prohibition appropriation bill, particularly in view of the promise of the Democratic Party to reduce the expenditures of government 25 per cent and to also abolish prohibition.

I hope that you will also vote for the amendment to prevent wire tapping. We know that the sanctity of the home has been destroyed and the home life of the American people has been subjected to a despicable system of espionage under the wire-tapping practice. It is only fitting that the distinguished gentleman from the Commonwealth of Massachusetts [Mr. TINKHAM] should offer this amendment, because many years ago the citizens of that Commonwealth rose up and protested against the invasion of the home and the home life of the American people by the use of similar despicable means. If there is any doubt among any of you Democrats as to whether or not the anti-wire-tapping amendment should be adopted, I submit for your consideration the opinion of that sterling American, that noble Democrat, Justice Brandeis, in the wire-tapping case of Olmstead against United States, in which opinion he bitterly denounced this nefarious practice. I ask you Democrats to follow Justice Brandeis and not "Justice" BLANTON on this proposition. [Laughter and applause.]

Mr. TINKHAM. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, I rise to advocate, as I have done for many years in the House, prohibition reform. I rise now to support the amendments or curtail terrifically heavy prohibition-enforcement appropriations and the fanatical, terroristic practices of telephone wire tapping, appropriating money for the purchase and consumption of intoxicating liquor by prohibition agents, and for the payment of civilian snoopers outside the service.

For years I have fought these abuses and for some years I have had pending in Congress a bill to abolish wire tapping by prohibition agents.

The country is in a rage that the present session has not seen the passage of a beer bill or a bill for the repeal of the eighteenth amendment. It is also furious that appropriations have not been drastically cut down or abolished for the special enforcement of prohibition.

We have not even considered the repeal of the odious Jones 5-and-10 law nor the repeal of the law allowing the seizure and sale of automobiles owned by innocent persons. Auto sales dealers and the big manufacturing companies lose over a million dollars a year by the operation of this law.

We have had responsible leaders testifying before our committees that large groups of our people are meditating revolt or revolution unless they get relief from Congress.

I do not believe that all Members of Congress appreciate the terrific undercurrent of dissatisfaction prevalent among our people to-day. I talk to dozens of people every day, in every walk of life, and invariably the question is brought up about the way Congress is fiddling away its time in Washington.

We have been in session now about eight weeks, but little has been accomplished. You would be surprised to know of the radical ideas that some of the biggest and best business men are advocating. If ever there was a repetition of history, of Nero fiddling while Rome was burning, we have an instance now of Congress monkeying while the country is going to the dogs.

In past debates on prohibition-enforcement appropriations I called attention in the House to the fact that the Appropriations Committee of the House is packed with dries, consciously or unconsciously. This subcommittee on the Justice Department is packed 4 to 2. At least they were dries before the last election. Another subcommittee appropriates more money for prohibition enforcement than is appropriated in this bill. There are six dries and no wets on that subcommittee. Another subcommittee, which has

occasionally handled prohibition-enforcement appropriations, has 10 dries and no wets.

In the next Congress, if justice is done to the country, the leaders of the House should appoint a larger proportion of wets on that committee. The committee should be controlled by the wets.

It can not be considered otherwise to-day than that prohibition is the sacred cow of the Appropriations Committee and is going to get the least cut of any items appropriated.

It can not be otherwise also than that the gentleman from Massachusetts [Mr. TINKHAM], who has been a fighting wet on that committee for years, is to-day the black sheep of that committee, and that is why he is denounced to-day. He is one of the most valuable Members of the House. The wets gain hundreds of millions of dollars in revenue and also will save millions in appropriations and taxes, all for the people.

It has been made clear by the gentleman from New York [Mr. GRIFFIN], a member of the subcommittee, that a department like the Department of Commerce has been cut 18 per cent and which has control of the life-saving maritime activities of the Government and has in charge the safety of the lives of millions of passengers on the water.

In the Commerce Department, the Bureau of Standards, which is for research and the advancement of industry, has been cut. The Bureau of Foreign and Domestic Commerce has taken a terrific cut. It is claimed on every hand that the country will never come back unless its trade is revived, and we are particularly anxious to see our foreign trade revived, and it is the business particularly of the Bureau of Foreign and Domestic Commerce to promote this trade. Yet it is heavily cut.

The gentleman from Maine [Mr. BEEBY], in effect, said, "Wait and let the people act on prohibition through their legislatures or through their conventions and see what the ultimatum is, or wait for action of the next House and Senate."

We got a flat wet ultimatum in the elections last fall. We got an ultimatum also last June, when both political parties went wet in their platforms. Why wait any further while the country suffers?

An official of the Department of Justice tells me that it costs \$183 to bring a person charged with violating the prohibition laws to jail. Upon this tremendous cost is superimposed the cost of two juries, the grand jury, and the petit jury, the cost of the district attorney's office, and the cost of the judge's office and the marshal's office, as well as the maintenance in jail of the prisoner for whatever sentence he receives, and then also the cost of maintaining his wife and children or other dependents, which is usually done by the public welfare.

The wet amendments are not intended to destroy the administration of justice. In my city we have 3,300 policemen, deputies, and so forth, to enforce Federal and other laws, and Congress has been drastic enough also to send to Detroit about 600 border patrolmen, a large portion of whom are customs border officers, for the sole purpose of enforcing the prohibition law. The rest of them are immigration border patrolmen. Then you superimpose upon these officers prohibition agents, and the system of tiers of police upon one another is worse than in Russia, even in the days of the Czar.

If you had a Federal law against the use of tobacco or chewing gum, you would probably regard it as absurd to appropriate \$9,000,000 in addition to the appropriations for all other law enforcement, for the enforcement of that particular law. It is just as silly to do so for beer or liquor.

One gentleman has said, "Do not worry about wire tapping; it is only being used to catch criminals."

In my State the telephone wire of the highest Federal official in the State was tapped, that of the collector of customs. He was an innocent man and was proved so. The Justice Department did it, and the Treasury Department did not know it. They tapped the wire of the collector of customs, not in his office, but in his home, and

listened to the conversations between his wife and himself of an intimate nature and other intimate conversations. He was thus made an easy prey to embarrassment or even blackmail. If the highest official of the Federal Government in Michigan was not immune from Federal wire tappers, how could a Congressman or Senator or even the President be regarded as immune?

Mr. SHREVE. Mr. Chairman, it seems to me that in all the discussion to-day we have lost sight of one thing. We have lost sight of one of the very fundamentals of this proposed legislation, in that we have lost sight of the revenue end of it.

Now, I have been told that the beer bill would bring in about \$125,000,000. That bill is coming along soon, and I want to ask what useful purpose will the bill serve unless these men who pay \$1,000 for a permit to manufacture beer and the others \$1,000 for a permit to sell it unless they are protected from foreign invasion?

I want to read a portion of an article, and then I am through. It is from Ottawa, Canada, January 17:

Domestic rum runners are preparing for an onslaught on the American market, it was revealed here to-day under a peculiar construction on Canada's criminal code, whereby the Dominion Government's ban on liquor exports to prohibition countries could be voided as regards the United States if the American Congress legalizes 3.2 beer.

Liquor shipments are increasing to the French islands in the Gulf of St. Lawrence, outlet for wet cargoes to the United States, and a veritable flood of whisky, gin, beer, and wine is expected to be unleashed for destination across the border once the beer bill before Congress is passed.

What are you going to do about it? How will you raise \$125,000,000 if you are going to allow a flood of liquor to come into the United States? How are you going to collect the revenue if you cut down the appropriation and tear down the law enforcement?

Mr. HERR. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. HERR. I want to say that in my own State of Washington, at the last election, we repealed all the prohibition laws as far as the State is concerned. We have between seven and eight officials trying to keep out the flood that the gentleman is talking about which to-day is flooding the State of Washington and will continue.

Mr. CLANCY. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CLANCY. I want to ask the gentleman if it is not true that we passed the Treasury Department appropriation bill with appropriations for customs patrol and border patrol to prevent the flood of these liquors from Canada?

Mr. SHREVE. That is true, but we know the situation there. I live on the shores of Lake Erie the same as does the gentleman, and we know that they are not going to stop the rush of liquor unless there are law-enforcement officers in his city and mine. I am talking about protecting the brewery men, the manufacturers of beer, and those who will sell it. Where are you going to get the \$125,000,000 that you say the bill will bring in?

[Here the gavel fell.]

Mr. GRIFFIN. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. SABATH.]

Mr. SABATH. Mr. Chairman and gentlemen of the committee, whether we favor or oppose prohibition, I feel that we should support and adopt the amendment offered by the gentleman from New York [Mr. GRIFFIN]. If there were any chance of reducing it by 50 per cent, I, myself, would favor it and vote for it; in fact, I would even eliminate it altogether; but I realize there is no possible chance of that.

The country demands economy. We have been trying to economize, and have done so in some departments.

In view of conditions, I feel that a 20 per cent reduction in the Prohibition Bureau is a reasonable one. Hardly a day passes that we do not hear from all sections of the country and read in practically every newspaper of the clamor for balancing the Budget and rigid economies. I realize, and I know that you gentlemen realize, that it is propaganda carried on by the shrewdest of publicity men and lobbyists who have been engaged by the very men who

brought about this prohibition, by such moralists as Stillman and Kresge, and by the gentlemen who, the evidence only yesterday disclosed, control about 1,147 directorships in the various banks, insurance companies, railroads, and large industrial companies. These are the men who are behind the movement and behind this lobby to balance the Budget. They know that the balancing of the Budget will not start the wheels of commerce going again. They know that; but they are trying to take advantage of the unfortunate situation which the country is in now in order to bring about the reduction of the salary of every employee, regardless of the small amount that he may earn, because they can point out in their own establishments that even the Government has reduced salaries by 15 or 20 per cent and that they, consequently, must do likewise.

It is high time that we demonstrate to the country that we are honest and sincere in our efforts to bring about economy, not because of any reaction to the propaganda, but because we recognize that conditions make it imperative that we economize. I am opposed to the cutting of wages and salaries of the low-paid men; but this apparently is the aim of those who advocate the balancing of the Budget, and who are shouting day in and day out for economy. If these railroad presidents who are drawing salaries of \$100,000 to \$120,000 a year—money which comes out of the proceeds of the revenues and from the stockholders—would reduce their salaries by one-half or by 75 per cent, they would be justified in criticising the House and in saying that we are not trying to bring about economy. It is these very men who are drawing \$100,000 and \$150,000 a year as officers of these corporations who are demanding the balancing of the Budget and who are disregarding the people of the United States every day in the year.

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

Mr. SHREVE. Mr. Chairman, I yield nine minutes to the gentleman from Alabama [Mr. OLIVER] or his representative, Mr. GRIFFIN.

Mr. GRIFFIN. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. SABATH. Mr. Chairman, a parliamentary inquiry. The gentleman has spoken on this question before.

Mr. BLANTON. Mr. Chairman, I refuse to yield for a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas refuses to yield for that purpose.

Mr. BLANTON. Mr. Chairman, usually those who propose amendments speak for them so as to allow those who do not agree with them to answer in debate. I was in hopes of being able to use part of my time to answer the gentleman from Massachusetts [Mr. TINKHAM], who proposes some very drastic amendments. But he saves his speech until last, so I can not follow him.

It is impossible to ferret out and locate and identify the heads of big national and international liquor rings that violate our prohibition laws in the United States without some wire tapping under safeguards. Both the Attorney General and Colonel Woodcock state that emphatically. It is absolutely necessary, once in a while, to use wire tapping in locating the heads of these big rings. They manipulate in the dark, they manipulate under cover. Even their employees do not know who they are, sometimes. Why should we protect them? Who are they that they should receive congressional protection?

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

Mr. BLANTON. I regret that I have not the time. My friend from Massachusetts [Mr. TINKHAM] would take that arm of enforcement away from our Department of Justice. He would destroy all enforcement if he could. I want you to get the printed hearings on the Department of Justice bill and turn to page 310, and there you will see that for several hours, going from one day to the next, and in 43 pages of printed hearings, the gentleman from Massachusetts, who is a shrewd lawyer, with a big brief, asked question after question of Mr. Woodcock, and every

question he asked Colonel Woodcock knocked his eye out with a definite, decisive, conclusive answer. Read it. He was not able to shake him in a single position. Finally, he gave up in disgust this year just as he did last year, as you will see if you will look also at the hearings on the bill last year.

What are we going to do? Are we going to cripple prohibition enforcement? If so, why? What is our purpose? My friend from Illinois [Mr. BRITTEN] says that in spite of the eighteenth amendment, even though it is not repealed, that there will be a beer bill passed into law. If there is, it will be because somebody violates his oath. My friend in the next Congress will have to take the oath and swear that he will support and defend the Constitution, without any evasion. That means that he will support every part of the Constitution, including the eighteenth amendment.

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

Mr. BLANTON. And if the next Congress comes in here and votes for intoxicating beer to be sold right in the face of the Constitution, then I ask my friend from Illinois, whether they will not be violating their oath of office.

Mr. BRITTEN. The gentleman knows that his Commander in Chief, the President elect, has also to take that oath of office, and he is for the repeal of the eighteenth amendment.

Mr. BLANTON. If he signs that beer bill, with the eighteenth amendment not repealed, he will violate his oath also.

Mr. BRITTEN. He will sign it, if President Hoover does not.

Mr. BLANTON. I don't believe either will violate their oath.

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

Mr. TINKHAM. Mr. Chairman, the honorable Representative from Texas, as is his wont, is continuing his attacks upon me. I have been used to attacks for about 30 years. I am absolutely indifferent to them, so the honorable Representative is wasting his time. In fact, I welcome attacks from certain sources.

The House knows as well as I do that there is something wrong with the honorable Representative from Texas [Mr. BLANTON], and as I understand it, the consensus of his colleagues is that his habits are not so convivial after the Congress adjourns as they might well be, which perhaps accounts for his animosity against both things and individuals, and I might say against the world. [Laughter.]

Now, in relation to the three amendments I have offered, one is against the purchase of liquor with Government money, in violation of the prohibition law, often involving entrapment, which is implicit in this practice, a practice which has been denounced repeatedly during the last 12 years not only by the lower courts but by the upper courts as well, and recently by the Supreme Court of the United States.

The second amendment is in relation to the employment of stool pigeons. Think of a government employing the lowest class of people in the world, men who are criminals, and spending money to the extent of \$50,000 a year in that practice. There is \$50,000 in this bill for that purpose and \$125,000 for the purpose of purchasing liquor illegally. These are unclean expenditures and discreditable to any government.

The third amendment is to prevent wire tapping.

Now, in relation to wire tapping, let me read one or two paragraphs from a decision by Mr. Justice Brandeis of the Supreme Court of the United States. In the case of *Olmstead et al. v. United States* (277 U. S. 433) he says:

The evil incident to invasion of the privacy of the telephone is far greater than that involved in tampering with the mails. Whenever a telephone line is tapped, the privacy of the persons at both ends of the line is invaded and all conversations between them upon any subject, and although proper, confidential, and privileged, may be overheard. Moreover, the tapping of one man's telephone line involves the tapping of the telephone of every other person whom he may call or who may call him. As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wire tapping.

Can this House, after an expression of that character by Mr. Justice Brandeis, an honored member of the Supreme Court of the United States, approve the practice of wire tapping? His language is flaming language. It is the language of the spirit of America against espionage, against violation of the privacy of the individual, and for the preservation of the integrity of the home.

Further, let me reply to the defense that is made for wire tapping that it is for the enforcement of law, that criminals must be apprehended, as Mr. Justice Brandeis states in the same case:

And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

I might add that Justice Holmes denounced this practice in the same case, in the following language:

It is desirable that criminals should be detected, and to that end that all available evidence should be used. It also is desirable that the Government should not itself foster and pay for other crimes, when they are the means by which the evidence is to be obtained. * * * We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part.

For those who agree with me, no distinction can be taken between the Government as prosecutor and the Government as judge. If the existing code does not permit district attorneys to have a hand in such dirty business it does not permit the judge to allow such iniquities to succeed. * * * It is true that a State can not make rules of evidence for courts of the United States, but the State has authority over the conduct in question, and I hardly think that the United States would appear to greater advantage when paying for an odious crime against State law than when inciting to the disregard of its own.

In relation to the purchase of liquor, here is an Associated Press dispatch from Chicago, May 24, 1932, less than a year ago:

Federal Judge George A. Carpenter has ruled that a prohibition agent who admits taking nine drinks of liquor, which he himself describes as intoxicating, is in no position to testify at a later date regarding his purchases.

In other words, a prohibition agent takes nine drinks and then appears in court as an accusatory witness. That is not an isolated case, but it is typical of hundreds or thousands of cases during the 12 years of the tyranny of prohibition. Such a practice of policy of Government would discredit any law as it has prohibition.

Mr. KNUTSON. Will the gentleman yield?

Mr. TINKHAM. For a moment; yes.

Mr. KNUTSON. Has it not been the gentleman's observation that the Prohibition Department has confined itself to the small violator and has almost altogether ignored the big dealer in alcohol?

Mr. TINKHAM. Well, as far as purchasing drinks is concerned, I think that is true.

Mr. KNUTSON. No; I mean as far as enforcing the law is concerned.

Mr. TINKHAM. Well, I do not know whether that is true or not. The department alleges otherwise.

I have here another dispatch showing the effect of this policy and practice. It is from the Baltimore Sun, and it is headed "Arrested for Driving Drunk":

Ival H. Hatton, a Baltimore prohibition agent, spending a 2-day annual leave near here, was arrested here early to-day on a charge of driving an automobile under the influence of liquor.

After spending most of the day in the city jail, he was released upon posting \$101.75 collateral, which he forfeited by failing to appear for trial several hours later. * * *

The police said Hatton admitted having had several highballs. A woman riding in his car at the time of the arrest was not held.

Hatton described himself as a Federal employee but did not state his duties.

These two cases illustrate what is occurring in every State in this Union by a practice which one of my amendments seeks to discontinue.

The scandals of attempted prohibition enforcement have not only discredited prohibition but have also been a large

contributor to the social chaos in which the American Republic is now plunged.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. TINKHAM. I yield.

Mr. WILLIAM E. HULL. Is it not also true that they are and have been employing women to do this work?

Mr. TINKHAM. They were recently forbidden to do that. Here is another case:

DRY RAIDERS WHO USED EAGLES' CARDS SCORED

PHILADELPHIA, March 1.—Methods of prohibition agents whose raids led to padlocking of seven Eagle lodges in western Pennsylvania were denounced by judges of the United States Circuit Court of Appeals to-day in reversing a padlock order imposed by the Federal court at Pittsburgh last June.

Two prohibition agents used lodge membership cards bearing fictitious names to gain entry to the lodge rooms, where they allegedly bought beer and liquor, and later obtained search warrants on which raids were conducted.

As recently as December 19, 1932, the Supreme Court decided against the contentions of the Government (*C. V. Sorrells v. The United States of America*). I quote from the decision:

The substance of the testimony at the trial as to entrapment was as follows: For the Government, one Martin, a prohibition agent, testified that having resided for a time in Haywood County, N. C., where he posed as a tourist, he visited defendant's home, near Canton, on Sunday, July 13, 1930, accompanied by three residents of the county who knew the defendant well. He was introduced as a resident of Charlotte who was stopping for a time at Clyde. The witness ascertained that defendant was a veteran of the World War and a former member of the Thirtieth Division, American Expeditionary Force. Witness informed defendant that he was also an ex-service man and a former member of the same division, which was true. Witness asked defendant if he could get the witness some liquor, and defendant stated that he did not have any. Later there was a second request, without result. One of those present, one Jones, was also an ex-service man and a former member of the Thirtieth Division, and the conversation turned to the war experiences of the three. After this, witness asked defendant for a third time to get him some liquor, whereupon defendant left his home and after a few minutes came back with a half gallon of liquor, for which the witness paid defendant \$5. Martin also testified that he was "the first and only person among those present at the time who said anything about securing some liquor," and that his purpose was to prosecute the defendant for procuring and selling it. The Government rested its case on Martin's testimony.

Further in this decision it is stated:

It is clear that the evidence was sufficient to warrant a finding that the act for which defendant was prosecuted was instigated by the prohibition agent; that it was the creature of his purpose; that defendant had no previous disposition to commit it, but was an industrious, law-abiding citizen; and that the agent lured defendant, otherwise innocent, to its commission by repeated and persistent solicitation, in which he succeeded by taking advantage of the sentiment aroused by reminiscences of their experiences as companions in arms in the World War. Such a gross abuse of authority given for the purpose of detecting and punishing crime and not for the making of criminals deserves the severest condemnation, but the question whether it precludes prosecution or affords a ground of defense, and, if so, upon what theory, has given rise to conflicting opinions.

I hope the committee will accept the amendment forbidding the use of Federal funds for the tapping of wires, a contemptible and nefarious practice.

I hope the committee will also accept the amendment to prevent the purchase of liquor with Federal funds. Its abuses, its iniquities, and its example are ruinous to ethical as well as to legal standards.

I hope further that the committee will accept the amendment to prevent the employment of stool pigeons, a despicable and vile policy.

[Here the gavel fell.]

Mr. GRIFFIN. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, my amendment strikes out the entire appropriation for enforcement. I offer it in good faith. I have always taken this position. I am shocked to-day to see some Members whom we used to include in our wet cause doing what I call pussyfooting on it and going only part of the way.

If the Democratic Party—and I will speak only for my own party—did have a mandate from the people it was to repeal the eighteenth amendment and to restore beer. The Democratic Party on November 8, last, was informed that the

people of America were against enforcement. I have said before, and I will say it now, that the statement that "while it is a law we must enforce it as a law," is nothing less than demagogic claptrap, whoever utters it, because there is not a man or woman here who would go to the logical conclusion and enforce it. There may be one or two men here who have never seen the law violated.

If they saw the law against burglary or the law against rape violated, they would not condone it; they would see that it was enforced; but what man here seeing this law violated would go to the extreme limit and see that it was enforced? Why, if that were true, we would be a nation of informers.

When the votes are counted and the Members pass through that aisle a check will be made on everybody on the Democratic side who passes through there for or against these amendments, so we may know when we meet here in April who are the people who are abiding by the Democratic platform and who are those who pretend at one time to be wet and the next moment reverse to dry.

Now, if you are against wasting \$9,000,000, why waste \$7,000,000? There is not a human being I know of, and that includes everybody in the House, who wants this law enforced to the ultimate limit. Why waste even \$7,000,000 when the Wickersham Committee has said it is not being enforced, when President Hoover says it is not being enforced, when everybody in America knows it is not being enforced?

The money is here in the Treasury until July 1. Wiping out this provision does not interfere with the Coast Guard or with the border patrol. There is plenty of money to carry out these activities. Why, by July 1 the beer bill will have been passed and a repeal amendment will have been submitted to the States. Do you say to me that you will go the limit and take the anomalous position that after the repeal amendment is submitted to the States with every expectancy that it will be adopted, you will still continue to appropriate for enforcement maybe for years until the machinery of the States get going? Is that what you think of the money of the taxpayers of America?

Now, let us see who walk through the aisle in support of these amendments.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is not proper argument, undertaking to intimidate certain weak-kneed Members. [Laughter.]

[Here the gavel fell.]

Mr. KUNZ. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The time for the special order has expired.

Mr. STAFFORD. I make the point of order that the gentleman's motion is not in order. We are proceeding under a special order of the House, which directed the committee to have two hours of general debate upon the various amendments to the paragraph, and at the termination thereof to vote upon the respective amendments. Until that order is fulfilled, the gentleman can not get recognition by a motion to strike out the enacting clause.

The CHAIRMAN. The point of order is overruled. The special order does not interfere with the general rules of the House, which permit the Member to move to strike out the enacting clause.

Mr. KUNZ. Mr. Chairman, it is rather unfair to ask a Member in five minutes to answer the eminent gentleman from Alabama [Mr. OLIVER], who just took his seat, upon the question of the appropriation and the eighteenth amendment. Vox populi vox dei. The voice of the people is the voice of God. Since the inception of the eighteenth amendment there has been hypocrisy until the present day. The American people have been fooled from time to time, and I think it is about time now that a halt be called, and since they issued their mandate of last November, not a party issue, but upon the promise of the man that you elected President of the United States, that prohibition was doomed, then I say let it stand doomed; and you gentlemen are here as Representatives in Congress, not representing

yourselves as individuals but you are here representing the constituency that sent you here to vote as they directed you to do.

I hear men on the floor of the House talk about beer. In the name of Heaven, settle the question once and for all and take away from them that bawling cry of beer so that they can not go back to their constituents and say, "I cried beer and I wanted beer, but I could not get it." If it were not for beer they would not be here, but they have their beer cry and they dote upon it, and that is all they know. The old saying is, "Where ignorance is bliss 'tis folly to be wise."

Ever since the enactment of the eighteenth amendment we have been spending millions of dollars, not to prohibit the sale of liquor but to enrich those who are violating the Constitution, as in the case of Capone, whose source of income was from liquor. It is a well-known fact that he made his money and derived his power from illicit traffic in alcohol, but I ask any of you gentlemen, Was Capone ever arrested and convicted for the sale of alcohol? No; it was necessary for the Department of Justice to get him for evasion of his income tax, and the money appropriated for the Treasury Department investigation forces of prohibition was either wasted in the effort, if any effort was ever made to bring such a criminal to the bar of justice.

Now, the law allows such criminals and their cohorts to come in and pay their income tax on money made from illicit industry. Again, the law protects such criminals in that outside of a committee in Congress no Member of this House can look into the internal-revenue cases, where it is notoriously known that the profits derived by certain individuals are acquired in violation of the law.

The statement has been made by the gentleman from Alabama relative to obeying the law and the Constitution of the country. May I be permitted to call the attention of the gentleman that those States who have passed such stringent prohibition laws are in the minority, and I quote to him figures of the Census Bureau, where, in April, 1930, the minority States had but 39,132,546 population, and 8,854,826 were negroes. On April 1 the same year the total population of the majority States, the North, East, and West was 83,642,500, and of that, 2,613,259 were negroes and those negroes were permitted to cast their votes in accordance with Article 15 of the Constitution of the United States. Articles 14 and 15 apply to the minority States as to the rest of the Nation; so, then, why the purity of the eighteenth amendment, when two-thirds of the people of the United States are demanding, not asking, for its repeal.

It is amusing for a person of intelligence to listen to remarks on this floor made by the gentleman from Wisconsin in berating the Democratic Party and its pledges on the question of beer and prohibition. I am reminded of the story of the dog that continually barks but never bites; he bawls beer but he barks rather queer to an intelligent ear. He promised beer for votes, but evidently his ideas did not coincide with his constituents.

The Democratic Party is pledged to repeal, and Mr. Roosevelt was elected almost unanimously after his declaration that if elected prohibition would be doomed. Are we the dictators or servants of those who elected us to represent them in Congress? Are we going to tell the country that Congress will do as we please? In Illinois two years ago the people elected members to the senate and legislature with a mandate to repeal the search and seizure act and the legislature passed the bill, but Governor Emerson vetoed it.

Now, upon the question of economy. Before the election of a Democratic Speaker the Budget was unbalanced. The Secretary of the Treasury, Mr. Mellon, in a communication to Congress, voiced the warning that it would only be a question of time when the expenditures of the Government would exceed the income derived from this great Nation. It was then the hue and cry that economy should be practiced. To-day we find Congress economizing upon whom? The poorly paid Government worker who, like the small taxpayer of the Nation, is paying their income tax into the Treasury Department of the United States to pay the inter-

est on tax-exempt securities held by the wealthy, and who are protected by the law of the land and who do not have to pay any income tax to the Government if they do not want to by going into tax-exempt securities. If you want to economize, kill this appropriation of \$13,000,000 to enforce a law which the mandate of the people in the last election demands it be repealed. Get down to the principle of Abraham Lincoln that this Government is of the people, for the people, and by the people. Jefferson and Jackson fought the good fight for the rights of the people, and they listened to the voice of the people. We were strong then, but to-day it is a different question.

The great Roman Empire functioned at its best when the will of the people was carried out, but it fell when the few in their gluttony for money and licentiousness predominated. The same was the course of Poland after Napoleon entered and vassalized her people. No nation, as Lincoln so ably stated, can exist half free and half slave. Is the will of the people to be obeyed? That is the question to settle.

Now, you come in here and quote the Constitution and the eighteenth amendment. When the veto of the late lamented President Wilson was brought in on the Volstead Act, those men who now cry beer were not here to defend beer. Now it is a live issue. A great many men have changed their coats. They wore red, and now they dress in white, and they are trying to administer to the people of this country a recipe of how to make beer and how they ought to drink beer. Turn back to your Sixty-sixth Congress, first session, and you will find that 198 Members of Congress did not vote. Barely a majority of Congress were present at that time to override the veto of the President of the United States. Fifty-five voted "nay" and 175 voted to pass it over his veto. One hundred and ninety-eight were sitting on the rights of their constituents, and yet they tell you that we ought to have beer, and that we ought to repeal the eighteenth amendment, and the voice of the people was for repeal. Former President Wilson's words are prophetic in his message to the Sixty-sixth Congress vetoing the Volstead Act when he wrote:

In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

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

Mr. OLIVER of Alabama. Mr. Chairman, I ask for recognition, not to reply to the speech just made, because that might not be fair, but simply to give some information to the House that I feel it should know, because I think this body should consider correct facts in reaching its conclusion. Some allusion has been made to the fact that the appropriations for many departments carry a 20 per cent reduction for certain bureaus under Budget estimates. For that reason they insist this amendment carrying a like reduction in this appropriation is but following a consistent policy.

Mr. BRITTEN. Mr. Chairman, I make the point of order that the gentleman is not talking to the question before the House. He is making another speech in addition to the one he made a few minutes ago against the pending amendments.

The CHAIRMAN. The motion is to strike out the enacting clause, which covers the whole bill, and the gentleman is talking within his right.

Mr. OLIVER of Alabama. The only reduction made in any appropriation in the Department of Justice for any bureau charged with the duty of enforcing criminal statutes is in the Bureau of Investigation. That was made at the instance and with the approval of the Attorney General and the director, who said they felt that they could take the cut. They handle all kinds of violations other than violations of the prohibition law and have duties to perform in relation to the prohibition law. They took a reduction of \$10,000, but in no bureau charged with the enforcement of a criminal statute will you find a single reduction, except what the

committee has recommended for the item now under consideration.

We felt that no complaint could be reasonably registered against such reduction, because even though under the reduction made last year there had been about 100 agents discharged, we found the bureau was very effectually enforcing with such limited force the national prohibition law, and that we would be justified in taking a 5 per cent reduction in this appropriation. We must recognize that if we desire to uphold the majesty of the law we can not weaken the enforcement agencies. You must first take from the Constitution the eighteenth amendment before you undertake to weaken or tie the hands of officers charged with the duty of enforcing it in a positive, decent, lawful way, and I trust the House will follow the course it has previously taken in reference to like amendments, all of the pending amendments being substantial copies of amendments previously introduced and disapproved by Congress not once but several times. I respectfully submit no reasons have or can be suggested to show why a different course should be taken at this time on the pending amendments.

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

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the motion of the gentleman from Illinois to strike out the enacting clause.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman from Alabama [Mr. OLIVER] has consumed that time in opposition, and that all time has been consumed upon that motion. Five minutes were consumed by the gentleman from Illinois [Mr. KUNZ] in favor of striking out the enacting clause of this 4-departments appropriation bill, and the gentleman from Alabama consumed the other five minutes.

Mr. LaGUARDIA. Mr. Chairman, I have the floor.

The CHAIRMAN. The point of order is well taken. The Chair sustains the point of order.

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

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

Mr. BLANTON. Mr. Chairman, under the special order I shall not object to the gentleman from New York who has not spoken, but I shall object to further speeches.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Chairman, I simply wanted to call the attention of the House to the statement made by the gentleman from Alabama [Mr. OLIVER], who is always so fair and who knows the facts, but I believe in this instance the gentleman inadvertently misstated the situation as to enforcement, provided the pending amendments are adopted. The gentleman must admit that there is a changed attitude on the question of prohibition and that the country will in a very short time pass upon that question. In the meantime, I submit that the limitation of appropriation, as carried by the amendment offered by the gentleman from New York [Mr. GRIFFIN], would not impair the enforcement of the law as to commercial wholesale violations as described by the gentleman from Alabama. The limitation on funds not to be used for the purchase of liquor affects only the retail trade of liquor. It is not necessary, Mr. Chairman, for an agent to have consumed liquor in order to establish a case. The mere possession of liquor is sufficient for a conviction, and the \$7,000,000 which would remain under the amendment offered by the gentleman from New York would permit of the enforcement as to sources of supply, illicit stills, and the manufacture of illicit liquor. Surely it is sufficient to pursue, apprehend, and convict the real criminals if the officials would only go after the real crooks. It would not impair enforcement to that extent, and retail violations could well be left in the hands of local authorities.

The gentleman from Alabama [Mr. OLIVER], I am sure, did not intend to convey the idea that the amendment offered by the gentleman from New York [Mr. GRIFFIN]

or the limitations as to the use of those funds for wire tapping and the purchase of liquor, would make impossible the proper enforcement of the law. Again I say if the enforcement officials really will go after the real big fellows—that is not a matter of appropriations—that is not a matter of buying a single drink. It has been contended by the leading drys of this country that the function of the Federal Government in the enforcement of this law is to locate and stop the sources of supply and take care of the wholesale violations of the law, commercial violations of the law.

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

Mr. LaGUARDIA. Yes; I yield.

Mr. BLANTON. The gentleman could have a thousand barrels of whisky in a warehouse to-day and until a Federal agent could show that it was intoxicating, he could not even get a warrant to search the house. He has to make purchases in order to prove that the liquor is intoxicating liquor before he can even get a warrant.

Mr. LaGUARDIA. Not at all. The gentleman is in error. If one has a thousand barrels of liquor it is no longer a home and not entitled to the protection of a home in respect to search. The mere presence of a thousand barrels of whisky would destroy the identity of a home. A search warrant is required only for homes. If a man has a thousand barrels of liquor in a warehouse or any other building, knowledge of that fact is sufficient to obtain a search warrant or even a seizure. The possession of such liquor is sufficient to constitute the crime.

Mr. BLANTON. The courts, however, will turn that liquor back as soon as they get it unless the agent shows that he had proof of its being intoxicating. They do it every day unless there is proof of its being intoxicating.

Mr. LaGUARDIA. No; not at all. A chemical analysis would indicate the alcoholic content. The point I want to stress is that under the pending amendment \$7,199,000 is left for enforcement of the prohibition law. The limitation on the expenditure of funds to buy liquor and tap wires will in no way impair the proper, decent, and lawful enforcement of that law. I urge the approval of the pending amendments.

The CHAIRMAN. The time of the gentleman from New York [Mr. LaGUARDIA] has expired.

Mr. KUNZ. Mr. Chairman, I ask unanimous consent to withdraw the motion I made.

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The question is on the motion made by the gentleman from Illinois [Mr. KUNZ] to strike the enacting clause.

The question was taken; and on a division (demanded by Mr. BLANTON) there were ayes 1 and noes 86.

So the motion was rejected.

Mr. DE PRIEST. Mr. Chairman, I ask unanimous consent that the amendment may again be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from New York [Mr. GRIFFIN].

There was no objection.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. In view of the fact that my amendment involves a reduction in the appropriation, and the opinions of the Members of the House may be influenced by the Tinkham amendments and the amendment offered by Mr. TARVER, I ask unanimous consent that the amendment covering the purchase of liquor and the purchase of evidence and wire tapping be considered first, because they would take out of the total appropriation several thousand dollars, if agreed to.

Mr. OLIVER of Alabama. Mr. Chairman, the regular order. I think they should be taken up in the order in which they were offered.

The CHAIRMAN. The gentleman from New York [Mr. GRIFFIN] asks unanimous consent that the Tinkham and Tarver amendments be voted upon first, and the amendment

offered by the gentleman from New York [Mr. GRIFFIN] be voted upon afterwards. Is there objection?

Mr. OLIVER of Alabama. I object to that.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: On page 24, line 24, after the word "all," strike out "\$9,120,000" and insert in lieu thereof "\$7,199,986."

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

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were ayes 104 and noes 120.

Mr. GRIFFIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. GRIFFIN and Mr. OLIVER of Alabama as tellers.

The committee again divided; and the tellers reported there were ayes 113 and noes 128.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next Griffin amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 24, line 24, after the word "all," strike out "\$9,120,000" and insert "\$8,440,000."

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

The question was taken; and the Chair being in doubt, the committee divided, and there were ayes 114 and noes 108.

Mr. OLIVER of Alabama. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. OLIVER of Alabama and Mr. GRIFFIN.

The committee again divided; and the tellers reported that there were—ayes 129, noes 118.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the first Tinkham amendment.

The Clerk read as follows:

Amendment offered by Mr. TINKHAM: On page 24, line 26, after the period, insert the following proviso: "Provided, That no part of this appropriation shall be used for or in connection with wire tapping to procure evidence of violations of the national prohibition act, as amended and supplemented."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and, the Chair being in doubt, the committee divided; and there were—ayes 111, noes 103.

Mr. OLIVER of Alabama. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. OLIVER of Alabama and Mr. TINKHAM.

The committee again divided; and the tellers reported that there were—ayes 122, noes 107.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next Tinkham amendment.

The Clerk read as follows:

Amendment offered by Mr. TINKHAM: On page 24, line 26, after the word "supplemented," insert the following proviso: "Provided further, That no part of this appropriation shall be used for the purchase, for use as evidence of violations of the national prohibition act as amended and supplemented, of any intoxicating liquors, the sale of which is prohibited by law."

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Is there not a substitute for this amendment?

The CHAIRMAN. The Clerk was about to report the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER as a substitute for the TINKHAM amendment: On page 24, line 26, strike out the period, insert a colon, and add the following proviso: "Provided further, That no funds hereby appropriated shall be used for the purchase of intoxicating liquors, nor to pay informers, nor for the purchase of evidence."

The CHAIRMAN. The question is on the substitute amendment of the gentleman from Georgia to the amendment of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. OLIVER of Alabama) there were—ayes 132, noes 78.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts as amended by the substitute.

The amendment as amended by the substitute was agreed to.

The CHAIRMAN. The Clerk will report the next TINKHAM amendment.

Mr. OLIVER of Alabama. Mr. Chairman, I think the amendment just adopted covers this amendment.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to withdraw the amendment as the amendment just adopted covers it.

The CHAIRMAN. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, a point of order. The amendment was originally read for the information of the House. Then, it should have been offered at this time. The gentleman from Massachusetts says he did not offer it.

Mr. BLANTON. No; it was considered as pending.

The CHAIRMAN. The amendment was to be considered as pending. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 23, line 24, strike out all down to and including line 26 on page 24.

Mr. O'CONNOR. Mr. Chairman, in view of the votes already taken, I ask unanimous consent to withdraw my amendment.

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

Mr. PARKER of Georgia. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. O'CONNOR].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 74, noes 132.

So the amendment was rejected.

Mr. OLIVER of Alabama. Mr. Chairman, I think under the order of the House, following this comes the item with reference to prison industries working capital fund.

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

Prison industries working capital fund: Prison industries working capital fund, 1933 and prior years, is reappropriated and made available for the fiscal year 1934, including payment of obligations incurred in prior years; and the said working capital fund and all receipts credited thereto may be used as a revolving fund for the fiscal year 1934, for the purposes authorized by the act entitled "An act to provide for the diversification of employment of Federal prisoners for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930 (U. S. C., Supp. V, title 18, secs. 744d, 744e, 744f).

The CHAIRMAN. For the information of the committee, the Chair will state there is to be debate for one hour on this paragraph, to be equally divided and controlled by the gentleman from Alabama [Mr. OLIVER] and the gentleman from Pennsylvania [Mr. SHREVE].

Mr. COOPER of Ohio. Mr. Chairman, I offer an amendment.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that all amendments may be submitted now, because some of them may be subject to a point of order and we would like to make the point of order as they are offered.

The CHAIRMAN. The Clerk will report the amendments for such action as the committee may take.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Ohio: Page 34, line 10, after "744f)" strike out the period, insert a comma and the following: "Provided, That no part of this appropriation shall be used for the procurement and/or installation in any Federal correctional or penal institution of machinery for the manufacture of metal furniture and/or metal office equipment."

Mr. BLANTON. Mr. Chairman, I make the point of order that such a limitation upon the prison industries working

capital fund is legislation unauthorized on an appropriation bill.

Mr. MAPES. Mr. Chairman, I make the point of order that if the amendment is read merely for the information of the committee—

The CHAIRMAN. No; the Chair directed the Clerk to report the amendments for such action as the committee may see fit to take.

Mr. BLANTON. If it is subject to a point of order, there is no use of discussing the amendment. The point of order should be disposed of now, and in the event it is ruled the amendment is not in order, there is no need to have debate on it; otherwise we might be debating something that would not be up for a vote at all.

Mr. MAPES. Then the amendment must be offered for some other purpose than for the information of the committee.

The CHAIRMAN. The Chair has so stated.

Mr. BLANTON. Mr. Chairman, my point of order is that such a limitation upon the prison industries working capital fund appropriation, providing that no portion of that appropriation may be used to operate the specific industry named in the amendment, is subject to a point of order because it is legislation itself upon an appropriation bill that would nullify, in effect, the provision of the act of Congress approved May 27, 1930, because it would take this legislation to stop this particular industry under the present prison industry laws.

The act approved May 27, 1930, authorized and directed the Attorney General to provide employment for all physically fit inmates in the Federal institutions, and made available a revolving fund for this purpose. Any attempt to prevent the Attorney General from diversifying the labor of convicts, as this amendment would do by excepting some specific industry, is legislation, and on an appropriation bill is unauthorized by law.

Moreover, a limitation of this kind would not be germane because there is nothing in the appropriation to indicate that it is made for the operation of any specific industry. There is nothing in the limitation to indicate that it would result in a saving, because no amount is specifically appropriated by the language carried in the annual appropriation bill.

Further, it can not be ascertained by reference to the Budget and other documents that the operation of the prison industries results actually in producing revenue through the earnings accruing from the operation of the various prison industries, which earnings are annually returned to the Treasury and placed to the credit of the working capital fund. It is also apparent, Mr. Chairman, that the limitation would not necessarily result in a saving, because such a restriction would only drive the department head to invest funds available for this purpose in another line of activity. For example, if the limitation stated specifically that none of the funds were to be used for the establishment of any industry, and if the Chair pleases, this amendment mentions the metal furniture industry, then the department head would have the right to turn to other industries, and this amendment would not restrict the department from investing as much or more in the establishment of a factory to manufacture wood furniture as distinguished from metal furniture or to manufacture clothing or engage in some other industry.

Although in the guise of a limitation, I submit this is legislation and seeks to change existing law and is therefore unauthorized on an appropriation bill.

Mr. COOPER of Ohio. Mr. Chairman, the prison industries working capital fund is reappropriated in this bill.

In the act to which the gentleman from Texas just referred, section 6, we find these words:

The prison industries working capital fund shall be administered and disbursed by and under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of industrial machinery or equipment.

The amendment as offered is a limitation to prevent the Director of Federal Prisons from installing in the new Fed-

eral penitentiary at Lewisburg, Pa., high-speed machinery for the purpose of manufacturing metal office furniture and equipment. It seems to me it is purely a limitation on the expenditure.

Mr. Chairman, I have no desire to further discuss the point of order. I would like to yield to my friend, the gentleman from New York [Mr. LaGuardia.]

The CHAIRMAN (Mr. OLIVER of New York). The Chair is ready to rule.

The Chair holds this is a negative limitation on money reappropriated in the paragraph and therefore overrules the point of order of the gentleman from Texas [Mr. BLANTON].

Mr. OLIVER of Alabama. Mr. Chairman, under the agreement made in the House, it was understood that the gentleman from Pennsylvania [Mr. SHREVE] would yield one-half of his time and I would yield one-half of my time to those in favor of amendments offered to limit the activities of prison industries as now carried on. Since it appears that all are willing that the gentleman from Ohio [Mr. COOPER] shall have control of the time to be allotted to those who favor any or all amendments that may be offered limiting such activities, unless there is objection I yield the 15 minutes that I have promised to yield to the gentleman from Ohio to control.

Mr. SHREVE. Mr. Chairman, I will yield to the gentleman from Alabama 15 minutes of my time.

Mr. MAPES. I would like to suggest to the gentleman from Alabama that if he would accept the amendment we might save an hour's debate and hurry along the legislation.

Mr. OLIVER of Alabama. I will say to the gentleman that I know his suggestion is made as a pleasantry, because I think this is a very far-reaching amendment and should not be approved by the House.

Mr. MAPES. My thought was that the House was going to accept it.

Mr. COOPER of Ohio. Mr. Chairman, the amendment that I have offered provides that no part of this appropriation shall be used for the procurement or installation in any Federal penal institution of machinery for the manufacture of furniture or office equipment.

When the new Government penitentiary at Lewisburg, Pa., was constructed, there was erected a 3-story factory building, intended for the production of steel office furniture and equipment.

Mr. Sanford Bates, Director of Federal Prisons, recently made the statement:

Unless steel furniture is made at Lewisburg they will have no industry at that prison.

To this statement I, for one, want to protest against the expenditure of public money for the construction and equipment of a prison work shop, suited to no other purpose than the manufacture of steel office furniture.

I believe it is highly important that work be found for the prisoners confined in our penal institutions. However, I doubt if there is any industry that is more highly specialized and consumes less man-hours per unit than that of metal office equipment. More than 80 per cent of the processing of metal office equipment is done by machine, leaving less than 20 per cent for actual man labor, and it seems to me that the selection of steel office equipment as a product of this Federal prison for the avowed purpose of creating the maximum of occupation for the prisoners confined in the Lewisburg prison is economically unsound.

As I have stated, I believe it is important that we find work for those confined in our penal institutions; but in doing so we should at all times select some work that requires the maximum number of man-hours, some which can be produced by hand labor. Steel office equipment is as far removed from this category as any commodity I can think of.

Installation of this machinery would permit the prison to produce the major share of certain office equipment for the Government, namely, the 4-door, legal-size filing cabinet and steel transfer cases, all sizes.

Again, let me say that I strenuously object to this proposal of Mr. Bates to install machinery in our Federal

prisons in order to give the criminal a job, when, by so doing, it will throw law-abiding citizens out of employment.

It is true that our laws prevent the sale of prison-made products except to the Government. At present, however, the Government is the chief customer for metal office equipment.

Mr. Bates, appearing before the Subcommittee on Appropriations, who have charge of the bill we are now considering, stated that unless he could install the machinery for the manufacture of metal office equipment at the Lewisburg Prison the 1,400 inmates would be unemployed. A little later he stated that the industry, if installed, would employ approximately 150 or 200 men. He did not say how the other 1,200 inmates would be employed.

Recently Mr. Bates, in a memorandum which he sent to the Members of Congress relative to the metal-furniture industry to be installed at the Federal penitentiary at Lewisburg, makes a statement which is misleading in many respects. He stated that the value of metal furniture for the past year, as reported by the Department of Commerce, is \$64,722,417. This figure has no relation to steel office furniture, which is the commodity under discussion, and the production of which is an industry entirely separate from that of household and miscellaneous metal furniture, such as beds, kitchen cabinets, and so forth. The Bureau of the Census reports show that total shipments of steel furniture business group in 1931 were \$15,287,486, and for the 11 months of 1932 for which figures are available were \$7,490,393.

Mr. Bates further states that his efforts will be "to eliminate private profits and unfair competition." To eliminate private profit is to eliminate private ability to pay wages or to pay taxes. Is this desirable? When has prison competition with private industry, with its freedom from taxes, capital charges, and overhead, ever been anything except unfair competition?

During this time of economic depression we should not permit our Federal penal institutions to go into competition with legitimate industry and free labor. Thousands of law-abiding citizens are almost starving to-day, yet we to-day are taking the position that we provide work for our criminals in prison, which will take business and labor from private industry. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield four minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, no one is more in favor than I am of keeping the Government out of business, but I do not propose to assume the responsibility of taking away all the work from our prisoners in our penal institutions, especially at this time. We have had some experiences in the last few years with riots at penal institutions. We want no more of that. Prisoners to some extent must be kept at work. A great study has been made in an endeavor to find a way to keep prisoners busy, in diversified industries, so as not to particularly harm any industry. Congress has passed laws along this line. I also have received letters from manufacturers with reference to the duck that is made at the Atlanta Penitentiary. I say to you that the superintendent of prisons has been most fair in the last few years, or since this depression has been with us, about interfering with private business. I know, myself, where he has released to the trade several hundred thousand pairs of shoes that he could have manufactured in the Leavenworth Penitentiary. He realized the situation. Corporations in my city secured some of those contracts, and some of my constituents were employed in factories making shoes that could have been made in Leavenworth, if the superintendent of prisons had not voluntarily permitted the various departments of the Army and Navy to ask for bids.

He will be fair with you if you appeal to him. Remember that it was the Congress that ordered the superintendent of prisons to erect the factories, and it should be the Congress that should enact some laws that will change the present system if it is to be changed. True, people are out of employment, honest people who should be given work if pos-

sible and prior to furnishing work to men who have violated our laws, but recall, if you will, that we now have over 15,000 men in our penitentiaries. It is a man's job to keep order in those institutions. We want no more riots, and if we can only find some way to keep the men busy they will not go crazy. It is a real problem. We must look after our constituents who sent us here; we do not want to interfere with the little work they have, but we all must admit that when you house 5,000 men in a penitentiary constructed to take care of a maximum population of 2,500 you are placing a burden upon the officials in charge of the institutions. I only hope we can find some way to keep these men busy and at the same time not interfere with free labor. Confident that those in charge of the institutions, knowing that Congress wants them to hold down competition with private business just as much as possible, will make every effort to do so until we have found some better way to keep the prisoners busy and out of trouble, I can not join in the movement advanced by the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN of Missouri. I have said all I desire to say.

Mr. COOPER of Ohio. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, the last speaker, the distinguished gentleman from Missouri [Mr. COCHRAN], states that he is not willing to assume responsibility for supporting this amendment and depriving prisoners in penitentiaries from having employment. So far as I am personally concerned on the floor of this House I am perfectly willing to assume full responsibility of standing for free labor in my district and in your district as against the man who has proven himself an enemy to society and who now wants to be pampered by the superintendent of prisons. There is a city in my district that has developed the metal-furniture industry. I refer to Jamestown, N. Y.

The manufacture of metal furniture is more or less of an infant industry. The Government, through its legislation, has always been very jealous of the rights of an infant industry. Many laws have been enacted to this end. The working men employed in the manufacture of metal furniture have built up fine homes, reared their families, paid their taxes, and looked forward to a happy and prosperous old age. Conditions in Jamestown, N. Y., at this time are perhaps no different from conditions in your cities. Many of these men were deprived of work almost in the twinkling of an eye when the crash came in 1928 and 1929.

They have struggled along to pay their taxes. As the days have gone along some foreclosures have come and depressed them, and many of these men are walking the streets looking for work. They are law-abiding men. There have been no riots, and there has been no disturbance. They have done their full part. They have tried to find work elsewhere, and they want to live. The men in the penitentiaries are housed, clothed, and fed at the present time at the expense of the Government. Now, I know that the average superintendent of prisons is a well-meaning man. I have the highest regard for Mr. Bates, but it is a strange psychology, and perhaps after all it is a natural psychology, that the man who is superintendent of prisons in time comes to have more regard for the prisoners than he has for the rights of the people on the outside. Little by little he forgets who pays the taxes which support the prisoners. They become faddists and want to carry their ideas too far. In ordinary times I would not be standing here objecting quite so strongly, but when I find, from the investigation made by a committee of this House, that the Federal Government is now engaged in manufacturing to the extent of more than 200 different lines of industry, competing with free taxpayers on the outside, I think it is time to call a halt.

What is it proposed to do in this bill? It is proposed not only to give labor to prisoners but it is proposed to give them special machinery by which you add to the numerical manpower of the prisoners and make it possible under the prison

system and under that law to not employ 1,000 men but by special machinery to put under that roof the equivalent of several thousand men to compete with free industry on the outside.

Mr. SWICK. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. SWICK. Will this not defeat the very purpose of placing the men at work, especially those men who are confined? Would it not be better to give them work where they would be out in the air, cultivating the soil, or something like that?

Mr. REED of New York. I am heartily in favor of the men having work to do with their hands, but I am opposed to giving them high-speed machinery with which to multiply the numerical manpower of the prisoners and put the products so produced in competition with free labor.

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

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, what does the gentleman from Ohio [Mr. COOPER] propose to have the convicts in penal institutions do to occupy their time? The gentleman must change the law of this country fundamentally if he passes such an amendment, because every time a Federal judge passes sentence on a prisoner, he sentences him to hard labor in a penal institution. How are you going to force convicts to perform hard labor if you do not provide some hard labor for them to do?

Mr. COOPER of Ohio. Will the gentleman yield for me to answer him?

Mr. BLANTON. Just a moment. I only have five minutes.

Mr. COOPER of Ohio. Eighty per cent of this is machinery and not hard labor.

Mr. BLANTON. No labor can be performed without some machinery. What would the gentleman have convicts do? In every penal institution we have a bunch of them farming, raising all kinds of truck stuffs.

Mr. REED of New York. Will the gentleman yield?

Mr. BLANTON. No; I regret that I have not the time.

You did not find the farmers complaining. They are willing for convicts to raise what they need to eat. They are not so selfish that they do not want these men to have something to do, but there must be something else besides farming to keep them busy.

Now we are going to put 1,200 convicts in the new Lewisburg Penitentiary. What are they going to do if they do not have this proposed work that is to be provided? The gentleman from Missouri [Mr. COCHRAN] was slightly mistaken in his figures when the gentleman called the attention of the gentleman from Ohio to what happened in his own State. It was not just 100 men who lost their lives. When that great riot took place in the Ohio Penitentiary at Columbus there were over 300 men killed.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. BLANTON. There were more than 300 men killed in the penitentiary at Columbus, Ohio. And in Joliet, Ill., when there was a riot there in the mess hall they did a million dollars' worth of damage to the Illinois penitentiary. There must be something for them to do. You must keep them busy. You must make them work, as the law says they must, when Federal judges sentence them to terms of penal servitude in our penitentiaries.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. COOPER of Ohio. The gentleman is all wrong on his figures about 300 being killed, and that had nothing to do with labor.

Mr. BLANTON. Well, I got that from the penitentiary authorities myself. If I am wrong, they are wrong. They gave me those figures as the correct, authentic figures, and I would rather take their figures than the figures of the gentleman from Ohio on the number killed, because I am sure the gentleman does not himself know about it.

Mr. COOPER of Ohio. What is Mr. Bates going to do with the other 1,200 up at Lewisburg? He says he is only

going to employ 250 on this metal machinery. The gentleman asked me a question. What is he going to do with the other 1,200?

Mr. BLANTON. It is a hard matter to find work for convicts, simply because of just such fights as we now have on this floor. I want to see him find something for them to do and put them to work. I want to see the convicts who violate the law when they go to the Federal penitentiary not pampered and treated like they ought to have the distinguished-service cross and have the leading machine papers of the country play them up on the front page every day in big headlines as though they had done something remarkable by going to the penitentiary.

I want to see them punished, and the only way to punish them is to make them work. The only time that Al Capone ever did a hard day's work in his life was since he has been in the Atlanta Penitentiary.

Mr. DE PRIEST. Will the gentleman yield?

Mr. BLANTON. No. I can not yield. I regret I have not the time.

When the Hearst string of newspapers the other day had a front-page article asserting that Al Capone was being treated like a king at Atlanta, and that he was spending his time on the tennis courts, my friend, the gentleman from Alabama [Mr. OLIVER], put a statement in the RECORD here from the penitentiary warden day before yesterday, showing that there was not a word of truth in it; that Al Capone did not wear special shoes; that he did not wear special clothing; that he did not enjoy special privileges; that he worked just like other convicts, and not a Hearst paper that I have seen has given very much mention of that correction.

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

Mr. COOPER of Ohio. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LA GUARDIA].

Mr. LA GUARDIA. Mr. Chairman, the wording of the amendment offered by the gentleman from Ohio will be to do the very thing the gentleman from Texas says he wants done in the penitentiaries. There is no criticism of Mr. Bates in this discussion. We all agree he is an excellent official. He has his job, and that is, for one thing, looking after the penitentiaries and the inmates. We have our duties. We must look at this proposition from every angle. It is not a question of criticizing Mr. Bates. I have always defended him, and now express the hope that his services will be retained by the next administration. Naturally, he wants to get the best conditions he possibly can; but the gentleman from Texas points out, and properly so, that these men are sentenced to hard labor. I agree with him. There is no hard labor when you take a small piece of metal, put it under a steam or hydraulic press, turn a valve, and the machine does the work.

Of course, we want to keep these men employed; but if there is any place in the world where there should not be any labor-saving machines, it is in a penitentiary. If there is one thing they have plenty of there, it is time and labor. Why the machines?

The gentleman from Texas asked what they would do for work.

Mr. BLANTON. Where, where?

Mr. LA GUARDIA. Give me a chance and I will state. If Mr. Bates wants the prisoners to make metal furniture, let him go out and buy the metal sheets, give the convicts a hand drill; let them make their holes by hand; let them rivet the pieces by hand; take away the pneumatic riveting machines; let them rivet them with muscle power; then let them piece the furniture by hand. That will keep them busy. That, indeed, would be better training and real hard labor.

Mr. Chairman, Mr. Bates is perfectly frank about this. He not only wants to keep his men busy but he admits he wants, by the use of this labor-saving machinery for the production of metal furniture, to make high-grade furniture in order to compete with free labor and sell this furniture to the Government buildings. I submit, Mr. Chairman, that even in times of prosperity, even if we did not have a single

unemployed worker in the country, I still would protest against the competition of convict labor with free labor, even though the products of convict labor were sold to the Government. Why, gentlemen, free labor is looking for work in order to get food for themselves and families—convicts are sure of three square meals a day.

Why, Mr. Chairman, this has nothing to do with Government operation. Let us not confuse the issue. This has nothing to do with the Government in business. This has to do with the competition of convict labor with free labor.

While we admit the necessity, under the modern system of treating criminals, to keep them occupied, they can not be kept occupied by the installation of high-pressure, labor-saving machinery. You must keep them occupied with hand work, even though it is tedious; you have got to keep them at work all of the time. The object is to keep the prisoners occupied—not the quality, and certainly not the quantity, of the product.

I want to point out to some of my friends that nobody is shocked because it is now attempted to appropriate for machinery for the occupation of convicts, yet when we come to appropriation for the Board of Vocational Training funds to assist free law-abiding men and women who have been handicapped by reason of misfortune, then we hear the cry of paternalism; then we hear the cry of economy; then we witness the attacks to reduce appropriations.

I am not criticizing any official or any system, but I say that in this day and age to come in here and put high-pressure machinery into a Federal penitentiary, thereby reducing the opportunity of giving all of the inmates work and putting this very project in competition with free labor—I say, Mr. Chairman, we should not need even an hour's discussion on that. This limitation ought to be adopted without any opposition.

The gentleman from Ohio and others of this House made a thorough study of penal institutions under the Federal Government. This is nothing new. This has been going on for a long time. The best thing we can do, as the gentleman from Texas says, is to keep the convicts busy at work, but to do that we do not need labor-saving, high-speed producing machines. Whatever we do, we must not permit the products of free labor to be reduced by reason of prison-made goods. [Applause.]

[Here the gavel fell.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, I have very great admiration for the gentleman from New York, especially for his ability and his sincerity, but this is not the first time I have heard him raise his voice along this line.

In Georgia we use the State convicts on highways and he objects to that. I apprehend that no matter what Mr. Bates might propose to employ these prisoners on, the gentleman from New York [Mr. LaGUARDIA] would object to it, because anything you set a convict doing necessarily puts him to some extent in conflict with free labor.

I find myself in the position where I would like to sympathize with these gentlemen who are proposing these restrictions, but I see that this is only the opening wedge for what will come hereafter. Unfortunately, in some respects, my district contains one of these Federal institutions. Down there to-day is the most publicized prisoner of the Federal Government. What the gentleman from Texas said about his treatment is absolutely true. He does not get any special favors. As a matter of fact it is harder to see him than to see the President of the United States to-day. We have in the Atlanta Penitentiary, Mr. Chairman, a duck mill, and I am well satisfied in my own mind that this amendment is simply the forerunner of an effort from the duck manufacturers of the country to limit the production of the Atlanta mill. We have in that prison to-day over 3,000 prisoners, more than half of whom are unemployed. We have had as many as 3,900.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COOPER of Ohio. This is a new undertaking; this is the installation of new machinery. They have not got it up there in the penitentiary yet.

Mr. RAMSPECK. I understand that, but the duck manufacturers are already in communication with Members of Congress advocating a limitation of the amount of duck that may be produced in the Atlanta Penitentiary.

I wish to ask you one question before you vote on this matter: Is it not better to let the Attorney General and the superintendent of prisons work this problem out than for Congress to try to legislate to protect a particular industry that may happen to be in some Member's district? This is what is going to be the outcome of this effort.

It seems to me, Mr. Chairman, that we should look at this matter from a broad viewpoint. I would like to help relieve the duck manufacturers, but what are we to do with our prisoners? Shall we maintain them in idleness at the expense of the taxpayers of America?

My opinion is that as long as the products of these industries produced in our prisons are used only by the Federal Government, and are not sold to the public in competition with free labor, it is the best policy to utilize their labor to keep them employed. To do otherwise will entail a greater burden upon the taxpayer who is now loaded beyond capacity to pay.

I have talked with the leaders of labor in my district about this problem and they agree with the view I have expressed above.

If we place the proposed restriction upon this appropriation, should we not in all fairness place a similar restriction in favor of all other industries affected by the products of our prisons?

The logical conclusion is that eventually we would have several thousand prisoners kept in idleness, well fed, clothed, given the best possible medical attention, at a cost of several millions of dollars to the taxpayers. They would produce nothing. I can not concur in such a policy.

At the Atlanta Prison there is a farm which in recent years has been improved with fine buildings, with steam tables in the kitchen, with all modern conveniences. The men are so plentiful that each does very little labor. The farmers living adjacent to this farm are complaining that these prisoners live in better circumstances and work less than do such farmers.

There is one other point I wish to bring out. The prisoners who work in our prison industries are paid a small compensation. This money can be sent home to their dependents or it may be held until they are released and then paid to them. This helps rehabilitate the prisoner or it helps prevent their dependents having to rely upon charity.

Here in the House we can not escape the interests of the districts we represent. It therefore seems to me that we should leave this matter to the Attorney General and the superintendent of prisons to work out so as to compete as little as possible with our manufacturing plants on the outside. We must have a general policy and I can not escape the conclusion that it is not fair to the people to maintain these prisoners in idleness. Their labor should be utilized to reduce the cost of government.

[Here the gavel fell.]

Mr. STAFFORD. Mr. Chairman, the adoption of this amendment will express the opinion of the House whether the membership wishes convict labor to be employed in highly mechanized industry or whether they should be occupied as the State penitentiaries in every instance employs their prison labor where work is the major factor in the production of such industry. I challenge the committee or anyone here to cite an instance among all the State penal institutions where they are employing their labor in mechanized industry. In Michigan they are employing them in the manufacture of cement. In my State they are employing them in the manufacture of sisal, and in the local penal institutions they are employed in the manufacture of chairs and the like. This has been the endeavor ever since this question has been a problem before the Congress. The distinguished adviser of the President elect, Mr. Swager Sher-

ley—and there was never a more brilliant man who occupied a seat in this House—recommended as a primal policy for this Congress to follow that prison labor should be occupied in industry where labor was the principal factor. Now we are expressing the opinion of Congress in this instance that it is ill-advised to have convict labor engage in an industry where machinery represents 50 per cent of the production. This line goes nowhere in training for a vocation.

No claim is made here that there is any monopoly whatsoever in private manufacture. If I had known that this act that was passed by the last Congress surrendered the absolute determination of this matter to a bureau officer with respect to the way in which he should employ the revolving fund, I would have strenuously opposed it. It is altogether too absolute a power to give to any bureaucrat, no matter how well-intentioned he may be, to have him determine a policy against the declared purpose of Congress heretofore expressed that convict labor should be utilized in those industries where labor is the principal factor.

Why, presently they will be engaged in the manufacture of automobile chassis. A great manufacturing institution in Milwaukee, the A. O. Smith Co., manufactures more chassis than any other concern in the country. They manufacture most of those required by the General Motors Corporation. They just put a piece of steel at one end of the machine and it comes out a completed chassis. I suppose Mr. Bates may wish to have this kind of manufacture for our convict labor.

There are many other ways in which this labor can be occupied. By this amendment we are checking the investment of Government funds before they have purchased any machinery for this purpose. I want this to be a test here and now of the policy of Congress as to whether we approve Mr. Bates's policy of going into mechanized industry for the employment of our convict labor.

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

Mr. COOPER of Ohio. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. SHANNON].

Mr. SHANNON. Mr. Chairman, the deduction to be made from the speeches of the gentlemen from Texas and Missouri is that if the millions of unemployed who are not in penal institutions wish to receive consideration, they should begin rioting. We are told that the only way to prevent rioting in prisons is to give the prisoners work. I disagree with those who say there is no criticism of the conduct of the business activities at these institutions. The Director of the Bureau of Prisons is a penologist who has gone mad on the subject of furnishing employment to those in prison at the expense of those on the outside who have committed no offense, and who must feed, clothe, and care for themselves.

I know of no better way of presenting the situation than to quote from the testimony of a representative of a large shoe-manufacturing concern of Boston, who testified before our special committee. He said:

There is no doubt but that public sentiment favors the furnishing of some form of employment for inmates of penitentiaries. However, at this time, after some three years of acute depression, which may be in the future more or less protracted, most thinking Americans are more interested in providing employment to those outside of prisons who are striving to earn a livelihood than they are in providing employment to convicts. In fact, the policy of providing employment to Federal convicts while outside labor was allowed to remain idle has been the subject of severe and widespread criticism in the various shoe-manufacturing centers of our country.

He testified further:

If the idea is to provide labor to the maximum number of prisoners, then the installation of labor-saving machinery, wherever possible, is productive of the opposite result. For instance, the installation of machinery to cut upper leather has reduced greatly the number of prisoners required to perform this work.

At the instance of railroad men who were either unemployed or employed only part time, I inquired of the Director of the Bureau of Prisons as to his authority for operating a Government bus line for the conveyance of prisoners in competition with private transportation com-

panies. His reply was that Congress granted him that authority. And that is exactly what he will say again—that Congress gave him the right to proceed in this instance.

The Director of the Bureau of Prisons assured a member of our special committee, the gentleman from Pennsylvania [Mr. RICH], that he would not install this high-speed, labor-saving machinery in the new penal institution at Lewisburg to compete with private enterprise; but we are now informed that the director is preparing to do that very thing, and once the machinery is installed you will have a devil of a time getting it out.

The textile manufacturers have received a terrific blow through prison-labor competition. One textile man, from the State of Maryland, who testified before our special committee, said that his family had been engaged in the textile industry for 130 years, but that the practice of Mr. Sanford Bates in installing and operating cotton-weaving plants in Federal prisons would soon put his company out of existence.

This question is a most serious one. Shall this House, by its vote, say to this prison-labor enthusiast that it approves of and indorses his practices, which are so destructive of private business, and which deprives free labor of its legitimate employment?

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

Mr. SHANNON. Yes.

Mr. BLANTON. Every Member that I know of here who has known Mr. Bates for any length of time, or who is well acquainted with his work, has nothing but encomium to offer.

Mr. SHANNON. I differ with the gentleman. I have met him officially and I have discussed with him the question you are passing on to-day.

Mr. DYER. Will the gentleman yield?

Mr. SHANNON. Yes.

Mr. DYER. I think my colleague must admit that Mr. Bates has authority from Congress to do these things. We have put the discretion in the Attorney General, and Mr. Bates is acting accordingly in this matter. If Congress sees fit to limit this authority or to specify what can not be done, then there are orders that Mr. Bates will take; but I do not think there is any just cause for criticizing Mr. Bates about what he has done.

Mr. SHANNON. The gentleman blames Congress, then?

Mr. REED of New York. Will the gentleman yield?

Mr. SHANNON. I yield.

Mr. REED of New York. Is it not a fact that many of the civilized countries to-day are deeply concerned about the importation of Russian conscript-labor goods and that they are raising their eyes in holy horror at such injustice, and yet we are proposing to follow the Russian system in this respect?

Mr. SHANNON. Yes.

[Here the gavel fell.]

Mr. COOPER of Ohio. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, as has been pointed out during the debate, the adoption of the amendment offered by the gentleman from Ohio [Mr. COOPER] does not mean that the inmates of prisons are not going to be provided with work. There are a good many other things to do besides making metal furniture. The truth is that the same amount of money spent in almost any other way would furnish inmates of our prisons with more real work than this appropriation, a large part of which the Superintendent of Prisons will use to buy machinery to engage in a highly mechanized industry requiring little actual handwork.

I want to call attention to this fact: Those of us who come from the furniture centers know that the depression has hit those centers as hard, if not harder, than any other. The furniture factories the country over are closed, and people who ordinarily find employment in them are out of employment. It is proposed by this legislation to add to this unemployment of free labor in the furniture centers under the guise of providing something to do for convict labor, when as a matter of fact the convicts could be pro-

vided with something else to do to the advantage of everyone. The metal industry has not yet been established in this prison and we had better stop it before it gets a start. [Applause.]

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

The question is on the amendment offered by the gentleman from Ohio [Mr. COOPER], which the Clerk will again report.

The Clerk again reported the amendment offered by Mr. COOPER of Ohio.

The question was taken; and on a division (demanded by Mr. BLANTON) there were ayes 84 and noes 43.

Mr. OLIVER of Alabama. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. COOPER of Ohio and Mr. OLIVER of Alabama to act as tellers.

The committee again divided; and the tellers reported there were ayes 99 and noes 36.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read the paragraph on page 29 which was passed over yesterday at the request of the gentleman from Alabama.

The Clerk read as follows:

Page 29, line 12: Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, travel expenses pursuant to the subsistence expense act of 1926, as amended (U. S. C., Supp. VI, title 5, secs. 821-833), and other expenses of conducting their respective offices, \$1,856,580.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that this paragraph be passed over without prejudice so that we may return to it later for the purpose of offering an amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read the next paragraph passed over.

The Clerk read as follows:

Page 35, line 8: United States penitentiary, Atlanta, Ga.: For the United States penitentiary at Atlanta, Ga., including not to exceed \$356,350 for salaries and wages of all officers and employees, \$920,000.

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

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: On page 35, line 10, strike out "\$356,350" and insert in lieu thereof "\$376,350."

Mr. RAMSPECK. Mr. Chairman, this amendment does not increase the total appropriation.

Mr. OLIVER of Alabama. Mr. Chairman, to save time, the committee is entirely agreeable to the amendment and accepts it.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia.

The amendment was agreed to.

Mr. RAMSPECK. Mr. Chairman, I am grateful to the gentleman from Alabama [Mr. OLIVER] for accepting the amendment. It adds nothing to the total appropriation for the Atlanta Penitentiary, but it does permit the using of an additional \$20,000 for salaries.

The guards at this institution are now working seven days each week. This must be stopped. With 12,000,000 persons out of employment, it is almost unbelievable that any Government employee should be required to work every day, having no rest at all. It is particularly hard in such an occupation, for a penitentiary guard works under tension at all times.

Last year the Atlanta prison failed to use all of its appropriation; but under the language of the bill none of this money could be used for additional guards. If some savings can be effected this year in other items, this amendment will permit the Bureau of Prisons to employ additional guards so as to give these men one day of rest in seven. That is the object and purpose I have in presenting the matter, and I trust that the result sought will be achieved.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent, in order that the prison at Leavenworth be given like treatment, that later this evening or to-morrow morning I be permitted to return to the paragraph for the purpose of offering the same amendment. The amendment would not increase the appropriation, but increases the allowance by \$30,000, which would make it the same as Atlanta, which was increased \$20,000.

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

There was no objection.

The Clerk read as follows:

General expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed \$10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed \$1,000 in cost; construction of necessary outbuildings at a cost not exceeding \$1,000 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith: *Provided further*, That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; not exceeding \$2,000 for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all \$5,000 in any fiscal year; fuel, light, and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent; rent of offices, depots, and wharves; traveling expenses, including travel for the examinations authorized by the act entitled "An act to provide for retirement for disability in the Lighthouse Service," approved March 4, 1925 (U. S. C., title 33, sec. 765); mileage; library books for light stations and vessels, and technical books and periodicals not exceeding \$1,000; traveling expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, including the purchase of provisions for sale to lighthouse keepers at isolated stations, and the appropriation reimbursed, purchase not to exceed \$3,600, exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; payment of rewards for the apprehension and conviction, or for information helpful to the apprehension and conviction of persons found interfering with aids to navigation maintained by the Lighthouse Service, in violation of section 6 of the act of May 14, 1908 (U. S. C., title 33, sec. 761), and not exceeding \$8,500 for contingent expenses of the office of the Bureau of Lighthouses, in the District of Columbia; \$4,009,000.

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

I wish to ask the chairman of the committee if the amount carried in this bill for the Lighthouse Service is adequate to maintain the lights and aids to navigation essential for commerce.

Mr. OLIVER of Alabama. That is a difficult question for me to answer other than in this way: Our committee went into this very fully and felt we were quite liberal in granting appropriations for this important service. We took only a small amount off of the Budget estimates. In addition to that, the gentleman will recall that this is one of the bureaus of the Department of Commerce which had \$3,800,000 given them by the emergency bill. That is a continuing fund and they have only a little more than half of this

amount allocated. That is for carrying on the very purpose the gentleman has in mind.

Mr. BRIGGS. What is the occasion for the difference between the estimates and the amount allowed by the committee in the bill?

Mr. OLIVER of Alabama. I think the gentleman will find that the amount they had as a continuing fund, plus the amount that had been recommended, was more than we felt was required. We have provided for the pay roll and for maintenance.

One item reduced was an amount which the head of this bureau felt might not be required, namely, \$20,000 for installing lights on the Missouri.

Mr. BRIGGS. These reductions made from the estimates are not such as will preclude the maintenance of the lights and the aids to navigation which exist now under the Department of Commerce through the Lighthouse Service?

Mr. OLIVER of Alabama. In the judgment of the committee, they will not. This is probably the most liberal appropriation granted any bureau in the Department of Commerce.

Mr. BRIGGS. And the appropriation provided, in the opinion of the committee, is sufficient to maintain this service?

Mr. OLIVER of Alabama. We would not have so recommended had we not thought so.

Mr. BRIGGS. I did not want it to be such an undue economy as to endanger the lives of seamen and passengers.

[Here the gavel fell.]

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

The report shows a rather drastic cut of four and a half millions of dollars under the appropriation of last year. As the gentleman has explained, a million or two of that amount is accountable—

Mr. OLIVER of Alabama. Not a million or two, but \$3,800,000 of it.

Mr. STAFFORD. Three million eight hundred thousand dollars is accountable for appropriations carried in the emergency act.

Mr. OLIVER of Alabama. And, further, the gentleman will find that the appropriation carried last year was reduced and impounded to the amount of 8½ per cent. This year when the Budget prepared its estimates it took from all estimates the 8½ per cent. So that nothing will be taken in 1934 from this appropriation and impounded. There was taken from the 1933 appropriation, however, 8½ per cent and paid into the Treasury.

Mr. STAFFORD. I notice there has been a rather drastic reduction in the salaries of the keepers of lighthouses recommended by the budgetary officer, \$321,000, to which the committee added \$20,000 further reduction. So also with the salaries connected with the keepers of lighthouse vessels, \$148,000.

Are these figures all within the 8½ per cent reduction that the Congress prescribed?

Mr. OLIVER of Alabama. The 8½ per cent was taken out of last year's appropriation, as explained; and when you take out the \$3,800,000 carried in the emergency act, you will find the bureau has available for expenditure about the same amount they had last year, less the cut indicated by the gentleman from Texas [Mr. BRIGGS] who asked me a question a few minutes ago.

I may also say to the gentleman that they have been improving navigation aids by installing automatic aids and dispensing with some maintenance expense, involving some reduction of the bureau personnel.

Mr. STAFFORD. Including the installation of acetylene buoys, I presume?

Mr. OLIVER of Alabama. Yes.

The Clerk read as follows:

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including 1 director with relative rank of captain, 6 hydrographic and geodetic engineers with relative rank of captain, 10 hydrographic and geodetic engineers with relative rank of commander, 17 hydrographic and

geodetic engineers with relative rank of lieutenant commander, 47 hydrographic and geodetic engineers with relative rank of lieutenant, 61 junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), 29 aides with relative rank of ensign, and including officers retired in accordance with existing law, \$633,955: *Provided*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.

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

I have never looked with very much favor, since I entered Congress, upon this Hydrographic Service. I notice that the committee did not reduce the Budget estimate for the salaries in this service. This is one of the services that was recommended for merger under the President's plan. I would like to know why the committee did not see fit to make a reduction under the Budget estimate in this identic item.

Mr. OLIVER of Alabama. I may say that this happens to be one of the bureaus for which the emergency bill carried \$1,250,000, which has kept the regular force very busy here in Washington handling the field reports. This emergency money, as the gentleman knows, is largely expended in the field. The data are sent here, which puts on the regular force the burden to examine, compile, and analyze the information thus obtained. This will continue; and while the committee did make some reductions, yet this is one reason why we felt we could not safely make further reductions. Congress had directed that certain additional work be done, and the regular officers and employees were required to direct, supervise, examine, and analyze the work and information thus made available.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Appropriations herein made for the field expenses of the Coast and Geodetic Survey shall be available for expenditures in the application of the airplane to the field work of the Coast and Geodetic Survey, and not to exceed a total of \$25,000 of said appropriations shall be available for the purchase or construction of cameras and other photographic apparatus, for equipment, except airplanes, and for employment of personnel in the field and office in connection with such work.

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

I notice in the report, and have it marked on the bill, that the committee places a limitation on the appropriation with respect to the amount that may be expended for certain equipment, including cameras and photographic supplies, other than airplanes. What is the purpose of this limitation?

Mr. OLIVER of Alabama. They are using airplanes in this survey, and the committee felt, with the approval of the director, that this would be a proper limitation to place on the amount to be expended for such purpose.

The pro forma amendment was withdrawn.

The Clerk read to and including line 4 on page 81 of the bill.

Mr. OLIVER of Alabama. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLIVER of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14363 and had come to no resolution thereon.

DESIGNATION OF SPEAKER PRO TEMPORE FOR THE EVENING SESSION

The SPEAKER. The Chair appoints the gentleman from Illinois [Mr. RAINEY] to preside at the evening session.

ORDER OF BUSINESS

Mr. WOODRUM. Mr. Speaker, it is obvious that the best part of the day to-morrow will be taken up in the completion of the bill under consideration. I have had many inquiries as to when we would consider the independent offices appropriation bill. I am wondering if it can not be understood that it will be taken up on next Tuesday morning?

Mr. RAINEY. I think that will be the understanding. We have 15 more pages of the pending bill to consider, and there will be several roll calls, and Monday will be occupied by unanimous consents and suspensions of the rules.

Mr. SNELL. Then it is understood there will be no business to-morrow except in connection with this bill?

Mr. RAINEY. Yes.

Mr. LaGUARDIA. Mr. Speaker, I would like to ask a question. I am wondering if there can not be some understanding that if separate votes are asked for on amendments to the pending bill adopted to-day they can not go over and be considered on Tuesday morning?

Mr. OLIVER of Alabama. In view of the fact that we are approaching so rapidly the end of the session, and that there are several important appropriation bills remaining undisposed of, and that there will be some important legislation in addition to that considered next week, I think it would be a mistake to let the votes go over.

Mr. RAINEY. I think they ought to be considered to-morrow and get through with the bill.

Mr. LaGUARDIA. Very well.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 239. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1933, and for other purposes; and

S. J. Res. 240. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

RECESS

Mr. RAINEY. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the House was called to order at 8 o'clock p. m. by the Speaker pro tempore, Mr. RAINEY.

The SPEAKER pro tempore. The House is in session until 10.30 o'clock p. m. for the purpose of considering bills on the Private Calendar unobjected to in the House as in the Committee of the Whole House on the state of the Union. The Clerk will report the first bill, beginning at No. 536 on the calendar.

WILLIAM JOSEPH VIGNEAULT

The first business on the Private Calendar was the bill (H. R. 792) for the relief of William Joseph Vigneault.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged sailors William Joseph Vigneault, late of the United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States as seaman, first class, on December 11, 1918.

With the following committee amendments:

Line 6, strike out the word "honorably," and in line 7, after the word "discharged," insert the words "under honorable conditions," and in line 9, after the figures "1918," insert a colon and the words "Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PETER E. ANDERSON

The next business on the Private Calendar was the bill (H. R. 1177) for the relief of Peter E. Anderson.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, I reserve the right to object. This bill ought to have an amendment to it to make it conform to the regular form. If the sponsor of the

bill will agree to the amendment showing the date from which the pension shall run, I have no objection.

Mr. PALMISANO. Mr. Speaker, the proponent of this bill was our late colleague, Mr. Linthicum. I know nothing about the bill except that I saw this afternoon that it is on the calendar.

Mr. EATON of Colorado. The gentleman should have no objection to the amendment.

Mr. PALMISANO. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Peter E. Anderson, who was a member of U. S. S. *Vermont*, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 7, strike out the word "honorably," and after the word "discharged" insert the words "under honorable conditions."

Mr. EATON of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Line 8, after the word "States," insert "as a member of that organization on August 25, 1898."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

SYDNEY THAYER, JR.

The next business on the Private Calendar was the bill (H. R. 1936) for the relief of Sydney Thayer, jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Sydney Thayer, jr., who served as an officer of the Marine Corps of the United States during the World War, shall be deemed and considered to be entitled to the benefits and privileges of the emergency officers' retirement act, Public, No. 506, Seventieth Congress, notwithstanding the time limit for applicants for the benefits thereunder has expired: *Provided*, That such disability rating is sufficient and said Sydney Thayer, jr., is otherwise eligible for retirement under the terms and conditions of said act: *Provided further*, That said Sydney Thayer, jr., shall not be entitled to any back pay or allowances by the passage of this act, except as provided by said emergency officers' retirement act.

With the following committee amendment:

Page 2, line 2, after the word "*further*," strike out "That said Sydney Thayer, jr., shall not be entitled to any back pay or allowances by the passage of this act, except as provided by said emergency officers' retirement act"; and insert "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WALTER SAM YOUNG

The next business on the Private Calendar was the bill (H. R. 2907) for the relief of Walter Sam Young.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, I object.

Mr. LAMNECK. Mr. Speaker, will the gentleman withhold his objection?

Mr. EATON of Colorado. Yes.

Mr. LAMNECK. I am interested in this bill. This boy served over three years in the Navy. He had two charges filed against him. One was for shooting craps and the other was for being absent without leave. In the testimony of the Navy representative assigned to the committee he said:

I have no information here, but at that time the commanding officer had authority to discharge not more than 2 per cent per quarter, per annum, as undesirable if they had records that showed them not to be material good for the Navy.

I contend that this man did nothing that should subject him to a dishonorable discharge. He shot craps once and then was absent without leave once.

Mr. EATON of Colorado. Does the gentleman from Ohio know this man?

Mr. LAMNECK. Yes; and he is working in Columbus and is a good respectable citizen.

Mr. EATON of Colorado. Mr. Speaker, on the recommendation of the gentleman from Ohio, I withdraw the objection.

Mr. LAMNECK. I thank the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Walter Sam Young, late of the United States Navy, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as a member of that organization on the 16th day of July, 1920: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 7, strike out the word "honorably" and insert "under honorable conditions."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GEORGE BRACKETT CARGILL

The Clerk called the next bill, H. R. 5548, for the relief of George Brackett Cargill, deceased.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, their widows, children, and dependent relatives, George Brackett Cargill, deceased, shall be held and considered to have been honorably discharged as a seaman, second class, United States Navy, on July 22, 1918: *Provided,* That no pay or bounty shall be held to have accrued prior to the date of this act.

SEC. 2. The Secretary of the Navy is authorized and directed to issue to Addie Cargill, mother of George Brackett Cargill, deceased, a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

With the following committee amendments:

Page 1, line 5, after the word "Navy," strike out "their widows, children, and dependent relatives"; page 1, line 7, strike out the word "honorably" and, after the word "discharged," insert the words "under honorable conditions"; in line 9, after the word "no," strike out the words "pay or bounty" and insert in lieu thereof "bounty, back pay, pension, or allowance"; page 2, strike out all of section 2.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM JOSEPH LACARTE

The Clerk called the next bill, H. R. 6409, for the relief of William Joseph LaCarte.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Joseph LaCarte, who was a member of the United States Naval Auxiliary Service and United States Naval Reserve Force, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on the 18th day of April, 1917: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 8, strike out the word "honorably," and after the word "discharged" insert "under honorable conditions."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FELIX MAUPIN

The Clerk called the next bill, H. R. 7263, for the relief of Felix Maupin.

Mr. EATON of Colorado. Mr. Speaker, I object.

Mr. BARTON. Will the gentleman reserve his objection?

Mr. EATON of Colorado. I will reserve the objection for the gentleman to make an explanation.

Mr. BARTON. Mr. Speaker, I desire to make a statement about this. This is a man who served in the Navy about nine years. He enlisted in 1913 and during his first 4-year enlistment he had but one charge against him, a petty offense; that is, the charge was that he attempted to smuggle some liquor onto the boat. At the end of the 4-year period he was honorably discharged. Then he reenlisted and served through the war, without a single mark against him.

Mr. BLANTON. Will the gentleman yield?

Mr. BARTON. I yield.

Mr. BLANTON. That is not quite the report from the Navy Department. The Navy Department says that in addition to the charge about the liquor there were three charges against him for being absent without leave, and for those charges he was fined \$191.

Mr. BARTON. I will come to that presently.

Mr. BLANTON. The Navy Department recommends against the passage of this bill. I just wanted those facts before the House.

Mr. BARTON. Exactly so. He served his first 4-year term with a single charge, which I have mentioned, and then he reenlisted.

Mr. MILLIGAN. Will the gentleman yield?

Mr. BARTON. I yield.

Mr. MILLIGAN. He was honorably discharged and then allowed to reenlist?

Mr. BARTON. Yes, sir.

Mr. BARTON. After the liquor charge he was permitted to reenlist. Then, on his second enlistment he served throughout the war and until some time in 1919. At that time he was entitled to an honorable discharge. As I understand it, he reenlisted, but they claim he changed his reenlistment to a 4-year period from that time. In 1920 he was absent over leave, and according to his explanation he drank something that he ought not have taken, and it had something in it that he did not think it had. At any rate, he was absent three times without leave in nearly three years. The first time was in 1920 and the last time was in 1922. For each of those offenses he was fined, and there was taken from his pay \$191. Then he was put on probation and before the probationary period expired he went ashore on leave and, as he explains, there came up a storm; not exactly a storm but at any rate a high wind, and they pushed off before he expected them to go, and when he came back he could not hire one of the smaller vessels to take him out to the vessel on account of the waves, and he was absent until the next day. For that he was given a dishonorable discharge.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BARTON. I yield.

Mr. WOODRUFF. Will the gentleman tell us how long he was absent without leave?

Mr. BARTON. He was absent less than 48 hours at any time.

Mr. WOODRUFF. Does the gentleman not believe he was punished adequately when he was fined \$191 for being absent less than 48 hours without leave on three different occasions?

Mr. BARTON. I certainly think that is so.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BARTON. I yield.

Mr. COCHRAN of Missouri. The report shows that this man served in the war from start to finish. Forty-eight hours was the longest he was ever absent from his command.

Mr. KNUTSON. How many times was he absent?

Mr. COCHRAN of Missouri. Three times. The Secretary of the Navy, in his report, which shows how far they will

go in cases of this character, says that in 1922 the United States was technically in a state of war.

Mr. WOODRUFF. With whom?

Mr. COCHRAN of Missouri. The United States was technically in a state of war. Are we not going to give some consideration to him who served in the war from start to finish? Some Members are absent from this House for weeks at a time and they were never fined \$191. [Laughter.]

Mr. EATON of Colorado. It appears by this record that this man's superior officer time after time forgave him for willful violations. At the end they gave him a six months' probationary period, and during that probationary period he could not conform to whatever rules and regulations were deemed to be necessary. Of all the cases that are here tonight, no man had more consideration by his superior officers than the man covered by this bill. There is another statement in connection with it, notwithstanding the mention that this occurred during the time when we were "technically" at war.

A portion of these offenses occurred during the time when we were actually at war. The offenses go back to July, 1919.

Mr. BARTON. No; I do not think so.

Mr. STAFFORD. That was after the armistice.

Mr. EATON of Colorado. He enlisted June 1, 1917.

Mr. BARTON. He reenlisted then.

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

Mr. EATON of Colorado. I yield.

Mr. STAFFORD. I believe the report shows that he was in service during the entire period of the war. He enlisted on the day following June 11, 1917, when he was honorably discharged. We were right at the beginning of the war. On July 26, 1919, Maupin changed his 4-year enlistment to a duration of the war enlistment. We were then out of the war, really.

I do not see any real serious offense that occurred during the war period.

We have been very jealous of granting relief to those who were guilty of serious offenses during the actual war period, but this soldier, apparently, from just a reading of the letter of the Secretary of the Navy, was doing service during the entire period of hostilities.

Mr. EATON of Colorado. Mr. Speaker, I will withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Felix Maupin, who was a machinist's mate, first class, United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a machinist's mate, first class, on the 23d day of August, 1922: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 7, strike out the word "honorably" and, after the word "discharged," insert "under honorable conditions."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RUTH M'CARN

The Clerk called the next bill, H. R. 7548, granting six months' pay to Ruth McCarn.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Ruth McCarn, dependent mother of the late John Bush Watson, seaman, United States Navy, an amount equal to six months' pay at the rate said John Bush Watson was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE OCCHIONERO

The Clerk called the next bill, H. R. 9231, for the relief of George Occhionero.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. KNUTSON. Mr. Speaker, will the gentleman withhold his objection?

Mr. STAFFORD. Yes.

Mr. KNUTSON. Would the gentleman from Pennsylvania like to give us an explanation of this bill?

Mr. COYLE. Yes. I investigated this case very fully and very carefully. If the gentleman from Wisconsin will note—

Mr. STAFFORD. Mr. Speaker, I reserve the objection.

Mr. COYLE. I was under the impression the gentleman had reserved his objection.

Mr. STAFFORD. No. I objected, and then when the gentleman from Minnesota and the gentleman from Pennsylvania appeared on the scene I reserved it.

Mr. COYLE. If the gentleman will note, the department makes a supplemental report in this case.

Mr. STAFFORD. I have not the supplemental report.

Mr. BLACK. Mr. Speaker, I demand the regular order.

Mr. KNUTSON. I hope we will not be taken off our feet like that.

Mr. STAFFORD. If the regular order is demanded, I object, but I believe, knowing—

Mr. BLACK. Mr. Speaker, the reason I demanded the regular order was in order to expedite this calendar. I withdraw it. Members ought to be able to make up their minds whether they object or not.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the gentleman from New York, I think facetiously, certainly unwittingly, demanded the regular order.

Mr. BLACK. I demanded the regular order in the interest of expediting business on the calendar. I think these conscientious objectors ought to make up their minds whether they are objecting, reserving objection, or intentionally making a speech.

Mr. BLANTON. The gentleman from New York will get more business transacted if he will adopt a policy of patience. Impatience will clog up the machinery.

Mr. COYLE. Mr. Speaker, in this particular case the supplemental report from the Navy Department withdraws its objection filed with its original report on this bill. They withdraw the objection because they state in a supplemental report to the committee that they had in the first place thought that there was a provision in the pension laws as they existed to take care of this worthy case. When they found they were mistaken in that fact and that there was no provision under the law without the enactment of this bill they recommended in favor of its passage.

Mr. PATTERSON. Does the gentleman from Pennsylvania have a copy of the supplemental report?

Mr. COYLE. I have a supplemental report in my hand. I will be very glad to read it to the gentleman, or file it.

Mr. PATTERSON. I suggest the gentleman read it.

Mr. COYLE. In the supplemental report, quoting from a letter from the Navy Department, the following statement is made:

It now appears that the unfavorable recommendation of the Navy Department on the bill (H. R. 9231) for the relief of George Occhionero was based upon an erroneous idea that he was entitled to receive a pension under the provisions of the United States Code, title 38, section 229, above referred to. In view of all the circumstances in this case, I now have the honor to inform you that the Navy Department would favorably recommend the enactment of the bill (H. R. 9231) for the relief of this man or a similar bill subsequently introduced for his relief.

This is signed "C. F. Adams, Secretary of the Navy."

Mr. PATTERSON. What is the date of that letter?

Mr. COYLE. January 20, 1933, and is printed in the supplemental report by unanimous consent.

Mr. STAFFORD. What is intended by the statement of the Secretary of the Navy that they would favor some other bill for his relief?

Mr. COYLE. The committee had in the meantime amended the bill that they reported out, putting him on the retired list as a marine gunner instead of a first lieutenant, and I have no doubt that this is what the Secretary had in mind, or else a subsequent bill in case this particular bill failed of passage.

Mr. STAFFORD. Mr. Speaker, I was much influenced in my conclusion that this bill is objectionable by the statement carried in the original report and found in the letter of the Secretary of the Navy that this claimant would be entitled to \$690 a year. The Secretary of the Navy in a supplemental report states this is an error, and I therefore withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint George Occhionero, former first lieutenant, United States Marine Corps, in which grade he served honorably during the World War, now a gunnery sergeant in the United States Marine Corps, and to retire him and place him on the retired list of the United States Marine Corps as a first lieutenant with retired pay of that grade, in accordance with the provisions of existing law for the retirement of officers of the Marine Corps, in case a retiring board should find him incapacitated for active service, and that his incapacity is the result of an incident of service.

With the following committee amendment:

Page 1, line 9, strike out the words "first lieutenant" and insert "marine gunner."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. DAVIDSON

The Clerk called the next bill, H. R. 9326, for the relief of John E. Davidson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and sailors, their widows and dependent relatives, John E. Davidson, seaman, second class, United States Navy, shall hereafter be held and considered to have been discharged under honorable conditions from the naval service of the United States at St. Elizabeths Hospital, Washington, D. C., on the 16th day of July, 1918: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DAVID SCHWARTZ

The Clerk called the next bill, H. R. 9355, for the relief of David Schwartz.

Mr. EATON of Colorado. Mr. Speaker, I object to the passage of this bill.

Mr. BLOOM. Will the gentleman reserve his objection?

Mr. EATON of Colorado. Mr. Speaker, I reserve the objection if the gentleman wishes to make a statement.

Mr. BLOOM. The report of the Acting Secretary of the Navy speaks for itself. This is the ordinary case that comes in here.

Mr. EATON of Colorado. The report of the Secretary of the Navy is a recommendation against the enactment of this bill.

Mr. BLOOM. No; not this particular bill. The Secretary says this is the usual bill, and ordinarily they have to object to such bills.

Mr. EATON of Colorado. In this case, Mr. Speaker, the veteran applied for and obtained compensation to the extent of several thousand dollars. Upon later examination of the case it was determined that his mental incapacity was not due to his service in the war or connected with the war and the compensation was withdrawn. This applicant asked to have the payment reinstated and continued from that time to the present.

The bill has been amended, however, to prevent any bounty, back pay, or allowance commencing prior to the

passage of the act. Nevertheless, it seems that the recommendation of the Secretary of the Navy ought to be followed unless the gentleman has some facts to indicate that the report is erroneous.

Mr. BLOOM. The report speaks for itself, and I have nothing outside of the matter contained in the report.

Mr. EATON of Colorado. My attention has been directed to the facts that these offenses were committed during the war period and therefore I withdraw my objection.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Schwartz, who served in the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on or about the 30th day of October, 1917: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 6, strike out the word "honorably," and after the word "discharged," in line 7, insert "under honorable conditions."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HENRY STANLEY WOOD

The Clerk called the next bill, H. R. 1264, for the relief of Henry Stanley Wood.

Mr. BLANTON. Mr. Speaker, this bill would pay \$7,690.67 out of the Treasury and the Treasury Department has always opposed bills of this character. There are thousands of similar claims barred by the statute of limitations and we ought not to pay out this \$7,690.67, and I therefore object.

PETE JELOVAC

The Clerk called the next bill, H. R. 1767, for the relief of Pete Jelovac.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. PITTENGER. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I may say that this Congress has virtually established the policy of not recognizing payment of claims for injuries occurring as far back as 1906. I do not question that, perhaps, this individual was injured, but there are many similar bills for the relief of persons employed by the Government for injuries occurring way back, and objection has been raised to their consideration.

Mr. PITTENGER. If the gentleman will permit, is it not a fact that Congress has gone back quite a ways in respect of claims of this character?

Mr. STAFFORD. Not at this term of Congress.

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

Mr. PITTENGER. I yield.

Mr. KNUTSON. Is it true that this man is absolutely blind?

Mr. PITTENGER. Yes, Mr. Speaker; this is a very pathetic case. This is a very old man, I think around 70, who has an aged wife and he maintains himself and wife by selling shoe strings on the street.

Mr. BLANTON. And he is completely blind?

Mr. PITTENGER. There is no doubt about that. The facts are in the report here, and our late colleague the gentleman from Oregon, Mr. Butler, gave careful consideration to this case.

I do not want to start any bad precedents, but here is a case where the files will show, as I know from having gone over them, that this was a case of negligence on the part of other employees. When the matter was called to my attention I felt it was a meritorious case.

I am under the impression that the date does not bar a claim if Congress feels it is meritorious, and certainly no one would say that the Government was doing all it ought to do if through the negligence of the Government agent the man was rendered totally blind and received only \$1,460.

Mr. BLANTON. This was in the Sixty-third Congress. Did that act provide that it would be in full settlement of all claims?

Mr. PITTENGER. I think probably it did.

Mr. BLANTON. Nowadays we put it in the bill that it shall be in full settlement of all claims against the United States Government. Has the gentleman looked the matter up?

Mr. PITTENGER. No; I have not.

Mr. BLANTON. Then, Mr. Speaker, until the gentleman makes an examination of that, I ask unanimous consent that the bill be passed over without prejudice, because in the Sixty-third Congress he received \$1,460, and if it provided that it was in full settlement of all claims against the Government, we ought not to set a precedent by going behind it.

Mr. KVALE. Is it not true that Congress is not a continuing body, and that we consider all these things de novo?

Mr. PITTENGER. That is true.

Mr. BLANTON. While that is true theoretically, each Congress does what it wants to do. I assure my friend that he will find very few instances in the history of the Government where one Congress has gone behind and undone what another Congress has done with reference to paying claims, where the claimant was given a sum of money "in full settlement of all claims against the Government."

Mr. KVALE. I think the gentleman is correct in that.

Mr. PITTENGER. I want to say that subsequent Congresses have provided that that law was not a humane law. They have created a compensation commission that have given payments in excess of this pitiful amount. I feel that this man ought to have an adequate compensation. He was an employee of the Government.

Mr. BLANTON. I agree with the gentleman; if it were not a final and conclusive settlement, \$1,460 is an inadequate payment for a man losing his eyesight, but I want time to look into the matter. I ask that this go over without prejudice.

Mr. BLACK. I think the gentleman from Texas is too broadminded to object to this. What difference does it make whether the money was received in full payment if this man received \$1,460, and it was not an adequate compensation for a man blinded for life?

Mr. BLANTON. We will have another private bill day, and let this bill retain its place on the calendar and go over without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

PRIMO TIBURZIO

The next business on the Private Calendar was the bill (H. R. 2917) for the relief of Primo Tiburzio.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I suggest the advisability of having the customary attorney's clause appended to the bill.

Mr. BLANTON. Mr. Speaker, with the understanding that the action of the committee reducing this bill from \$5,000 to \$2,500 will be adhered to and that it will be protected from any increase in the other body, I shall not object. There will be no such attempt?

Mr. LAMNECK. No.

Mr. BLANTON. And the \$2,500 will be accepted?

Mr. LAMNECK. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Primo Tiburzio, of Columbus, Ohio, the sum of \$5,000, in full settlement against the Government, as compensation for the death of his daughter, Mary Tiburzio, who was killed when struck by a United States mail truck on September 18, 1930.

With the following committee amendment:

Line 6, strike out "\$5,000" and insert "\$2,500."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the bill insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

R. S. HOWARD CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 3321) for the relief of R. S. Howard Co. (Inc.).

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill would pay out of the Treasury \$32,827.51. I object. I have an adverse report against the bill. It is too large a sum to pass here under unanimous consent.

Mr. KNUTSON. Mr. Speaker, will the gentleman withhold his objection?

Mr. BLANTON. I shall, but I am going to object.

Mr. KNUTSON. Mr. Speaker, this claim was submitted to the Court of Claims and the court found there was a legal liability of \$20,827. I happen to have been a member of the subcommittee that considered this claim, and as I recall we held hearings several forenoons upon it. We had members of the department before us and others.

As the result of the action taken by the Government in forcing this company to vacate its quarters over at the Bush Terminal Building in Brooklyn, the company was thrown out of its stride and is to-day virtually bankrupt as a result of the Government's action in compelling them to vacate those quarters. It seems to me that a company situated such as this one is should have its day in court. The Court of Claims has found that there is a legal liability of \$20,000, and because some clerk in the department writes an adverse letter is no sign that there is no merit to the claim.

Mr. BLANTON. If the Court of Claims found only \$20,000 to be due, why is the gentleman asking by this bill that the Government pay \$32,827.51?

Mr. KNUTSON. The Court of Claims also found that there was an equitable of \$61,000 and odd.

Mr. BLANTON. Mr. Speaker, this is too important a matter to be passed by unanimous consent, and I object.

DAVID A. WRIGHT

The next business on the Private Calendar was the bill (H. R. 6424) granting jurisdiction to the Court of Claims to hear the case of David A. Wright.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from Wisconsin permit a statement to be made?

Mr. STAFFORD. Certainly.

Mr. CHINDBLOM. Mr. Speaker, this is a case which was once heard in the Court of Claims under the so-called Dent Act. The Court of Claims, in its opinion, of which I have a complete copy, sets forth very clearly the reasons for its refusal to grant relief. We all remember that under the Dent Act an informal contract could be made the basis for a suit in the Court of Claims, provided the informal contract had been made with officers who were authorized to act on behalf of the department. In this particular case, at the time Mr. Wright, the claimant, began his negotiations and made his arrangements with the War Department, the Ordnance Department was operating under what was known as the commodity system, there being one section handling a particular commodity contracted for, produced,

inspected, and received by the department. Immediately after he had concluded his negotiations with the department, the department changed its plan of action and transferred its operations from the so-called commodity system to the functional system, under which a single division of the Ordnance Department contracted for and procured all articles, another division produced all articles, and another division inspected and received all articles. The Court of Claims in its opinion said, and it will be found on page 3 of the report:

The kaleidoscopic changes and reorganization of the Ordnance Bureau going on at the time plaintiff conducted his transactions precludes a recovery in this case.

Immediately after Mr. Wright had finished his negotiations the department returned to the commodity system. From that time on they were operating under that system. It is simply because for a very brief time the department changed its method of operation that this officer was unable to conduct his arrangements with the proper officers of the department. The Court of Claims said in its opinion:

The plaintiff, it is true, was never advised by any one of this fact, and in this connection it is proper here to observe that within a very short time after his transaction with the department the functional organization was abandoned and the former commodity plan readopted.

Mr. STAFFORD. Will the gentleman yield?

Mr. CHINDBLOM. Certainly.

Mr. STAFFORD. It appears that this claimant was negotiating with the officers of the Ordnance Department to secure a contract for the manufacture of a certain character of ordnance. The claimants not being in position to go ahead to manufacture that character of ordnance, the Ordnance Department awarded the contract to another contractor. Then later those same officers entered into a verbal arrangement with this man to give him a contract for some other character of ordnance and the war closed. Here is the War Department adversely reporting on this bill for the last several years.

I can not bring myself to the opinion that this man should have relief in the Court of Claims, based upon a statement virtually foreclosing the Court of Claims to find other than in favor of the claimant. True, he went ahead and perhaps secured machinery for getting the contract. Any number of manufacturers did that and did not get any relief.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHINDBLOM. This claimant, Mr. David A. Wright, was a tool manufacturer in Chicago. He attended a general conference at Atlantic City which had been called by the Secretary of War for the purpose of getting manufacturers in the United States to assist in the production of ordnance material. They were urged by Colonel Tripp, who was present there, representing the War Department, to set their establishments in order so as to produce war material. Mr. Wright came directly to Washington from Atlantic City. He conferred with Colonel Tripp, and Colonel Tripp turned him over to Maj. Charles D. Wescott and Mr. Howard Abbott.

Mr. Wright told them his plant was not large enough to make the machinery which they wanted, namely, sixteen 88-inch heavy-duty lathes at \$75,000 each, which were to be used in the relining of guns in France. He told them, however, that the Allis-Chalmers Co. had a plant in Chicago which he could purchase and which he could make available and suitable for that purpose. They told him to go back and get that plant and they would stand by him and they would give him the contract. He purchased the plant for \$155,000. He proceeded to arrange to produce these sixteen 88-inch heavy-duty lathes. Meantime the War Department found another manufacturer who was able immediately to produce those particular lathes, so they notified Mr. Wright that instead of the contract which they had offered him for those lathes, they would give him another contract for forty-three 42-inch lathes at \$17,671.56 each. Mr. Wright went ahead and prepared for the manufacture of those lathes. He had already bought the plant for \$155,000. He had pro-

cured material and he was installing the machinery when the armistice came.

I will say that Mr. Wright was a highly respected and reputed citizen and business man in my district. To-day he is living on a few acres of land in southern Missouri in the Ozarks. I have no doubt he enjoys the climate and the surroundings, but he has lost everything he had by reason of this arrangement. He is a patriotic citizen. He is not complaining, but he is asking for his day in court.

The only reason the Court of Claims did not act upon his suit when he brought it last time was that they said they could not bring it within the Dent Act, which required that he should have had his negotiations with officers who were specifically authorized to act for the department in this particular enterprise. I have shown how it was that the officers with whom he started negotiations, while the department was operating under the commodity plan, were authorized to negotiate with him, and before the thing was concluded the department changed its plan and went over to the so-called functional system, and without notice to him. In the meantime he had spent his money. He had bought the plant. He was ready to proceed with the manufacturing, and he lost practically all he had. I submit to the gentleman from Wisconsin that you can not get a clearer case for an exception from the general act.

Mr. STAFFORD. To my certain knowledge I know of some manufacturers who equipped their plants in expectation of securing war orders. When the war closed the orders were cancelled and they did not have any claim against the Government under the Dent Act or any other act.

I object, Mr. Speaker.

JAMES WALLACE

The Clerk called the next bill, H. R. 3627, for the relief of James Wallace.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Wallace, who was a member of Troop K, Sixth United States Cavalry, and who was honorably discharged therefrom on January 17, 1902, and reenlisted April 8, 1902, in said organization, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on June 22, 1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 8, strike out "said organization" and insert "Troop K, Fourth United States Cavalry."

Page 2, line 1, after the figures "1902," insert "and notwithstanding any provisions to the contrary in the act relating to pensions approved April 26, 1898, as amended by the act approved May 11, 1908."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREDERICK S. ROLLO

The Clerk called the next bill, H. R. 7326, for the relief of Frederick S. Rollo.

Mr. BLANTON. Mr. Speaker, this bill as introduced was for \$10,000. The committee has reduced it to \$1,500. May we have an understanding with the chairman of the committee, who will be a conferee, that he will not in the closing hours of Congress permit this to be raised above the \$1,500?

Mr. BLACK. I will promise the gentleman that all the pressure of the United States Senate will not permit this bill to be raised one cent.

Mr. BLANTON. Mr. Speaker, I want to raise one other question: Why is it there is no report from the department on this bill incorporated in the committee's report? The committee usually prints the department report on such bills.

Mr. BLACK. The chairman of the committee, who drew this report, probably did it hurriedly, and all that, but he was satisfied with the situation.

Mr. BLANTON. Is there an adverse report?

Mr. BLACK. I find this true, Mr. Speaker, that if I draw a 1-page report I get one objection. If I draw a 2-page report, I get two objections. I am trying to condense these reports. We can not get any place anyway, and what is the use of writing a novel on these things?

Mr. BLANTON. I have not yet objected to any bill unless there was against it some adverse report.

Mr. BLACK. I am not criticizing the gentleman.

Mr. BLANTON. Is there any adverse report against this bill?

Mr. BLACK. I have here a letter in which it is stated while the department very much regrets the injury to Mr. Rollo, you are informed no appropriation has been furnished the department for the disposition of claims of this character in cases where injuries are sustained by those working on public buildings or the site thereof. The only relief afforded is by act of Congress. This department, however, does not take the initiative in obtaining such legislation.

Mr. BLANTON. With the understanding that the amount will not be raised beyond \$1,500, I shall not object.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I notice there is no affidavit filed by anybody as to the injuries this man sustained, or what expense he was put to.

Mr. BLANTON. That is in the report.

Mr. BACHMANN. You can take the committee report ordinarily and tell what expense a man was put to or what injury he sustained, but there is no statement from the doctor or anything to show. I am going to object to every one of these bills where there is no report or letter from the department and where there is no affidavit or statement by some witness or the doctor, giving us some idea of the extent of the injuries.

In this instance this bill was introduced for \$10,000, and they have cut it down to \$1,500. If the injuries necessitated this man being paid \$10,000, and the amount has now been cut to \$1,500, certainly inquiry is proper as to the extent of the injuries.

Mr. PITTENGER. Mr. Speaker, will the gentleman withhold his objection?

Mr. BACHMANN. I will withhold it to permit the gentleman to make a statement.

Mr. PITTENGER. I may say to the gentleman, as a member of the Committee on Claims, all bills before it have been fully considered. The committee always considers the question of the extent of the injuries. That is based on affidavits and doctors' statements.

If we undertook to incorporate in our reports these affidavits and statements we would have an enormous bill for printing. We cut these things down, and we cut them down where they belong. That was done in this case. Your committee does not go haphazard into these matters. Your committee sits around that table and fights over these matters. The gentleman from Wisconsin [Mr. SCHAFER], is a member of the Committee on Claims and holds the championship record for checking into the reasons and I suspect he is responsible for the amount being cut to \$1,500 in this case.

I want the RECORD to show that the committee gives careful attention to all these matters.

Mr. BACHMANN. I may say in answer to the gentleman that I have been on this Private Calendar for some time, not only at this session of Congress. Very rarely does the committee make a report without incorporating a letter from one of the departments.

Mr. BLACK. If that is so—and it is so—why all the high excitement because there does not happen to be a report with this bill? The Committee on Claims is getting highly incensed at the attitude taken by these highly conscionable objectors. I do not see why there should be all this excitement because there happened to be an oversight. Notwithstanding the fact that there was \$8,500 cut off this bill the gentleman from West Virginia thinks he is doing his high duty to Congress and the rest of the world by calling atten-

tion to the fact that for once the committee forgot to put the affidavit or letter in the report.

Mr. BACHMANN. The committee forgot in the next bill, too, Calendar No. 554. They have no report in that case.

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

Mr. BLACK. I yield.

Mr. BLANTON. The gentleman from New York need not get so excited.

Mr. BLACK. I am not excited.

Mr. BLANTON. The people of the United States within the last three months, through a talking movie, have been given to understand that on certain nights here the House meets and the Speaker takes up a big lot of bills, some carrying \$100,000,000, and without any consideration whatever by the House, the Speaker will say "This bill will be considered as read, engrossed, passed, and a motion to reconsider laid on the table."

That is not so. There are men in this Congress who watch these bills, and who object when they are unmeritorious, and the American public is given the wrong impression; lots of bills are passed that ought not to be passed, but the unmeritorious bills carrying large amounts are stopped.

The gentleman from New York is impatient whenever any Member gets up here and raises an objection; and he calls the gentleman from West Virginia [Mr. BACHMANN] and the rest of us conscientious objectors; but it is a mighty good thing that the people of the United States have a few of them here in this Congress.

Mr. BLACK. Mr. Speaker, the chairman of the Committee on Claims is highly satisfied with his work, and he is not excited at all. The chairman of this committee is doing his best to save some money for the Treasury. The chairman of the committee was really a conscientious objector then in high and exalted standing and I wish the other objectors had gone along with him.

Mr. MOUSER. Mr. Speaker, reserving the right to object, along the line of what has just been stated by the gentleman from West Virginia and the gentleman from Texas, I may say that in going over the bill pertaining to claims for damages against the Government I found five bills without any Government report. I want to serve notice on the chairman of the Claims Committee that I am going to ask unanimous consent that all of these bills go over until this House gets information upon which it can act and I shall object to consideration of the bills if such unanimous consent is not given.

Mr. BLACK. That is not going to break the heart of the chairman of the Claims Committee. The gentleman should take that up with the Members who introduced the bills.

Mr. BACHMANN. Mr. Speaker, I want to say to the chairman of the Claims Committee that nobody wants to come in here and object to these bills as they come before the House, but the men who are objecting to the bills on this calendar are selected for that purpose. There are a great many tort actions that come before the gentleman's Committee and lots of times claims reach the House that have no reason to be passed.

Mr. BLANTON. And some that have already been passed.

Mr. BACHMANN. Yes.

Mr. BLACK. They are the only ones that get by the objectors.

Mr. SCHAFER. Mr. Speaker, I think we might as well adjourn to-night and let the members of the Claims Committee resign. After a subcommittee has spent 8 or 9 hours or even as much as 24 hours considering one of these bills and after the entire Committee on Claims fights over one of these bills, if they are not to be considered by the House, they might as well resign and let the conscientious objectors form a new Claims Committee and transact the business.

Mr. BACHMANN. Mr. Speaker, I object.

DAVID A. WRIGHT

Mr. STAFFORD. Mr. Speaker, a moment ago I objected to a bill (Private Calendar No. 551). I ask unanimous consent that we return to that bill (H. R. 6424).

Mr. BLANTON. Mr. Speaker, it is too early to begin returning to bills now. We have too many bills on the calendar that we have not reached. I object.

JOHN J. MORAN

The clerk called the next bill (H. R. 8136) for the relief of John J. Moran.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, since we have been discussing the work of the Claims Committee, I know there are a good many bills before that committee and I do not want to criticize them, but here is a bill that has passed the Claims Committee and is on the floor of this House providing for the payment of \$296.42 because some postmaster made a mistake in promoting a clerk which he was not authorized to do. You have passed that bill out making the Government of the United States pay the claimant 4 per cent interest since 1918.

Mr. BLACK. He ought to get 6 per cent. We were too reasonable about it. Sometimes the cost of printing the reports would cost more than the amount of the claim.

Mr. BACHMANN. There should certainly be a letter from the Post Office Department explaining what this is all about and saying whether it is proper or not.

Mr. BLACK. In some cases it would cost more to print all that information than to pay the claim.

Mr. STAFFORD. Mr. Speaker, will the gentleman from West Virginia withhold his objection?

Mr. BACHMANN. I withhold it.

Mr. STAFFORD. Would the author of the bill be willing to have this bill passed without the charge of interest included?

Mr. LONERGAN. Yes.

Mr. BACHMANN. There is another amendment that ought to be adopted. This claim was not denied by the Post Office Department, although the bill states that it was. It was denied by the General Accounting Office, and the bill certainly ought to be corrected in that respect.

Mr. STAFFORD. We can correct that by an amendment.

Mr. BACHMANN. This is another one of those cases where there is no report from the Post Office Department as to whether or not this claim is correct, and, in addition to that, this matter has been pending since 1918.

Mr. Speaker, I object.

Mr. LONERGAN. Will the gentleman withhold his objection a moment?

Mr. BACHMANN. I will be glad to withhold it.

Mr. LONERGAN. Mr. Speaker, during the war, one of the young men in the Post Office Department, as I remember it, left, and the postmaster had to act promptly. He transferred a carrier to the position of clerk and took a substitute carrier and named him carrier, and, awaiting authority from the Post Office Department, the postmaster paid both of these men out of his own funds. This was in a munitions manufacturing community in part, and the postmaster exercised business judgment in filling the vacancy. I think the case is one of merit and the bill ought to be passed.

Mr. BACHMANN. The Government got the service, did it not?

Mr. LONERGAN. Yes; and the postmaster paid for the service.

Mr. BACHMANN. And it was in 1918, was it not?

Mr. LONERGAN. That is true.

Mr. BACHMANN. Has the gentleman taken it up with the Post Office Department?

Mr. LONERGAN. I have not, but the claimant has, so he reports to me.

Mr. BACHMANN. Does the gentleman have a report from the Post Office Department that is not adverse to the payment of this claim?

Mr. LONERGAN. The Post Office Department said that the way to get the money was to apply to the Congress.

Mr. BACHMANN. May I ask the chairman whether he has in his files a letter from the Post Office Department about this claim?

Mr. BLACK. We have already wasted about \$250 worth of time on this matter.

Mr. BACHMANN. Does the gentleman have a letter from the Post Office Department about this?

Mr. PATTERSON. I think the gentleman from New York must have that document somewhere. I think this is a meritorious claim. We can pass over this, and when the gentleman finds his document we can go back to it.

Mr. BLACK. It seems to me that the Claims Committee ought to have some standing here. We have already spent \$500 worth of time.

Mr. BACHMANN. Does the gentleman say that there was no adverse report from the Post Office Department?

Mr. BLACK. I have the document here now. It says that in view of the fact that the services were performed by Mr. Keating and Mr. Welch, and each of them was paid the sum claimed by the postmaster, favorable action on the bill is recommended.

Mr. BACHMANN. Mr. Speaker, I withdraw the reservation of objection.

Mr. MOUSER. Mr. Speaker, I want to say that if the chairman had put that report of the department in we would not have required the time that we have wasted on this bill. Of course, a report could not be made on all items, but the committee could have put this document in its report.

Mr. ALLGOOD. I want to state to the gentleman that No. 550 on the Private Calendar had a favorable report, but it was objected to.

Mr. MOUSER. That was up to the individual.

Mr. ALLGOOD. The individual said there was a report against it. That is not true.

Mr. MOUSER. Well, I did not object to it; why ask me about it?

[Cries of "Regular order!"]

The SPEAKER pro tempore. Objection is withdrawn; the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and paid to John J. Moran the sum of \$296.42, being the amount paid by Mr. Moran as postmaster at Southington, Conn., to Raymond F. Keating and Keron R. Welch, employees at the post office, for the period August 16 to September 30, 1918, which amount was not allowed by the Post Office Department, plus interest at the rate of 4 per cent.

Mr. STAFFORD. Mr. Speaker, I move to strike out all after the figures "1918."

The Clerk read as follows:

Beginning with the comma, after the figures "1918," on line 9, strike out the remainder of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

M. J. HARBINSON

The next business on the Private Calendar was the bill (H. R. 9008) providing compensation to M. J. Harbinson for injuries sustained while in the Government service at and on the Belknap Reservation, Mont., engaged as a moundsman.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill has been reduced from \$4,500 to \$1,080. May I have the assurance of the gentleman from New York that another body will not raise it from that sum?

Mr. BLACK. I think the chairman of the committee ought to give bond for everything he does and be provided with counsel. [Laughter.]

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the men who sit on this floor night after night and try to protect the Treasury of the United States do not get a single cent more than other Members. If the gentleman from New York is going to take that stand, if he can not assure us that when the bill is sent to another body they will not raise it, I shall object to it, but if he will assure us that he will protect it for this reduced sum, I will not object. If we do not have such a reasonable assurance

I will object to every one of these bills that are proposed to be reduced to proper allowances.

Mr. KVALE. The gentleman has that assurance.

Mr. EATON of Colorado. Mr. Speaker, I object.

Mr. KVALE. Will not the gentleman tell us upon what ground he objects? If the gentleman has read the report and is not satisfied, I think I can satisfy the gentleman. My colleague is unavoidably absent this evening, but I am convinced of the merits of this bill.

Mr. EATON of Colorado. I have read the report over carefully. There is nothing in the report to show that the man when he was injured was in the employ of the United States, there is not a word to show that he was performing any duty for or on behalf of the United States.

Mr. KVALE. There is an affidavit in the report.

Mr. BLACK. It says here in the report that he was in the employ of the United States.

Mr. EATON of Colorado. The Department of the Interior has a long report and it does not so state.

Mr. BLACK. It says so in the first paragraph.

Mr. EATON of Colorado. This class of bills is generally handled under the Compensation Commission class of bills.

Mr. KVALE. The Compensation Commission has also a report.

Mr. EATON of Colorado. In all of the bills for injuries arising prior to 1916 no relief has been granted in this Congress. Many claims just as meritorious as this have been denied. With the exception of one bill, one of the first passed, none for injuries that arose prior to September 7, 1916, have been allowed. I therefore object.

Mr. KVALE. I wish the gentleman would reconsider his decision, for the reason, carried in the report of the Department of the Interior, also in the report of the United States Compensation Commission, which is carried in the report of the committee, also in the affidavit of the claimant and in the statement of the doctor who attended him, and then again in the statement of the gentleman who was a companion of his at the time of the accident, clearly he was in the Government employ, contradicting the statement of the gentleman at the outset of his remarks. Clearly he was injured while on Government service. Let me read the statement from the gentleman concerned. The bill has been cut from \$4,500 to \$1,080. I can not see why we can not do justice to this injured man. He says:

Despite the fact, I think the bill as introduced was fair without any cut, as they allowed nothing for doctor or hotel or board during the two years I was laid up.

Mr. KNUTSON. How much did the committee cut the bill?

Mr. KVALE. Practically 80 per cent.

Mr. PITTINGER. That covers the disability during the period of two years.

Mr. EATON of Colorado. In the statement of facts to which my attention was directed it merely states that this man was at one time for a certain period employed by the Government, but that at the time of the accident he took a team and wagon, which was in bad shape, and went away and never returned to his employment. There is nothing to show that he was doing any work for the Government or was performing any duty on behalf of the Government at the time of the accident.

Mr. KVALE. The affidavits contained in the report show clearly the opposite.

Mr. EATON of Colorado. I am reading from the report. Under the circumstances we may pass the bill without prejudice and let it stay on the calendar, and I shall withdraw my objection.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

EMILY ADDISON

The next business on the Private Calendar was the bill (H. R. 9336) for the relief of Emily Addison.

Mr. MOUSER. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice, pending a report from the department.

Mr. BLACK. I have a report here. It is a long report.

Mr. MOUSER. Is it favorable?

Mr. BLACK. It is. I read from the report:

It would appear from the record that as a matter of equity and justice the beneficiary under H. R. 9336 is entitled to some relief, and the War Department recommends it be granted in such amount as Congress may determine to be proper under the circumstances.

Mr. MOUSER. Mr. Speaker, reserving my objection further, there were three people injured and three killed in this case. Here we are asked to pass on a bill, and I call attention of the chairman respectfully to the fact that it will immediately involve the Government in five further claims. Yet we are asked to consider it without any department report. It seems to me that the chairman of this committee, with all due respect, can save the time of this House and expedite the business under this Private Calendar if his committee will attach the governmental report as being favorable or unfavorable.

Mr. PALMISANO. I wish to say that the Seventy-first Congress paid compensation to the parent of the three children who were killed in this accident.

Mr. MOUSER. And the gentleman will understand that there will be further claims. I withdraw the reservation in view of the favorable report.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think this amount is rather high for a person now enjoying fair health, and to pay \$2,000 to one injured in a minor way is more than liberal.

If the gentleman is willing to cut that down to a modest sum I will withdraw my objection.

Mr. PALMISANO. Mr. Speaker, I will offer an amendment at the proper time. I suggest it be made \$1,500, so that there will be no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$2,000 to Emily Addison in full for all claims she may have against the Government on account of injuries received by her on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

Mr. PALMISANO. Mr. Speaker, I offer an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. PALMISANO: In line 6, strike out "\$2,000" and insert in lieu thereof "\$1,500."

The amendment was agreed to.

Mr. PATTERSON. Mr. Speaker, I offer the usual attorney's-fee amendment.

The Clerk read as follows:

Amendment by Mr. PATTERSON: In line 11, after the words "United States," strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SPERRY GYROSCOPE CO. (INC.), OF NEW YORK

The Clerk called the next bill, H. R. 9457, for the relief of Sperry Gyroscope Co. (Inc.), of New York.

Mr. MOUSER. Mr. Speaker, I object to this bill.

Mr. CELLER. Will the gentleman reserve his objection?

Mr. MOUSER. I will reserve the objection, but I may save time by saying that I intend to object to this bill unless the departmental report is furnished.

Mr. CELLER. I have a copy of it right here. May I read the letter to the gentleman?

Mr. MOUSER. Secondly, I will object unless the amount is reduced in proportion to the recommendation of the department, whatever that may be. Upon private investigation, I find that the department has disallowed part of this claim and recommended the other part.

Mr. CELLER. That is not accurate. If the gentleman will allow me to read the letter from the Secretary of the Navy, I think he will have his mind cleared on the subject. Incidentally, this was a claim presented by the Sperry Gyroscope Co. (Inc.), of New York, for \$2,833.70 refused them by the Comptroller General's office on a strict legal interpretation of a contract, claiming that the Sperry Gyroscope Co. delayed delivery of the goods a certain number of days and therefore there could be invoked against them a penalty clause of 10 per cent of the amount of the contract. Ninety per cent of the total amount of the contract has been paid. The Comptroller General says the 10 per cent should not be paid. The Secretary of the Navy in his letter says as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 2, 1932.

The Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN CELLER: Receipt is acknowledged of your letter dated February 18, 1932, addressed to Rear Admiral Joseph J. Cheatham (Supply Corps), United States Navy, Chief of the Bureau of Supplies and Accounts, wherein you state you have introduced bill H. R. 9457, for the relief of the Sperry Gyroscope Co. (Inc.), in which letter you request opinion as to the merits of said bill.

The sum of \$2,833.77, provided by said bill, represents \$1,480.30 disallowed by the Comptroller General of the United States in settlement A-39464, dated November 20, 1931, as liquidated damages due to delay in delivery under contract No. NOs-12737 and \$1,353.47 disallowed by the Comptroller General in settlement A-40399, dated January 29, 1932, as liquidated damages due to delay in delivery under contract No. NOs-11163.

The material covered by the above-mentioned contracts was navigational apparatus and was largely experimental. Considerable delay was experienced by the contractor due to development work, to change in design, and making improvements found to be necessary to meet the exacting needs of the naval service.

The improvements made were instrumental in furnishing the Navy with apparatus of greater precision and accuracy, and the delays caused no additional expense to the Government. Much of the material furnished under said contracts has little application outside the naval service as the accuracy requirements exceed those called for in the commercial field.

Failure to remit liquidated damages where delays are incurred for the reasons hereinbefore set forth, and when the Government suffered no damage by the delays, is apt to discourage manufacturers from undertaking development work or improvement of standard instruments, which would militate against the best interests of the Navy.

The Navy Department recommends that bill H. R. 9457 be enacted.

Sincerely yours,

CHARLES F. ADAMS,
Secretary of the Navy.

Mr. MOUSER. That letter is addressed to yourself?

Mr. CELLER. It is a part of the record. This is a copy. The original is in the record.

Mr. MOUSER. But it is not in the report.

Mr. BLACK. We had a hearing on this bill, and the letter was submitted to the committee.

Mr. CELLER. The gentleman does not doubt my word, does he?

Mr. MOUSER. I do not refer to the gentleman. I want to know if the chairman of the committee had gotten that report?

Mr. BLACK. This is the report. We had a hearing on this bill, and that letter was submitted to the committee.

Mr. MOUSER. Why do we not have that before us? The only information I had was that the Comptroller General had disallowed both claims. I am talking about the information I have. The Comptroller General disallowed both claims, as the gentleman has just read from the letter from the Navy Department.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOUSER. I yield.

Mr. STAFFORD. I was desirous of knowing the Secretary of the Navy's report referred to in the report, under

date of March 2. The gentleman has just offered it. It would have saved a great deal of time in the consideration of these bills if we had been furnished the information which to me seems satisfactory, because it is a repayment of liquidated damages, whereby the Government has not suffered any loss, and therefore I think this bill should pass.

Mr. MOUSER. The gentleman, of course, realizes that the taxpayers will have to expend that much money, even though it is liquidated damages?

Mr. STAFFORD. Oh, yes; but I have never recognized the repayment of liquidated damages where the Government has suffered any loss. However, in this case, the Government has not suffered any loss by reason of the failure to furnish these supplies on time.

Mr. MOUSER. I will say to the gentleman if he will reduce that amount to \$2,000 I will have no objection. There are two conflicting reports.

Mr. CELLER. Where is the conflict?

Mr. MOUSER. The Comptroller General disallowed both claims. Now the Secretary of the Navy comes along in a recent letter, received by the zealous gentleman from New York in behalf of his clients—

Mr. PATTERSON. Will the gentleman yield to me?

Mr. MOUSER. I yield.

Mr. PATTERSON. I have made an investigation of that matter, and I find that the exact amount was disallowed without any interest. It is the same amount that the Navy now recommends. I feel that if it is the exact amount they have approved, without any interest, in all probability it would not be the proper thing to reduce it.

Mr. MOUSER. Well, I do not like this way of doing business, and unless the gentleman will reduce it to \$2,000 I will object.

Mr. CELLER. I do not think the gentleman should insist upon that.

Mr. BLACK. I make the suggestion to the gentleman from New York that he might accept the proposition of the gentleman from Ohio and reduce this to \$2,000.

Mr. MOUSER. There are two conflicting reports from governmental authorities. It certainly ought to be reduced if there is any doubt about the matter.

Mr. BLACK. The gentleman from New York [Mr. CELLER] is a practical gentleman. Two thousand dollars is better than nothing.

Mr. MOUSER. The gentleman from New York [Mr. CELLER] is an earnest advocate, but he can not change my mind altogether, when the Comptroller General has turned this matter down.

Mr. CELLER. The Comptroller General has to decide it this way. He must take a legalistic view of this proposition, and that is why we have come here for this remedy. Under the contract I would say that the Sperry Gyroscope Co. have inflicted against them the Shylock attitude of somebody demanding the pound of flesh, certainly without justice, and they could not get their remedy.

If you are going to existing organizations of this character for the development of these specific instruments that must be developed with the greatest accuracy, instruments which go into our national defense, which go into airplanes and go into the very lifeblood of the Nation for purposes of defense they must be treated properly or they can not be expected to continue.

Mr. MOUSER. I do not want to be unreasonable, but the gentleman has already conceded in his statement that the contracts are illegal. Therefore there is no legal obligation on the part of the Government.

Mr. CELLER. No; I did not say that.

Mr. MOUSER. It is simply a so-called moral obligation; there can not be legal liquidated damages if it is not a legal obligation. Therefore I think the gentleman should accept the suggestion.

Mr. CELLER. I will accept it.

Mr. MOUSER. Mr. Speaker, I will, at the proper time, offer an amendment in conformity with the suggestion.

Mr. CELLER. I will accept it. That makes it \$2,000.

Mr. MOUSER. That is right.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,833.77 to the Sperry Gyroscope Co. (Inc), on remission of liquidated damages under contracts covering self-synchronous gyro compass course recorders and for alidades furnished the Brooklyn Navy Yard.

Mr. MOUSER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOUSER: In line 5, strike out "\$2,833.77" and insert in lieu thereof "\$2,000."

Mr. BLANTON. Mr. Speaker, I offer an amendment to the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. MOUSER: After the figures "\$2,000" insert the words "in full settlement of all claims against the United States."

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Texas to the amendment of the gentleman from Ohio.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MOUSER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOUSER: Line 9, after the word "Yard," insert: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed; and a motion to reconsider laid on the table.

NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The Clerk called the next bill, H. R. 9581, to provide an additional appropriation as the result of a reinvestigation, pursuant to the act of February 2, 1929 (45 Stat. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosions at the Naval Ammunition Depot, Lake Denmark, N. J., July 10, 1926.

Mr. BLANTON. Mr. Speaker, this bill carries \$14,409.09, but it comes to us from the committee with a favorable report from the Navy Department and a favorable report from the Comptroller General. With this state of facts, I do not object.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, as a member of the Committee on Claims, I voted against reporting this bill out. The gentleman from Texas [Mr. BLANTON] perhaps overlooked the fact that legislation had been enacted providing for the determination of the amount of damages by the Navy Department and appropriations made for those allowances. Now we come in and find that a certain few of the beneficiaries of that legislation did not desire to accept the amounts originally determined by the Navy Department. Thereupon the Navy Department reopened and reviewed these few claims and recommended an additional amount of \$14,409.09. I do not believe that the Treasury should be dipped into for this amount. One of the claimants herein will receive \$9,000, a claimant who, according to the committee report, has already received \$29,756.99.

In view of these facts, and in view of the fact I voted against the bill in committee, and in view of the fact that the watchdog of the Treasury [Mr. BLANTON] is willing for the Treasury to be raided to this extent, I object.

Mr. BLANTON. The Comptroller General says it is a just claim and ought to be paid.

LAURA ROUSH

The Clerk called the next bill, H. R. 10377, authorizing the payment of compensation to Laura Roush for the death of her husband, William C. Roush.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, I object.

GEORGE T. JOHNSON & SONS

The Clerk called the next bill, S. 563, for the relief of George T. Johnson & Sons.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George T. Johnson & Sons, of Cambridge, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$180 in full settlement of claim for repairs ordered by the collector of customs at Baltimore, Md., to wharf and boats of H. F. Brannock (Inc.) due to damages done by seized power boats *Hiawatha* and *Whit-poorwill* in charge of United States customs officers.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

ANNA POKORNY

The Clerk called the next bill, S. 3147, for the relief of Anna Pokorny.

Mr. MOUSER. Mr. Speaker, reserving the right to object, I notice frequently we get bills from the Senate which provide for monthly payments over a period of years. My thought is solely that this amount should be paid by the Government in a lump sum. It figures out for a period of 167 months, which is 13 years and 11 months, to a total of \$5,010. I think the universal custom in death claims is to allow \$5,000.

I therefore urge that an amendment providing for payment in a lump sum be adopted and urged upon the Senate conferees. In its present form it means bookkeeping over years, possible litigation between the heirs and the Government, and a lot of red tape and technicality.

I think the claim is worthy, I will say to the chairman of the Committee on Claims; but I do respectfully urge that he accept the suggestion that the amount be paid in a lump sum.

Mr. BLACK. I have no particular objection to its being paid in a lump sum. If the gentleman wishes such an amendment, I shall be pleased to accept a lump-sum amendment and insist on it in conference.

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

Mr. MOUSER. I yield.

Mr. STAFFORD. There have been some cases where there has been a very meritorious presentation of grounds for voting a monthly allowance on the theory that the claimant, if voted a lump sum, might dissipate the total amount very quickly.

I do not recall all the facts of this case. I know it is a meritorious claim. It might be provided that she be paid \$30 per month during her lifetime only. Of course, then she would be assured of getting this amount every month during her lifetime—or for 167 months—whereas if she received the \$5,000 she might squander it and in a few years become an object of charity.

Mr. MOUSER. I may say to the gentleman that we can not set the Government up as a guardian of these people. In that case we would have to go into the personality of the beneficiary. If she is entitled to relief, she should have it, and it should be paid in a lump sum.

Mr. STAFFORD. Then the amount should be made a flat \$5,000.

Mr. MOUSER. Yes. That is in conformity with our usual policy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Pokorny, of New York City, the sum of \$30 per month for a period not to exceed 167 months, in full satisfaction of her claim against the United States on

account of the death of her husband, William Pokorny, who was killed by a stray bullet fired by a member of the United States Army in target practice near Sandy Hook, N. J.

Mr. MOUSER. Mr. Speaker, I offer the following amendment:

In line 6, strike out all after the word "of" down to and including the word "months," in line 7, and insert in lieu thereof "\$5,000" and the usual attorney's fee provision.

The Clerk read as follows:

Amendment offered by Mr. MOUSER: Page 1, line 6, after the word "of," strike out "\$30 per month for a period not to exceed 167 months," and insert "\$5,000."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MOUSER: At the end of the bill insert the following:

"Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JOHN L. DUNN

The Clerk called the next bill, H. R. 973, for the relief of John L. Dunn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John L. Dunn, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 in full settlement against the Government of his claim for injuries received when he was run down by an automobile driven by M. C. Northrup, special agent of the Treasury Department attached to the Customs Service.

Mr. MOUSER. Mr. Speaker, I offer the usual attorney's fee amendment.

The Clerk read as follows:

Amendment offered by Mr. MOUSER: At the end of the bill insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ANTHONY HOGUE

The Clerk called the next bill, H. R. 3044, for the relief of Anthony Hogue.

There being no objection, the clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$600 to Anthony Hogue, formerly finance clerk of the Fox Creek Post Office Station, Detroit, Mich. Said sum represents the amount paid by said Anthony Hogue to the United States Government to make up the deficit in the accounts of the Fox Creek Station, which deficit was caused by robbery or burglary of said post office.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: At the end of the bill insert "on or about July 30, 1927."

Mr. CLANCY. Mr. Speaker, I am pleased to accept the amendment.

The clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the bill insert "on or about July 30, 1927."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the usual attorney's fee amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD. At the end of the bill insert the following:

"Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

GUSTAV WELHOELTER

The Clerk called the next bill, H. R. 3045, for the relief of Gustav Welhoelter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$900 to Gustav Welhoelter, assistant superintendent of the Fox Creek post-office station, Detroit, Mich. Said sum represents the amount paid by said Gustav Welhoelter to the United States Government to make up the deficit in the accounts of the Fox Creek station, which deficit was caused by robbery or burglary of said post office.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: At the end of the bill insert "on or about July 30, 1927," and the customary attorney's fee amendment.

Mr. CLANCY. Mr. Speaker, I am pleased to indorse the amendment with respect to the date of the robbery.

Mr. KUNZ. Mr. Speaker, do I understand that in all of these cases attorneys' fees are allowed? I do not see why attorneys' fees should be allowed in case of a robbery.

Mr. STAFFORD. Mr. Speaker, for the information of the gentleman from Illinois, I ask that the attorney's fees amendment may be reported in full.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 11, after the word "office," insert "on or about July 30, 1927," and the customary attorney's fee provision, as follows:

"Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MESSRS. SHORT, ROSS, SHAW, AND MAYHOOD

The next business on the Private Calendar was the bill (S. 212) for the relief of Messrs. Short, Ross, Shaw, and Mayhood.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$60 to Messrs. Short, Ross, Shaw, and Mayhood, of Calgary, Alberta, Canada, for services performed in connection with the extradition

of one Emmett A. Busby, who had been indicted in the United States District Court for the Southern District of California on a charge of concealment of assets of a bankrupt estate.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

KENNETH CARPENTER

The next business on the Private Calendar was the bill (S. 213) authorizing adjustment of the claim of Kenneth Carpenter.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Kenneth Carpenter for blood furnished August 29, 1930, for transfusion to Clarence C. Watson, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of \$30. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30, or so much thereof as may be necessary, for the payment of such claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OREM WHEATLEY, KENNETH BLAINE, AND JOSEPH R. BALL

The next business on the Private Calendar was the bill (S. 219) authorizing adjustment of the claims of Orem Wheatley, Kenneth Blaine, and Joseph R. Ball.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claims of Orem Wheatley for blood furnished April 15, 1931, and Kenneth Blaine for blood furnished April 22, 1931, for transfusions to Edwin Grinnell, a patient in a Government hospital, in amounts not in excess of \$30 and \$20, respectively; and, also, the claim of Joseph R. Ball for blood furnished June 30, 1931, for transfusion to Harry Blair, also a patient in a Government hospital, in an amount not in excess of \$42, and to allow in full and final settlement of said claims amounts not in excess of the amounts herein stated. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$92, or so much thereof as may be necessary for the payment of said claims.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHNSON & HIGGINS

The next business on the Private Calendar was the bill (S. 252) authorizing adjustment of the claim of Johnson & Higgins.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to settle and adjust the claim of Johnson & Higgins in a sum not exceeding \$115.12 for a general average adjustment requested by the War Department to be made in August, 1922, and report of which was made in 1927. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$115.12 for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM B. THOMPSON

The next business on the Private Calendar was the bill (S. 284) for the relief of William B. Thompson.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I do not like to take the time in pointing out overcharges as the basis of claims; but it seems to me from the itemization on page 3 that this claimant is working the Government to the extent of a few hundred dollars. Why should we pay for cementing the cellar and pay for 91 hours for pumping water?

Mr. PITTINGER. Let me say to the gentleman that I prepared the report, and I did it after carefully going

through the report of the Secretary of War and other records submitted. They had their engineer and men on the job to investigate, and they say that the claim is reasonable. I concurred in their conclusions.

Mr. STAFFORD. Why should the Government pay for laying the cement in a person's cellar?

Mr. PITTINGER. Because of the change in the water level due to the digging of the canal, this man's cellar, which was not cemented, and which had been a good dry cellar, suitable to his purpose before, was flooded.

Mr. STAFFORD. Oh, on occasions the water would seep through.

Mr. PITTINGER. Oh, no, no.

Mr. BACHMANN. Mr. Speaker, I believe the gentleman from Minnesota states the correct situation, as I understand the report. There was no water in this man's cellar prior to the time the War Department went in there and started to dredge that canal.

Mr. STAFFORD. I agree.

Mr. BACHMANN. And after that he started to have this trouble.

Mr. STAFFORD. I agree.

Mr. BACHMANN. And he had to cement his cellar to keep the water from coming in.

Mr. STAFFORD. Oh, no. The report says that in order to prevent it he had to install an electric pump, and before that he used a hand pump.

Mr. BACHMANN. But the cost of that pump was only \$30.

Mr. STAFFORD. I withdraw the objection, although I think the claimant is working the Government.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Thompson, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$562.80 by reason of damages to his property caused by the dumping of spoil dredged from the Chesapeake and Delaware Canal in the lowering of the water level of the said canal at the town of Summit Bridge, New Castle County, in the State of Delaware.

Mr. PATTERSON. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. Patterson: Page 1, line 6, after the figures "\$562.80" insert "in full settlement of all claims against the Government."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

HERBERT G. BLACK

The next business on the Private Calendar was the bill (S. 487) for the relief of Herbert G. Black, owner of the schooner *Oakwoods*, and Clark Coal Co., owner of the cargo of coal on board said schooner.

The SPEAKER pro tempore. Is there objection?

Mr. MOUSER. Mr. Speaker, I object.

Mr. NELSON of Maine. Mr. Speaker, will the gentleman withhold his objection for a brief statement?

Mr. MOUSER. I reserve it for the moment, but I say to the gentleman frankly that my ground of objection is that there is absolutely no negligence here. The schooner went beyond the buoys, and the submarine hit it. That is the report of the department.

Mr. NELSON of Maine. Mr. Speaker, I think the gentleman has not read the report fully. This man, Herbert G. Black, I am interested in, because he is a constituent of mine. He is an old-time Maine sea captain. He has had long experience and is fully acquainted with all of the requirements of navigation and has a splendid record. At the time of this accident he had practically his life savings invested in this schooner. In this bill he is asking not for any appropriation but simply for the right to go into the United States court and prove his case.

Mr. MOUSER. That is correct.

Mr. NELSON of Maine. On the evening of November 24, 1919, his schooner came into collision with a United States submarine. Immediately after that the Navy Department held an ex parte hearing, in which no member of the crew or captain of this schooner was present.

The Navy Department made a sort of finding that the lights on the schooner did not conform to the requirements of navigation or the rules of the road, and that he was in an improper place at the time. That was an ex parte hearing. If the captain had been allowed to be present, he would have testified that these lights had been recently purchased by him, that he had personally lighted and trimmed and placed those lights, and that they were giving the usual amount of visibility on that night. The evidence of these men on the submarine, who, of course, were protecting their own interests, was that they did not see this schooner until they were within 50 yards of the ship.

Up to 1928 the Navy Department had always claimed that a submarine was not subject to the same requirements of navigation and rules of the road as required of ordinary shipping, and a case in the United States court at that time held it was.

Mr. MOUSER. Was that decision of the United States court subsequent to that claim?

Mr. NELSON of Maine. Yes; in 1928.

Mr. MOUSER. If that is true, I have no objection.

Mr. NELSON of Maine. And after that the Navy changed their system of lights.

Mr. MOUSER. I have no objection to this gentleman's going into the admiralty court if there is a decision such as the gentleman refers to.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand the rule of the admiralty court—and I wish the gentleman to correct me if I am in error—it is that where there is fault on both sides, and the gentleman makes the contention that there was negligence on both sides—

Mr. NELSON of Maine. Oh, I did not make that contention.

Mr. STAFFORD. Assuming then that there is negligence on the part of both the owner of the schooner, because the lights on his ship on the port side were not of sufficient visibility, and assuming that in the operation of the submarine the Government was negligent because their lookout was back maybe 5 or 10 feet, then, where the court finds negligence on the part of both, the rule is that it will assess the damages in favor of that person who sustained the greatest damage.

If that is a correct statement of the law, I am not willing, from my acquaintance with this case, to allow the owner of this schooner to go into the admiralty court and get a return of \$18,000, or whatever the value of his schooner is.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. NELSON of Maine. In 1925, as illustrative of the position which the Government takes in these cases, we passed a law called the "public vessels act," allowing claimants in all such cases as this, and evidently intending to cover all outstanding cases at the time, to bring a libel against the United States Government in the United States Court, in all cases arising subsequent to April 6, 1920. If they had simply set that date back three or four months it would have covered this case. This case was in the latter part of November, 1919, and when they fixed the limitations in the law they put it April, 1920. I believe there is no evidence that there was any negligence on the part of this captain as regards the lights.

Mr. STAFFORD. Oh, I think there is more evidence of negligence on the part of the owner than on the part of the operators of the submarine.

Mr. NELSON of Maine. They had an ex parte hearing before a board of naval inquiry, and the owner of this boat was there and the captain says was ready to prove that these were new lights, trimmed and placed and going in perfect shape that night. All he wants is an opportunity to prove it.

Mr. MOUSER. I think the gentleman from Wisconsin would be interested—in view of what he says about the admiralty law, in case there was equal negligence the party being most damaged would be compensated—to have a statement of the decision which the gentleman called to my attention, which would remove the negligence of the captain.

Mr. STAFFORD. I am acquainted with that decision, as I have examined it myself.

Mr. NELSON of Maine. The gentleman will note that the Navy Department in 1924 were adverse to this claim. In their later report, made when Senator WHITE introduced this in the Senate, they do not recommend against it and say it is up to Congress to determine. The policy of Congress, as evidenced by our public vessels act, is to give claimants an opportunity to prove an honest case and not hide behind the statement that the state can do no wrong.

Mr. STAFFORD. Oh, I am not in sympathy with that idea.

Mr. NELSON of Maine. We are not asking for any appropriation. We are simply asking for a citizen who has lost his means of livelihood to come into court and prove his case. If he was negligent or if he has no case, he can not recover. I think the least we can do to an honest citizen of the United States is to give him an opportunity to prove an honest claim.

Mr. STAFFORD. Would the gentleman be agreeable to an amendment providing "under the same terms as provided by the act of March 5, 1925"?

Mr. NELSON of Maine. Yes; I would be very glad to. That is all I want.

Mr. STAFFORD. Because I am influenced by the fact that if this accident had occurred immediately after the date of this enabling act, the owner would have had his day in court.

Mr. NELSON of Maine. That is true.

Mr. STAFFORD. Mr. Speaker, I will offer that amendment and therefore withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the claims of Herbert G. Black, owner of the schooner *Oakwoods*, and Clark Coal Co., owner of the cargo of coal on board said schooner, for damages arising out of a collision between such schooner and the United States submarine R-3 off the southern end of Cape Cod Canal on November 24, 1919, may be sued for by the said owners in the United States District Court for the District of Maine, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said schooner *Oakwoods* and the owner of the cargo of coal on board said schooner, or against the owner of the said schooner *Oakwoods* and the owner of the cargo of coal on board said schooner in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. STAFFORD. Mr. Speaker, I offer an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 2, line 10, after the word "admiralty," insert the words "under the terms and conditions of the public vessels act of March 3, 1925, chapter 22, United States Code."

The amendment was agreed to.

Mr. STAFFORD. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

Amendment by Mr. STAFFORD: In line 16, after the words "United States," insert "district attorney."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STANDARD DREDGING CO.

The Clerk called the next bill, S. 1274, for the relief of the Standard Dredging Co.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, in looking over the report and the different items charged for I think this bill should be amended to reduce the amount to \$2,000. I note interest charges and other charges are put in to make up the \$2,500-plus, and I believe it would be well for the company, and they could well afford to accept an amendment, to make it \$2,000.

Mr. PITTENGER. Will the gentleman yield?

Mr. PATTERSON. I yield.

Mr. PITTENGER. I wish to say for the information of the gentleman from Alabama [Mr. PATTERSON] that the amount was arrived at by the Secretary of War after full investigation, and I have accepted his figures.

Mr. PATTERSON. I understand that. It is less than they originally submitted.

Mr. BACHMANN. Will the gentleman yield?

Mr. PATTERSON. I yield.

Mr. BACHMANN. How much does the gentleman suggest it should be amended?

Mr. PATTERSON. I suggest it should be amended to make it \$2,000 instead of \$2,531.25.

Mr. BACHMANN. I wish to direct the gentleman's attention to page 2. I notice there is an interest charge of 6 per cent, based on a 300 work-day year, at \$45 a day.

There is an amount of \$200; then there is a profit.

Mr. PATTERSON. A profit of 20 per cent?

Mr. BACHMANN. A profit of 20 per cent based on the \$200.

Mr. PATTERSON. There is a profit. At least, I disagree there with the profit of 20 per cent; and I think, in view of some other items which are not there, they could well afford to accept \$2,000, especially in view of the condition of the Treasury to-day, and in view of the purchasing power of the dollar to-day as compared to what it was some time ago. I may say to my colleague the gentleman from Minnesota that I think the claimant could well afford to accept \$2,000.

Mr. PITTENGER. I suggest that the gentleman offer his amendment.

Mr. BLACK. Mr. Speaker, this suit has been passed on by the Court of Claims. The Court of Claims wanted a greater judgment than the bill calls for. It has been reduced in the bill by \$700. They have had to go to the Court of Claims once and now they have to come to Congress again and Congress has cut the judgment rendered by the Court of Claims.

Mr. BACHMANN. If the Court of Claims rendered a judgment, why was it not paid?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, here is a claimant, rather intelligent of their rights, who came before Congress once and got a private relief act from Congress for the repair of the dredge.

Mr. PATTERSON. Yes; and it was quite a big repair.

Mr. STAFFORD. Now they are seeking demurrage, and there was no negligence on the part of the Government in the operation of this dredge; it was merely the result of an accident suffered by reason of the dredge being caught in the current. I do not think it is a very conscientious claim.

Why did not this dredge company include this item when they were here before and secured relief for the amount of the repair? At that time they made no claim for demurrage.

Mr. PITTENGER. This is a large company.

Mr. STAFFORD. Oh, yes. The Standard Dredging Co., seeing how easy it was to get money out of the Government for the repair of the dredge, thought they would come again and try it.

Mr. BLACK. The biggest dredging company in the world could not get anything out of the Government if the gentleman from Wisconsin was around.

Mr. STAFFORD. I was not around when this came up, unfortunately for the Government.

Mr. PITTENGER. I will accept the amendment.

Mr. BLACK. We will take \$500 off and go to the next bill.

Mr. BACHMANN. No. I think it is a serious claim and I think we are entitled to know the details of the claim. As I have stated heretofore, I would like to know why we should reimburse them for \$7.50 a day for taxes? What kind of taxes are they? Why should the Government pay them \$7.50 a day for taxes? I do not understand why we should pay that.

Mr. BLACK. We can not go into such a detailed itemization of every claim submitted as the gentleman may wish. We have got to have some respect for the Department of War, which investigated this claim. They report that it is a worthy claim.

Mr. PATTERSON. I think if we strike out the profit and make the amount \$2,000 it will be fair.

Mr. BLACK. The Senate committee has investigated it.

Mr. BACHMANN. That does not change the situation. We are entitled to know what the claim is based on.

Mr. BLACK. It is all set forth in the report.

Mr. BACHMANN. Can the gentleman tell me why we should reimburse them for an item of \$7.50 a day for taxes?

Mr. PITTENGER. Mr. Speaker, the operation of this dredge was stopped for a period of 5½ days, and the loss sustained has been worked out by the Secretary of War. It consists of these items that are included in this report.

Mr. PATTERSON. I may say to my distinguished colleague from Minnesota, who is very sincere in working on his bills, that some of these things overlap and do not seem justified.

Mr. PITTENGER. I will accept the amendment.

Mr. BACHMANN. Here is a statement showing interest at 6 per cent, based on a 300-day working year, \$45; profit at 20 per cent of value, based on a 300-day working year, \$150; overhead, including insurance at \$15 per day, \$55; and taxes in 1916, at \$1 per 100, \$7.50.

Mr. PATTERSON. I propose to strike all that out.

Mr. BLACK. I take it the War Department has found that these taxes were paid, the overhead was paid, and the insurance was paid. This is a reimbursement proposition. Of course, the profits were not paid.

Mr. BACHMANN. The main item in this claim is rental charge of \$142.50. I think this is just and they ought to receive this amount; but without some further explanation as to why we should pay interest at 6 per cent and overhead, including interest at \$15 a day and also taxes, I am disposed to oppose that part of the bill. I have no objection to the rental charge amounting to \$142.50.

Mr. PITTENGER. That does not cover all the loss or all the damage.

Mr. BACHMANN. What other claim have they got here?

Mr. PITTENGER. Every item is set forth here.

Mr. BLACK. Interest at 6 per cent means interest at 6 per cent, and taxes means taxes, whether they are State, county, or Federal taxes, and the War Department says that these taxes were paid.

Mr. BACHMANN. As the gentleman from Wisconsin has said, the principal part of this claim has already been paid by legislation, and now they are back a second time, wanting interest and taxes and insurance and profits.

Mr. BLACK. In the absence of any more particular information than the War Department gives us, if the gentleman insists on his position, the sensible thing to do, I presume, is to compromise.

Mr. BACHMANN. What amendment does the gentleman from Alabama suggest?

Mr. PATTERSON. I objected particularly to the profits, and that is the matter that called it to my attention.

Mr. BACHMANN. That is based on 20 per cent of value and amounts to \$150 for five days.

Mr. PATTERSON. I thought they would be entitled to some profits, however, and I proposed to reduce the entire claim to \$2,000. If the gentleman is not satisfied, however—

Mr. PITTENGER. Profit is a legitimate element of damage.

Mr. PATTERSON. But 20 per cent is too high.

Mr. PITTENGER. The War Department found that this was the amount of profit they lost.

Mr. BLACK. That was their contractual profit. Whether it was too high or too low, in the gentleman's opinion, that was the actual loss.

Mr. BACHMANN. In view of the discussion, what amendment does the gentleman think ought to be made here?

Mr. PATTERSON. In view of the discussion, the bill may stand a good deal more cut than I thought, but I wanted to be generous in the matter.

Mr. BACHMANN. Would the gentleman accept an amendment of \$1,500?

Mr. BLACK. I do not know anything about this except what is in the report. No one has been before the committee and I am anxious to get the work of the committee done because I do not want all these matters to go over until the next session. I shall accept any reasonable compromise, but I can not assure the gentleman I shall try to defend the position of the House in conference because the Senate conferees may have important information that would make me think otherwise.

Mr. BACHMANN. Then I shall be compelled to object.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, I object.

C. A. CATES

The Clerk called the next bill, H. R. 2294, for the relief of C. A. Cates.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my reading of the report this was an unavoidable accident.

Mr. PITTENGER. Oh, no.

Mr. FIESINGER. This is a perfect case of negligence, as I read the report.

Mr. STAFFORD. There is no real, permanent injury here.

Mr. PITTENGER. There is a sacroiliac injury.

Mr. STAFFORD. Where does that appear in the report?

Mr. FIESINGER. On page 2 of the report the doctor makes a statement as of August 13, 1929, and on November 21, 1931, he makes a report of the injury and says the condition is not yet remedied and still persists.

Mr. STAFFORD. Five hundred dollars would be a very liberal amount to be allowed in this case.

Mr. FIESINGER. He had \$163.50 of damage to his truck.

Mr. BACHMANN. He got that. The War Department paid for the damage to his car.

Mr. PITTENGER. No; they offered to pay it.

Mr. FIESINGER. Yes; they offered to pay that, but did not do it, and this man is still suffering from his injury.

Mr. STAFFORD. Where is there any evidence of that?

Mr. FIESINGER. On page 2 of the report the doctor states as of November 21, 1931, "In my opinion this condition might persist through an indefinite time."

Mr. STAFFORD. "Might," from an interested doctor. I have had some acquaintance with doctors testifying as experts in cases, and that does not influence me very much.

Mr. BACHMANN. Let us see if we can straighten this out. There is a claim of \$163.50 for damage to this man's car; and the board of Army officers that investigated the accident recommended that this be paid, and the Secretary of War certified it to the Comptroller General for payment. He is only claiming in this bill for personal injury.

Mr. FIESINGER. I do not so understand it.

Mr. PITTENGER. They offered to pay for the damages to his car, but he would not accept it.

Mr. BACHMANN. Read your bill. He is asking for reimbursement only for personal injuries in this bill. The other part is out of it, and now it is a question of what his injuries are and what he is entitled to by way of compensation for such injuries. I think the man is entitled to some compensation.

Mr. PITTENGER. There is no doubt about that.

Mr. FIESINGER. I am informed he never got the \$163.50.

Mr. BACHMANN. The trouble with us is that we can not find out from the committee's report or from the report of the War Department the extent of this man's injury, except

the two statements made by the doctor about the injury to this man's back.

Mr. PITTENGER. That was the best information we could get.

Mr. BACHMANN. If it is a permanent injury, he is entitled to more money. If it is not a permanent injury, he is not entitled to so much.

Mr. FIESINGER. He suffered for two years after this accident, according to the statement of the doctor.

Mr. BACHMANN. There is no competent statement here from the doctor as to how much time the man was confined in the hospital, for instance.

Mr. FIESINGER. He lost two months from his work.

Mr. BACHMANN. I accept the gentleman's statement as a fact; but I say the trouble is we can not tell how long he was in the hospital or how serious the injury was, and yet the bill has been reduced by the committee from \$5,000 to \$1,500.

Mr. PITTENGER. And that was done because the committee agreed that that was a reasonable amount.

Mr. FIESINGER. The bill was put in for \$5,000 and the committee reduced it to \$1,500.

Mr. STAFFORD. That is altogether too much. What is the gentleman's wish in the matter?

Mr. FIESINGER. We will take a thousand dollars.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to C. A. Cates, who sustained injuries when struck by a truck operated by a private soldier then acting in the course of the performance of his duties as an employee of the Government.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out the figures "\$1,500" and insert "\$1,000."

The amendment was agreed to.

Mr. BLANTON. I offer the following amendment.

The Clerk read as follows:

In line 6, after the figures "\$1,000," insert "in full settlement of all claims against the Government of the United States."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 6, after the word "injuries," insert "on or about February 5, 1929, at Dayton, Ohio."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On line 7, after the word "by," where it occurs the first time, strike out the word "a" and insert "an Army."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID A. WRIGHT

Mr. STAFFORD. Mr. Speaker, early in the evening, Calendar No. 551, H. R. 6424, granting jurisdiction to the Court of Claims to hear the case of David A. Wright, I objected to it, after an explanation by the gentleman from Illinois [Mr. CHINDBLOM]. Since then the gentleman has shown me some decisions not included in the report and I have changed my opinion. I ask unanimous consent to go back to that bill.

The SPEAKER. Is there objection to returning to the bill?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GRISWOLD. Reserving the right to object, this gives the court an order to hear certain evidence based on intent.

Mr. CHINDBLOM. It sets up the ground on which the court held that it did not have jurisdiction and, of course,

it is an exception from the Dent Act. I think it particularizes so much that it in fact makes it harder for the proof to be made. It provides that the evidence must relate to the particular officers who are mentioned in the report and in the previous decision of the Court of Claims. I think this feature improves the bill.

Mr. GRISWOLD. It not only sets aside the statute of limitations but provides that the court shall accept certain evidence based on intent. I object.

GOTTLIEB STOCK

The next business on the Private Calendar was the bill (H. R. 6851) to reimburse Gottlieb Stock for losses of real and personal property by fire caused by the negligence of two prohibition agents.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I am of the opinion that the amount of damages is rather high when you consider the fact that the cause of the fire is somewhat conjectural. It is not certain that it arose by reason of a spark from a bush fire that was started and virtually extinguished more than 18 to 20 hours before.

Mr. MOUSER. If the gentleman will yield, it is a fact that Colonel Woodcock personally made the investigation.

Mr. HERR. Yes. He went out there with me.

Mr. MOUSER. And he found that they were negligent, and on the basis of his investigation suspended these agents as a punishment for negligence, and recommended the compensation.

Mr. STAFFORD. I am yielding my opinion as to the conjectural origin of the fire, but I am basing my present inquiry on the amount of damages.

Mr. HERR. I call the attention of the gentleman to the report of the committee. That matter was gone into very thoroughly by the Committee. Mr. Woodcock was out there and made this investigation personally with me.

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

Mr. HERR. Yes.

Mr. BLANTON. Colonel Woodcock says that the claim is just, but he wants Congress to fix the amount. The committee has cut the claim down from \$6,000 to \$4,000. Will the chairman protect the House in lowering that amount?

Mr. STAFFORD. One moment. Investigator Shirley, as stated by Mr. Woodcock, in his report of January 12, 1932,

It is my opinion from the above facts that the assessed value of the Stock house was unreasonably low, primarily to avoid the payment of taxes, but, from the insurance value, from \$1,800 to \$2,000 would be a reasonable value for the house and furniture.

Mr. BLANTON. If the gentleman would accept \$2,500.

Mr. HERR. God knows I will accept anything that you give me, that you compel me to accept, but it looks as if we had gone into the business here of bargaining, and we might just as well set up three balls. It is easy enough to bargain, when I think the bargaining is fair. I want you to turn to page 4 of that report and read the latter part, in the last paragraph, of the statement by Mr. Woodcock:

I have assured the representatives of these claimants that I believe their general claim to be just, without expressing any opinion as to the amount.

Why hold it up to an opinion of Agent Shirley, who went out on the grounds after the place had been burned down and there was nothing there but ashes, to make his determination.

Mr. BLANTON. He was the only one representing the Government, who knew anything about it.

Mr. HERR. No. After the committee made a request in respect to the amount of stuff that was burned, we then presented to the committee, and they investigated it, an itemized statement of the actual stuff. We were the only people who knew what was burned. Shirley merely went out and looked at it after the house was nothing but a mass of ashes.

Mr. BLANTON. The ones who have reserved the right to object have agreed to allow the bill to pass for \$2,500. Why does not the gentleman accept it?

Mr. HERR. I have to meet my constituents out there, who know this man was burned out, and who has lived in a chicken house ever since waiting for the action of this Congress.

Mr. BLANTON. They will appreciate it lots more if you bring him back \$2,500 than if you bring back nothing.

Mr. MOUSER. Why not give the man a reasonable amount with which to build a house.

Mr. HERR. Suppose for a moment that the gentleman were an innocent bystander and a man built a still within a mile and a half of his place, and an agent came along and set fire to it, and the fire comes through and burns his house, would you want to compromise for an amount which you think is unjust?

Mr. MOUSER. Make it \$2,500.

Mr. HERR. I shall be compelled to take whatever is given me, but I know that we are entitled to \$4,000.

Mr. BACHMANN. Did the man have any insurance?

Mr. HERR. We wrote to the man about his insurance.

Mr. BLACK. The suggestion is made that the amount should be \$2,500. That is equally acceptable to me.

Mr. BACHMANN. Was there any insurance?

Mr. HERR. We have a letter showing that he did not have any insurance. I must take whatever you give me.

Mr. BLANTON. Mr. Speaker, regular order.

Mr. HERR. I will take whatever you give me.

Mr. BLANTON. With the understanding that has been had with the gentleman from New York [Mr. BLACK] as to reducing the bill to \$2,500, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$6,573.25 to Gottlieb Stock as compensation for the total destruction of his home and personal property therein and trees and vines on the premises and other property during a fire set by the negligence of two prohibition agents in the employ of the Federal Bureau of Prohibition.

With the following committee amendment:

Page 1, line 6, strike out "\$6,573.25" and insert in lieu thereof "\$4,000."

Mr. BLACK. Mr. Speaker, I offer a substitute for the committee amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. BLACK to the committee amendment: Page 1, line 6, strike out "\$4,000" and insert in lieu thereof "\$2,500."

The substitute amendment to the committee amendment was agreed to.

The Clerk read as follows:

Further committee amendment: Page 2, line 2, insert the following: "Provided, That no part of the amount appropriated in this act, in excess of 10 per centum thereof, shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BOSTON STORE CO.

The Clerk read the next bill, H. R. 7198, for the relief of the Boston Store Co., a corporation, Chicago, Ill.

Mr. MOUSER. Reserving the right to object, I will not object to a reasonable amount, but just how is that damage arrived at? I have read the report.

Mr. SABATH. That has been recommended and paid twice by the Government, and, due to technicalities, it still remains due. This has been recommended twice, and the

Secretary of the Treasury recommends it, and through some technicalities the check has been sent back and forth twice or three times. This is for merchandise paid for and not received in order as it should have been.

Mr. MOUSER. Who determines as to the condition of the merchandise, whether it was rusty or old or not?

Mr. SABATH. The Government inspectors and everyone concerned with it came to the conclusion that that was the correct amount.

Mr. MOUSER. And that was agreed upon?

Mr. SABATH. Yes; and the report from the Secretary of War is here. In fact, it has been paid twice and the checks were returned.

Mr. MOUSER. The Secretary of War said the goods were in damaged condition?

Mr. BLANTON. Mr. Speaker, the regular order. It is 10.30.

Mr. MOUSER. I do not want to object to this claim.

Mr. STAFFORD. Well, reserving the right to object, I do not understand the paragraph before the last in the letter of the Secretary of War, which says the amount has been heretofore allowed.

Mr. SABATH. They paid it and returned the money and asked for a voucher and it was returned again, and the amount is due.

Mr. PITTENGER. I will say to the gentleman from Wisconsin that this is certainly a fair bill.

Mr. STAFFORD. The money has not been paid heretofore?

Mr. PITTENGER. No.

Mr. STAFFORD. I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$6,246 to the Boston Store Co., a corporation of Chicago, Ill., such sum representing a loss incurred because of misrepresentation in the purchase of coats from the quartermaster supply officer of the surplus property branch at Chicago, Ill., August 16, 1921, which claim had at one time been allowed and paid, but subsequently, because of some technicality, now cured, returned to the Treasury upon request.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: At the end of the bill strike out the period, insert a colon, and add the following: "in full settlement of all claims against the Government of the United States."

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I also offer, at the end of the bill the usual attorney's fee clause as an amendment.

The Clerk read as follows:

At the end of the bill insert the following:

"Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorneys or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. BLACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, January 28, 1933, at 12 o'clock noon.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Saturday, January 28, 1933, as reported to the floor leader:

WAYS AND MEANS
(10 a. m.)

Continue hearings on depreciated currency.

MILITARY AFFAIRS
(10.30 a. m.)

Hearings before subcommittee on private bills.

EXECUTIVE COMMUNICATIONS, ETC.

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

891. A communication from the President of the United States, transmitting an amendment of the estimate of appropriation for the legislative establishment for public printing and binding, Government Printing Office, contained in the Budget for the fiscal year 1934, page 18, increasing the total amount from \$2,500,000 to \$2,750,000 (H. Doc. No. 532); to the Committee on Appropriations and ordered to be printed.

892. A communication from the President of the United States, transmitting supplemental estimates of appropriations pertaining to the legislative establishment, House of Representatives, in the sum of \$6,150 (H. Doc. No. 533); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOODRUM: Committee on Appropriations. H. R. 14458. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes; without amendment (Rept. No. 1922). Referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS: Committee on Appropriations. H. R. 14436. A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1933, and for other purposes; without amendment (Rept. No. 1923). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT: Committee on the District of Columbia. H. R. 12678. A bill to license and register master electricians, master fixture hangers, journeymen electricians, and journeymen fixture hangers engaged in the business of installing, repairing, or maintaining electric wiring, fixtures, apparatus, and appliances for light, heat, or power in the District of Columbia, and for other purposes; with amendment (Rept. No. 1924). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. House Joint Resolution 565. A joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1933; without amendment (Rept. No. 1925). Referred to the Committee of the Whole House on the state of the Union.

Mr. DICKSTEIN: Committee on Immigration and Naturalization. House Joint Resolution 577. A joint resolution to provide for the return to the Philippine Islands of unemployed Filipinos resident in the continental United States, to authorize appropriations to accomplish that result, and for other purposes; without amendment (Rept. No. 1926). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Texas: Committee on the Territories. S. 4374. An act to empower the superintendent of the Hawaii National Park to perform the functions now performed by the United States commissioner for the said

national park, and for other purposes; with amendment (Rept. No. 1927). Referred to the House Calendar.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 14252. A bill to extend the time during which certain provisions of the act of February 27, 1932, relating to improving the facilities of the Federal reserve system to meet the needs of member banks in exceptional circumstances, shall be effective; without amendment (Rept. No. 1928). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BLACK: Committee on Claims. H. R. 1769. A bill for the relief of Joseph Watkins; with an amendment (Rept. No. 1929). Referred to the Committee of the Whole House.

Mr. BRUMM: Committee on Claims. H. R. 2462. A bill for the relief of Thelma Lucy Rounds; without amendment (Rept. No. 1930). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. H. R. 12436. A bill for the relief of Giuglio Zarella; without amendment (Rept. No. 1931). Referred to the Committee of the Whole House.

Mr. SMITH of Virginia: Committee on Claims. S. 465. An act for the relief of William H. Holmes; without amendment (Rept. No. 1932). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 3477. An act for the relief of the Playa de Flor Land & Improvement Co.; without amendment (Rept. No. 1933). Referred to the Committee of the Whole House.

Mr. THOMASON: Committee on Military Affairs. S. J. Res. 48. A joint resolution to authorize the acceptance on behalf of the United States of the bequest of the late William F. Edgar, of Los Angeles County, State of California, for the benefit of the museum and library connected with the office of the Surgeon General of the United States Army; without amendment (Rept. No. 1934). Referred to the Committee of the Whole House on the state of the Union.

Mr. LOOFBOUROW: Committee on Indian Affairs. S. 4578. An act conferring jurisdiction on the Court of Claims to adjudicate the rights of the Otoe and Missouri Tribes of Indians to compensation on a basis of guardian and ward; with amendment (Rept. No. 1935). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14442) for the relief of Harvey Mincher, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BACON: A bill (H. R. 14457) to amend the act of March 2, 1929 (45 Stat. 1512); to the Committee on Immigration and Naturalization.

By Mr. WOODRUM: A bill (H. R. 14458) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. DAVIS of Pennsylvania: A bill (H. R. 14459) to impose a tax on each sale in the United States of foreign securities; to the Committee on Ways and Means.

By Mr. KEMP: A bill (H. R. 14460) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. LANHAM: A bill (H. R. 14461) to provide for placing the jurisdiction, custody, and control of the Wash-

ington City Post Office in the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

By Mr. HOGG of West Virginia: A bill (H. R. 14462) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. GILCHRIST: A bill (H. R. 14463) to convey to Iowa, Wisconsin, and Illinois the beds and submerged lands of all nonnavigable meandered bodies of water within the borders thereof, respectively; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Georgia: A bill (H. R. 14464) to authorize the Secretary of the Navy to enter into contract with the Annapolis Metropolitan Sewerage Commission for the disposal of sewage of the United States Naval Academy, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 14465) to amend the act of June 10, 1926, entitled "An act to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., title 34, Supp. VI, sec. 348); to the Committee on Naval Affairs.

By Mr. HARE: Joint resolution (H. J. Res. 578) to prohibit the restriction of civil-service appointments to residents within areas less than a State, and for other purposes; to the Committee on the Civil Service.

By Mr. TREADWAY: Joint resolution (H. J. Res. 579) authorizing free postage on mail matter sent by Grace Coolidge; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DARROW (by request): A bill (H. R. 14466) granting a pension to D. Marion Geis; to the Committee on Pensions.

By Mr. DE PRIEST: A bill (H. R. 14467) granting a pension to Mary T. Gunn; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 14468) granting a pension to Anna McNamara; to the Committee on Pensions.

By Mr. HESS: A bill (H. R. 14469) granting a pension to Mary Yeager; to the Committee on Pensions.

By Mr. HERR: A bill (H. R. 14470) for the relief of Sarah E. Thompson; to the Committee on Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 14471) granting an increase of pension to Eliza A. Carey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Missouri: A bill (H. R. 14472) for the relief of Margaret E. Gordon; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 14473) granting a pension to Lottie Smith; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 14474) granting a pension to Mary M. Thomas; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 14475) granting an increase of pension to Kate Smith; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 14476) for the relief of Fred Epps; to the Committee on Claims.

PETITIONS, ETC.

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

9953. By Mr. ANDREW of Massachusetts: Telegram from Hon. Arthur Guy, State commissioner of banks, Boston, Mass., protesting against publication of loans made by Reconstruction Finance Corporation as called for by the Howard resolution; to the Committee on Banking and Currency.

9954. By Mr. BOEHNE: Petition of North Side Business Men's Association, of Evansville, Ind., protesting against cancellation of foreign debts to the United States; to the Committee on Foreign Affairs.

9955. By Mr. BLOOM: Petition of the Senate of the State of New York, urging the enactment of Senate bill 5336; to the Committee on Banking and Currency.

9956. By Mr. CROWTHER: Petition of citizens of the thirtieth congressional district of New York, urging passage of the stop-alien representation amendment to the United States Constitution; to the Committee on the Judiciary.

9957. By Mr. CARTER of California: Petition of E. C. Thomas, Mary E. Thomas, J. A. Butterfield, and 25 other residents of Oakland, Calif., urging the passage of the stop-alien representative amendment to the Constitution; to the Committee on the Judiciary.

9958. By Mr. CROWTHER: Petition of citizens of Schenectady, N. Y., opposing any reduction in the enlisted strength of the United States Marine Corps; to the Committee on Appropriations.

9959. By Mr. GARBER: Petition urging support of the railway pension bills, S. 4646 and H. R. 9891; to the Committee on Interstate and Foreign Commerce.

9960. Also, petition of the Mount Vernon National Farm Loan Association, Alva, Okla., urging the enactment of the allotment plan or some plan that will restore the price of farm products; the reduction of interest rates on farm mortgages; the retention of the cooperative features and farmer control, in the event the Federal land-bank system is amended; and the removal of the Federal land-bank system from politics; to the Committee on Banking and Currency.

9961. Also, petition of the board of directors of the Cincinnati (Ohio) Chamber of Commerce, indorsing House bill 11642, relating to the policy of rate making, the recapture clause, and the valuation section of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

9962. Also, petition of J. W. Cavin, proprietor Thornwood Farm, Mutual, and Irl R. Gaston, Chester, Okla., urging the imperative necessity of enacting emergency relief measures to save the homes on the farm; to the Committee on Banking and Currency.

9963. By Mr. HANCOCK of New York: Petition of Mary E. Posthill and other residents of Syracuse, N. Y., favoring the stop-alien amendment to the Constitution; to the Committee on the Judiciary.

9964. By Mr. GARBER: Petition urging support of the railway pension bills, Senate bill 4646 and House bill 9891; to the Committee on Interstate and Foreign Commerce.

9965. Also, petition of the Ministerial Alliance of Grant County, of the State of Oklahoma, urging continued opposition to modification or repeal of the prohibition laws; to the Committee on the Judiciary.

9966. Also, petition of the Colorado Springs Chamber of Commerce, Colorado Springs, Colo., urging enactment of House bill 11642; to the Committee on Interstate and Foreign Commerce.

9967. Also, petition of a union temperance meeting of the five churches of Beaver, Okla., urging opposition to legislation intended to nullify, weaken, or repeal the eighteenth amendment and the Volstead Act, and urging support of adequate appropriations for law enforcement and a campaign of education in law observance; to the Committee on the Judiciary.

9968. By Mr. GIBSON: Petition of the Woman's Christian Temperance Union of Newport, Vt., opposing repeal of the eighteenth amendment; to the Committee on the Judiciary.

9969. By Mr. LUDLOW: Petition of citizens of Indianapolis, Ind., protesting against the legalization of beer, and favoring the upholding of the eighteenth amendment; to the Committee on the Judiciary.

9970. By Mr. MAPES: Petition of Dan Henry and 37 other residents of Grand Rapids, Mich., favoring the decentralization of wealth by revaluation of the gold ounce upward at least 100 per cent, issuance of new money to reduce the national debt instead of by the issuance of interest-bearing bonds, including immediate payment of the veterans' adjusted compensation in that manner, etc.; to the Committee on Ways and Means.

9971. By Mr. MEAD: Petition of Down Town Post, No. 64, American Legion, Buffalo, N. Y., opposing elimination of citizens' military training camps next year or any reduction in Federal appropriations for same; to the Committee on Appropriations.

9972. By Mr. MILLARD (by request): Petition signed by Clyde Blaylock and other residents in Westchester County, urging support of the proposal to revalue the gold ounce; to the Committee on Coinage, Weights, and Measures.

9973. By Mr. RUDD: Petition of Remington, Meek, Twitchell & Till, New York City, referring to the pending bankruptcy amendatory bill; to the Committee on the Judiciary.

9974. By the SPEAKER: Petition of E. M. Baker and others, urging Congress to give the President authority to lay embargoes on the shipment of arms to areas where armed conflict exists or is threatened; to the Committee on Foreign Affairs.

9975. By Mr. SPENCE: Petition of Mr. and Mrs. M. Schlosser, of Fort Thomas; Phil E. Steffen and others, of Covington; W. H. Ueberschlag and others, of Bellevue; and John F. McCabe and others, of Newport, Ky., urging revaluation of gold ounce, correction of financial abuses, and abuses growing out of mass production; to the Committee on Banking and Currency.

9976. Also, petition of Harriet E. Key and others, of Dayton; Bernard A. Klumper and others, of Covington; Francis H. Schweer and others, of Newport; and Frank Rickling and wife, of Bellevue, Ky., concerning the revaluation of gold ounce; to the Committee on Banking and Currency.

9977. By Mr. STALKER: Petition of Clayton I. Swayze and 250 other citizens of Ithaca, N. Y., opposing legalization of alcoholic liquors stronger than one-half of 1 per cent; to the Committee on Ways and Means.

9978. Also, petition of citizens of Painted Post, N. Y., opposing legalization of alcoholic liquors stronger than one-half of 1 per cent; to the Committee on Ways and Means.

9979. Also, petition of Annie N. Sloane and 50 other citizens of Montour Falls, N. Y., opposing legalization of alcoholic liquors stronger than one-half of 1 per cent; to the Committee on Ways and Means.

9980. Also, petition of Minnie L. Young, president Woman's Christian Temperance Union, and 25 other members of West Danby, N. Y., opposing legalization of alcoholic liquors stronger than one-half of 1 per cent; to the Committee on Ways and Means.

9981. Also, petition of Stella Hanford and 25 other citizens of Dryden, N. Y., opposing legalization of alcoholic liquors stronger than one-half of 1 per cent; to the Committee on Ways and Means.

9982. By Mr. SWICK: Petition of Mrs. T. A. Preston, president, Mrs. Merle D. Allen, secretary, and members of the Frances Willard Woman's Christian Temperance Union, Union Township, New Castle, Lawrence County, Pa., urging the establishment of a Federal motion-picture commission for the purpose of regulating trade and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

9983. Also, petition of Ella Rose, president; Mrs. J. L. Brown, secretary; and members of the Woman's Christian Temperance Union of New Wilmington, Lawrence County, Pa., urging the establishment of a Federal motion-picture commission for the purpose of regulating the trade and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

9984. By Mr. THURSTON: Petition signed by Mrs. George Myers and 42 other citizens of Clarke County, Iowa, protesting against the modification or repeal of existing Federal laws in relation to prohibition; to the Committee on the Judiciary.

9985. Also, petition signed by Kate Bates and 492 other citizens of Lucas County, Iowa, protesting against the modification or repeal of existing Federal laws in relation to prohibition; to the Committee on the Judiciary.