SENATE

MONDAY, AUGUST 12, 1935

(Legislative day of Monday, July 29, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, August 9, 1935, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On August 7, 1935:

S. 2259. An act to amend sections 966 and 971 of chapter 22 of the act of Congress entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, and for other purposes; and

S. J. Res. 117. Joint resolution to provide for the reappointment of Frederic A. Delano as a member of the Board of Regents of the Smithsonian Institution.

On August 8, 1935:

S. J. Res. 167. Joint resolution to amend the public resolution approved June 28, 1935, entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

On August 9, 1935:

S. 1629. An act to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by motor carriers operating in interstate or foreign commerce, and for other purposes;

S. 1726. An act to authorize the Secretary of War to grant a right-of-way for street purposes upon and across the San Antonio Arsenal, in the State of Texas; and

S. J. Res. 139. Joint resolution requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 208. An act for the relief of the Consolidated Ashcroft Hancock Co., Inc., Bridgeport, Conn.;

S. 280. An act for the relief of Hazel B. Lowe, Tess H. Johnston, and Esther L. Teckmeyer;

S. 447. An act conferring jurisdiction on the United States District Court for the District of Oregon to hear, determine, and render judgment upon the suit in equity of Rakha Singh Gherwal against the United States;

S. 457. An act for the relief of John W. Beck;

S. 490. An act for the relief of F. T. Wade, M. L. Dearing, E. D. Wagner, and G. M. Judd;

S. 540. An act for the relief of Fred Luscher;

S. 658. An act for the relief of K. W. Boring;

S. 1045. An act for the relief of A. Cyril Crilley;

S. 1070. An act for the relief of William A. Thompson;

S. 1326. An act for the relief of Robert A. Dunham;

S. 1497. An act to authorize the appointment of First Lt. Claude W. Shelton, retired, to the grade of captain, retired, in the United States Army;

S. 1735. An act for the relief of the estate of W. W. McPeters;

S. 2076. An act for the relief of Domenico Politano;

S. 2225. An act authorizing adjustment of the claim of the Western Union Telegraph Co.;

S. 2312. An act for the relief of the Western Construction Co.;

S. 2373. An act for the relief of Harry Jarrette;

S. 2388. An act authorizing and directing the Secretary of the Interior to cancel patent in fee issued to Victoria Arconge;

S. 2393. An act for the relief of the widow of Ray Sutton;

S. 2488. An act for the relief of the widows of an inspector and certain special agents of the Division of Investigation, Department of Justice, and operative in the Secret Service Division, Department of the Treasury, killed in line of duty;

S. 2666. An act for the relief of the Nacional Destilerias Corporation;

S. 2751. An act for the relief of Walter C. Price and Joseph C. Le Sage;

S. 2808. An act for the relief of Grier-Lowrance Construction Co., Inc.; and

S. 2818. An act for the relief of Blanche L. Gray.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 985. An act for the relief of Hudson Bros., of Norfolk, Va.;

S. 1046. An act for the relief of E. Jeanmonod;

S. 1214. An act for the relief of Oliver B. Huston, Anne Huston, Jane Huston, and Harriet Huston;

S. 1409. An act for the relief of the General Baking Co.;

S. 1577. An act for the relief of Skelton Mack McCray; and

S. 2374. An act for the relief of Elliott H. Tasso and Emma Tasso.

The message further announced that the House had passed the following bills and joint resolution, severally with amendments, in which it requested the concurrence of the Senate:

S. 1640. An act for the relief of Dan Meehan;

S. 1696. An act for the relief of Mary Sky Necklace;

S. 2168. An act for the relief of the Bell Telephone Co. of Pennsylvania;

S. 2635. An act authorizing the appropriation of funds for the payment of the award in claim of Sudden & Christenson, Inc., and others;

S. 2993. An act for the relief of Carrie Price Roberts; and

S. J. Res. 59. Joint resolution providing for the celebration on September 17, 1937, of the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States of America by the Constitutional Convention; establishing a commission to be known as the "Sesquicentennial Constitution Commission."

The message also announced that the House insisted upon its amendments to the bill (S. 3311) to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437, U. S. C., title 30, secs. 185, 221, 223, 226), as amended", disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROBINSON of Utah, Mr. GREEVER, and Mr. ENGLEBRIGHT were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3019) to amend sections 1, 3, and 15 of "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEROUEN, Mr. ROBINSON of Utah, Mr. AYERS, and Mr. ENGLEBRIGHT were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 996. An act for the relief of Joe Reno;

H. R. 1363. An act for the relief of Petra M. Benavides;

H. R. 1476. An act to correct the military record of Casimer F. Brylski;

H. R. 1871. An act for the relief of the Medical College of Virginia, and others, of Richmond, Va.;

H. R. 2156. An act for the relief of Cecelia Callahan;

H. R. 2526. An act for the relief of Powell & Goldstein, Inc.;

H. R. 2620. An act for the relief of Sadie Wilkinson;

H. R. 2621. An act for the relief of Tom L. Griffith;

H. R. 2702. An act for the relief of Emanuel Lieberman;

H. R. 3408. An act for the relief of Rufus Jones, a minor;

H. R. 3673. An act for the relief of Bernard V. Wolfe and the Dixon Implement Co.;

H. R. 3856. An act for the relief of Charles Edward Poole;

H. R. 4148. An act for the relief of the Thomas Marine Railway Co., Inc.;

H. R. 4770. An act for the relief of Elinora Fareira;

H. R. 4784. An act for the relief of J. T. Slayback;

H. R. 5245. An act for the relief of Elizabeth Leiding;

H. R. 5405. An act for the relief of Robert N. Wallace;

H. R. 5475. An act for the relief of Henry Irving Riley;

H. R. 5558. An act for the relief of Clarence F. Jobson;

H. R. 5634. An act for the relief of the Baltimore Renovating Co.;

H. R. 5648. An act for the relief of Maj. Wilbur Rogers;

H. R. 5768. An act for the relief of Peter Haan;

H. R. 5811. An act for the relief of Michael A. McHugh;

H. R. 5864. An act for the relief of Hallie Coffman;

H. R. 5867. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor;

H. R. 5870. An act for the relief of K. S. Szymanski;

H. R. 5905. An act for the relief of Cal Settles and Rhoda Settles;

H. R. 6057. An act for the relief of Joe Brumit;

H. R. 6205. An act for the relief of Wiley H. Nanney;

H. R. 6267. An act for the relief of Wint Rowland;

H. R. 6268. An act for the relief of W. C. Wright;

H. R. 6269. An act for the relief of W. H. Keyes;

H. R. 6394. An act for the relief of William K. Caley;

H. R. 6889. An act for the relief of A. Zappone and W. R. Fuchs;

H. R. 6892. An act for the relief of certain Indians on the Cheyenne River Reservation;

H. R. 7030. An act to place George K. Shuler on the retired list of the United States Marine Corps;

H. R. 7076. An act for the relief of the heirs of John Schrodl;

H. R. 7093. An act for the relief of Joseph M. Clagett, Jr.;

H. R. 7140. An act for the relief of the Bell Oil & Gas Co.;

H. R. 7393. An act for the relief of Ralph P. Kellogg;

H. R. 7520. An act for the relief of David A. Trousdale;

H. R. 8020. An act for the relief of Jose R. Redlhammer;

H. R. 8032. An act for the relief of the Ward Funeral Home; and

H. R. 8089. An act for the relief of Joseph J. Baylin.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, and it was signed by the President pro tempore.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Logan	Robinson
Ashurst	Copeland	Lonergan	Russell
Austin	Costigan	Long	Schall
Bachman	Davis	McAdoo	Schwellenbach
Bailey	Dieterich	McCarran	Sheppard
Bankhead	Fletcher	McGill	Shipstead
Barbour	Frazier	McKellar	Smith
Barkley	George	McNary	Steiwer
Black	Gerry	Maloney	Thomas, Okla.
Bone	Gibson	Metcalf	Thomas, Utah
Borah	Glass	Murphy	Townsend
Brown	Gore	Murray	Trammell
Bulkley	Guffey	Nealy	Truman
Bulow	Hale	Norbeck	Tydings
Burke	Harrison	Norris	Vandenberg
Byrd	Hastings	Nye	Van Nuys
Byrnes	Hatch	O'Mahoney	Wagner
Capper	Hayden	Overton	Walsh
Caraway	Johnson	Pittman	Wheeler
Carey	King	Pope	White
Chavez	La Follette	Radcliffe	
Clark	Lewis	Reynolds	

Mr. LEWIS. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Indiana [Mr. MINTON], and the Senator from New Jersey [Mr. MOORE] are necessarily detained.

I announce further that the Senator from West Virginia [Mr. HOLT] is absent because of illness.

I ask that this announcement stand in the RECORD for the day.

Mr. VANDENBERG. As heretofore announced by me, my colleague the senior Senator from Michigan [Mr. COUZENS] is absent because of illness.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. KEYES] and the Senator from Iowa [Mr. DICKINSON] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

THE BUSINESS AND POLITICAL SITUATION—NOTICE OF ADDRESS BY SENATOR M'KELLAR

Mr. McKELLAR. Mr. President, I give notice that tomorrow, as soon as I can obtain the floor, I shall make a few remarks on the subject of The Business and Political Situation.

PETITION

Mr. BACHMAN and Mr. McKELLAR each presented an identical joint resolution of the Legislature of the State of Tennessee, which were referred to the Committee on Public Buildings and Grounds. The resolution is as follows:

House Joint Resolution 1

LEGISLATION FOR THE BLIND

Whereas the Commonwealth of Tennessee is vitally interested in the general welfare of the physically blind of the United States, and especially in the physically blind of Tennessee; and

Whereas there is pending before the Seventy-fourth Congress a bill introduced by the Honorable JENNINGS RANDOLPH, of West Virginia, in the House of Representatives and the companion bill in the Senate, introduced by the Honorable MORRIS SHEPPARD, of Texas, which bill would permit worthy persons to operate vending stands in Federal buildings for the sale of candies, newspapers, magazines, and tobacco products, and would authorize national surveys to be made by existing Federal and State agencies of other employment opportunities for the blind of this country; and

Whereas since it is more difficult for the physically blind to obtain employment than in the case of other handicapped groups, and since this Randolph-Sheppard bill will bring opportunities of employment for the blind, and since the blind as a class do not want sympathy but rather a chance to earn their own living so that they, too, might become useful and active citizens in their own respective communities: Be it

Resolved, That the State of Tennessee General Assembly, meeting in special session, July 1935, go on record endorsing the Randolph-Sheppard bill, H. R. 4688—S. 2196, and memorialize Congress to enact the same into law, and that copies of this resolution be sent to the Honorable Franklin D. Roosevelt, President of the United States; to the Honorable John N. Garner, Vice President of the United States; to the Honorable Joseph W. Byrns, Speaker House of Representatives; to the Honorable Harold L. Ickes, Secretary of the Department of the Interior; to the Honorable James A. Farley, Postmaster General; and to the Honorable Miss Frances Perkins, Secretary of the Department of Labor; and to the Senators and Congressmen of the State of

Tennessee, with the urgent request that they do all that is within their power to bring about the passage of this legislation in the Seventy-fourth Congress.

PRESERVATION OF NEUTRALITY

Mr. WHEELER presented a letter from Mrs. B. F. Johnson, secretary of the Lake County (Mont.) Round Table on World Peace, which was ordered to lie on the table and to be printed in the RECORD, as follows:

RONAN, MONT., *July 29, 1935.*

Hon. BURTON K. WHEELER,
Washington, D. C.

DEAR SENATOR WHEELER: In behalf of the Lake County Round Table on World Peace, I am writing urgently to request you to do all in your power to see that the neutrality legislation, to keep us out of war, is passed. We feel that this legislation is of the utmost importance, and we know that we can depend upon you to help put it across.

Sincerely yours,

Mrs. B. F. JOHNSON,
Secretary Lake County Round Table on World Peace.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1368. A bill for the relief of Virden Thompson (Rept. No. 1230);

S. 3334. A bill to make provision for the care and treatment of members of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps who are injured or contract disease while engaged in military training, and for other purposes (Rept. No. 1231); and

S. 3398. A bill to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps (Rept. No. 1239).

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2047) to promote the general welfare of the Indians of the State of Oklahoma, and for other purposes, reported it with amendments and submitted a report (No. 1232) thereon.

Mr. WALSH, from the Committee on Finance, to which was referred the bill (H. R. 4513) to authorize payment of claims for unauthorized emergency treatment of World War veterans, reported it without amendment and submitted a report (No. 1233) thereon.

Mr. BYRD, from the Committee on Finance, to which was referred the bill (S. 3258) to amend section 304 of the Revised Statutes, as amended, reported it without amendment and submitted a report (No. 1234) thereon.

Mr. McGILL, from the Committee on the Judiciary, to which was referred the bill (S. 2643) to amend section 118 of the Judicial Code, to provide for the appointment of law clerks to United States district court judges, reported it with an amendment and submitted a report (No. 1235) thereon.

Mr. SCHWELLENBACH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3222) to amend the Filled Milk Act, reported it without amendment and submitted a report (No. 1236) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon as indicated:

S. 2134. A bill to prohibit employers from influencing the vote of their employees in national elections; and

S. 3374. A bill for the relief of the State of Indiana (Rept. No. 1237).

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (H. R. 8519) requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work, reported it without amendment and submitted a report (No. 1238) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 8845) to authorize the incorporated town of Cordova, Alaska, to construct, reconstruct, enlarge, extend, improve, renew, and repair certain municipal public structures, utilities, works, and improvements, and for such purposes to issue bonds in any amount not exceeding $50,000, and for other purposes, reported it without amendment.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 9, 1935, that committee presented to the President of the United States the following enrolled bills:

S. 1024. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Hampton & Branchville Railroad Co.;

S. 1079. An act authorizing the Secretary of the Treasury to execute a certain indemnity agreement;

S. 1426. An act providing for the appointment of Harry T. Herring, formerly a lieutenant colonel in the United States Army, as a lieutenant colonel in the United States Army and his retirement in that grade;

S. 1439. An act amending the postal laws to include as second-class matter religious periodicals publishing local information;

S. 1811. An act providing for the publication of statistics relating to spirits of turpentine and rosin;

S. 2140. An act for the relief of certain purchasers of lands in the borough of Brooklawn, State of New Jersey;

S. 2160. An act for the relief of the George C. Mansfield Co. and George D. Mansfield; and

S. 3192. An act to increase the limit of cost for the Department of Agriculture Extensible Building.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 3405) for the relief of Capt. James W. Darr; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3406) authorizing the President to reappoint Gilbert E. Bixby, formerly a captain of Cavalry, United States Army, a captain of Cavalry, United States Army; to the Committee on Military Affairs.

By Mr. TRUMAN:

A bill (S. 3407) for the relief of Justin C. Gooderl; to the Committee on Claims.

A bill (S. 3408) for the relief of Charles Cubberly; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3409) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually; to the Committee on Claims.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 996. An act for the relief of Joe Reno;

H. R. 1363. An act for the relief of Petra M. Benavides;

H. R. 1871. An act for the relief of the Medical College of Virginia, and others, of Richmond, Va.;

H. R. 2526. An act for the relief of Powell & Goldstein, Inc.;

H. R. 2620. An act for the relief of Sadie Wilkinson;

H. R. 2621. An act for the relief of Tom L. Griffith;

H. R. 2702. An act for the relief of Emanuel Lieberman;

H. R. 3408. An act for the relief of Rufus Jones, a minor;

H. R. 3673. An act for the relief of Bernard V. Wolfe and the Dixon Implement Co.;

H. R. 4148. An act for the relief of the Thomas Marine Railway Co., Inc.;

H. R. 4770. An act for the relief of Elinora Fareira;

H. R. 4784. An act for the relief of J. T. Slayback;

H. R. 5245. An act for the relief of Elizabeth Leiding;

H. R. 5634. An act for the relief of the Baltimore Renovating Co.;

H. R. 5811. An act for the relief of Michael A. McHugh;

H. R. 5867. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor;

H. R. 5870. An act for the relief of K. S. Szymanski;

H. R. 5905. An act for the relief of Cal Settles and Rhoda Settles;

H. R. 6057. An act for the relief of Joe Brumit;

H. R. 6267. An act for the relief of Wint Rowland;

H. R. 6268. An act for the relief of W. C. Wright;

H. R. 6269. An act for the relief of W. H. Keyes;

H. R. 6394. An act for the relief of William K. Caley;

H. R. 6889. An act for the relief of A. Zappone and W. R. Fuchs;

H. R. 6892. An act for the relief of certain Indians on the Cheyenne River Reservation;

H. R. 7076. An act for the relief of the heirs of John Schrodl;

H. R. 7093. An act for the relief of Joseph M. Clagett, Jr.;

H. R. 7393. An act for the relief of Ralph P. Kellogg;

H. R. 7520. An act for the relief of David A. Trousdale;

H. R. 8020. An act for the relief of Jose R. Redlhammer; and

H. R. 8089. An act for the relief of Joseph J. Baylin; to the Committee on Claims.

H. R. 1476. An act to correct the military record of Casimer F. Brylski;

H. R. 2156. An act for the relief of Cecelia Callahan;

H. R. 3856. An act for the relief of Charles Edward Poole;

H. R. 5405. An act for the relief of Robert N. Wallace;

H. R. 5864. An act for the relief of Hallie Coffman;

H. R. 6205. An act for the relief of Wiley H. Nanney; and

H. R. 7030. An act to place George K. Shuler on the retired list of the United States Marine Corps; to the Committee on Naval Affairs.

H. R. 5475. An act for the relief of Henry Irving Riley;

H. R. 5558. An act for the relief of Clarence F. Jobson;

H. R. 5648. An act for the relief of Maj. Wilbur Rogers; and

H. R. 5768. An act for the relief of Peter Haan; to the Committee on Military Affairs.

H. R. 8032. An act for the relief of the Ward Funeral Home; to the Committee on Indian Affairs.

H. R. 7140. An act for the relief of the Bell Oil & Gas Co.; to the calendar.

THE MERCHANT MARINE—AMENDMENT

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (S. 2582) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes, which was ordered to lie on the table and to be printed.

CAUSES OF DECLINE IN COTTON PRICES—LIMIT OF EXPENDITURES

Mr. SMITH submitted the following resolution (S. Res. 182), which was referred to the Committee on Agriculture and Forestry:

Resolved, That Senate Resolution 103, agreed to March 16, 1935, and Senate Resolution 125, agreed to May 7, 1935, and Senate Resolution 172, agreed to July 30, 1935, Seventy-fourth Congress, first session, are hereby continued in full force and effect, and that the limit of expenditures that may be made under authority of such resolutions is hereby increased by $50,000, and shall be paid from the contingent fund of the Senate upon vouchers to be approved by the Chairman of the Senate Committee on Agriculture and Forestry.

INVESTMENT OF VERMONT BANKS IN UTILITIES

Mr. GIBSON. I ask unanimous consent to insert in the RECORD a letter from the banking and insurance commissioner of the State of Vermont showing the investment of Vermont banks in utility issues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF VERMONT,
DEPARTMENT OF BANKING AND INSURANCE,
Montpelier, July 12, 1935.

Hon. ERNEST W. GIBSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR GIBSON: This is to acknowledge receipt of your letter of July 9. Below you will find information showing the investments of Vermont banks in utility issues. We classify telephone company bonds separately, as you will notice, but I take the liberty to enclose them.

Savings banks: Telephone bonds		$588,540.50
Savings banks and trust companies: Telephone bonds		170,941.19
		759,481.69
Savings banks: Public utilities		17,685,355.18
Savings banks and trust companies: Public utilities		8,429,425.77
		26,114,780.95
Total telephone bonds		759,481.69
Total public utilities		26,114,780.95
		26,874,262.64

If you desire additional information, we shall be glad to furnish the same to the best of our ability.

Sincerely yours,

L. DOUGLAS MEREDITH,
Commissioner of Banking and Insurance.

CONNECTICUT RIVER BRIDGE AT MIDDLETOWN, CONN.

Mr. LONERGAN. Mr. President, I ask unanimous consent for the present consideration of House bill 8963, which is merely a bridge bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (H. R. 8963) granting the consent of Congress to the State of Connecticut and Middlesex County to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Middletown, Conn., was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 3326, of similar title, will be indefinitely postponed.

NATIONAL PROGRAM OF FOREST-LAND MANAGEMENT

Mr. SMITH. Mr. President, I desire to ask unanimous consent for the consideration of a bill which I think will cause no discussion. There has been some disagreement in the Senate with respect to House bill 6914, which passed the Senate but was reconsidered. It is now on the calendar. All those who are interested in it have reached an agreement, and I ask unanimous consent that it may be considered at this time with the amendments which have been agreed upon, and which I propose to offer.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 6914) to authorize cooperation with the several States for the purpose of stimulating the acquisition, development, and proper administration and management of State forests and coordinating Federal and State activities in carrying out a national program of forest-land management, and for other purposes.

Mr. SMITH. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The first amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 7, after the word "forest-land", it is proposed to strike out "measurement" and insert "management", so as to read:

That for the purpose of stimulating the acquisition, development, and proper administration and management of State forests and of insuring coordinated effort by Federal and State agencies in carrying out a comprehensive national program of forest-land management, the Secretary of Agriculture is hereby authorized to enter into cooperative agreements with appropriate officials of any State or States for acquiring in the name of the United States, by purchase or otherwise, such forest lands within the cooperating State as in his judgment the State is adequately prepared to administer, develop, and manage as State forests in accordance with the provisions of this act and with such other terms not inconsistent therewith as he shall prescribe, such acquisition to include the mapping, examination, appraisal, and surveying of such lands and the doing of all things necessary to perfect title thereto in the United States.

The amendment was agreed to.

The PRESIDENT pro tempore. The second amendment submitted by the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 7, line 20, after the word "appropriated" and the comma, it is proposed to insert the

words "a sum or sums", and in line 21, to strike out "$20,000,000" and insert "$5,000,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. KING. Mr. President, I thought it was understood that the words "as Congress may from time to time appropriate" should be inserted.

Mr. SMITH. Very well; let that be done.

The PRESIDENT pro tempore. The amendment, as modified, will be stated.

The LEGISLATIVE CLERK. On page 7, line 20, after the word "appropriated" and the comma, it is proposed to insert "a sum or sums", and in line 21, to strike out "$20,000,000" and insert "$5,000,000, as Congress may from time to time appropriate", so as to make the section read:

SEC. 3. For the purposes of this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum or sums not to exceed $5,000,000, as Congress may from time to time appropriate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE ADMINISTRATION'S TAX PROGRAM—STATEMENT BY SENATOR BARBOUR

Mr. BARBOUR. Mr. President, last week my friend and colleague the distinguished Senator from Maine [Mr. WHITE] had inserted in the CONGRESSIONAL RECORD an article which appeared in the Newark Sunday Call carrying, in part, my statement concerning the proposed tax plan of the President, which is now before the Senate.

This article, while it carried my statement in a manner most satisfactory to me, and I appreciated very much the action of the Newark Sunday Call, did not carry the statement in full, and there have been so many requests that a complete statement appear in the RECORD that I am asking unanimous consent to have my remarks in this connection inserted in the CONGRESSIONAL RECORD in their original form.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The power to tax its citizens is the most sacred trust lodged in the hands of any government. Rightfully used, it is a legitimate source of revenue exacted from those best able to pay. Wrongfully used, it becomes the weapon of a tyrant, more dangerous than any other in the destruction of human liberties, threatening the confiscation of private property, and a constant encouragement to excesses in governmental spending.

It must be the purpose of any civil society to encourage the production of wealth, rather than curtail it, because by its production and distribution the people find their employment, and as total internal production is increased national living standards are also increased. From national production is obtained the revenue which supports the civil society in the form of government.

Any national policy, therefore, which threatens to curb the creation of wealth, which operates as a curb upon private initiative, is contrary to all sound economics, and is a threat both to living standards and to employment.

Too, taxation is a scientific problem to be approached with caution so that in any tax system as a whole the principle of ability to pay is soundly established, taxation is not arbitrary, unnecessary hardships are avoided, and the wells of income from which taxes must come are not dried up.

These are sound principles of taxation, recognized as this Nation has grown. Yet, in this tax bill which we now have presented to the Congress, each is disregarded in its entirety.

Never in the history of this country has a more flagrant proposal to violate all these tenets and to misuse the taxing power come from a high official of the Government than the recent taxation message of the President of the United States, deliberately thrown into the tail end of a congressional session, when it could not have due consideration. This, coupled with the President's demand that Congress "rubber stamp" the proposal without giving it intensive study, is a challenge to every Member of Congress, regardless of party affiliation, to reject such high-handed procedure.

It is inescapable that higher taxes will be necessary to meet the billion-dollar deficits piled up by the profligacy of this administration. We, our children, and our children's children will find incomes sapped to pay off this huge indebtedness.

The present administration plays the tunes and hopes to collect the votes, but the taxpayer must dance for years to come.

Taxation has but one function. It is to raise revenue for the legitimate operating expenses of government. The Constitution so provides, and the Supreme Court in the past has rejected the theory that the taxing power may be used to effectuate devious policies.

Yet no member of this administration has dared to challenge the repeated statement made by eminent newspaper writers that this is not a bill to raise revenues, but is designed solely as a political gesture. To the contrary, it is brazenly admitted that this is not a Budget-balancing measure; that it has no relation to making income meet outgo, but is intended to accomplish some weird social objective.

The bill is based only upon political expediency, and under the lash of the political whip Congress is driven toward a hasty and ill-considered enactment.

There is but one issue and one objective before this country today. We must seek recovery, which means reemployment, above all else. We must gratify the eternal craving of every American for a job in private employment, and any policy which does not aim directly at this objective is obnoxious to me at this time. Any policy which threatens to create new obstacles to recovery and to delay reemployment is doubly ill-advised.

If this Government will cooperate and use its every effort to stimulate recovery of business, then most of the problems with which this Congress is asked to concern itself would vanish into thin air. But this tax bill does not in any way contemplate reemployment. If anything, it will act as a further drag upon those industries which must be depended upon to reemploy the idle millions. It does not even approach a balancing of the Federal Budget, which in the final analysis can come only through a curtailment of governmental spending.

Votes, and votes alone, are the objective of this half-baked measure, not jobs.

It ignores the fact that if we concentrate upon recovery and upon stimulating private business the present tax rates would yield revenue estimated at more than four and one-half billion dollars. It ignores the fact that the present tax rates are already producing larger revenues than the Government received in any year from 1923 to 1928. It ignores the fact that these revenues were nearly 80 percent larger this year than in 1932, and that they have produced $3.70 this year for every $2.10 they produced in 1932. And it ignores the principle of taxation expressed by Woodrow Wilson in 1919, when he said:

"There is a point at which in peace times high rates of income and profits taxes discourage energy, remove the incentive to new enterprise, encourage extravagant expenditures, and produce industrial stagnation with consequent unemployment and other attendant evils."

What this bill actually attempts is to climb upon that hard-ridden steed, "Share-the-Wealth", and ride him away while the demagogues who have pressed him so sorely in the past are looking in the other direction. Particularly it aims its punitive features at corporations which have grown large.

These corporations and those who profit greatly from them should and must carry their just burden of the Nation's tax load. But in trying to reach this source of revenue we must avoid the pitfalls so obvious in this bill of penalizing the millions of small shareholders whose income is derived from the profits of these corporations, and the other millions of employees whose living might be endangered.

In this country there are more than 10,000,000 stockholders in corporations. Many of them have no other source of revenue. Many of these investments represent the thrifty savings of a lifetime, and mostly they are in large corporations. In 103 industrial companies alone there are nearly 4,000,000 shareholders.

Are we, in a mad quest for reforming our social structure, to imperil these savings and penalize the person of small means who has invested in these corporations?

There is but one sound program for the Government to follow if we are not to further obstruct recovery and are to preserve the credit of the Nation. This bill to feed $250,000,000 into the pot of billion-dollar expenditures is placing the cart before the horse.

The bill should be laid away until the next session of Congress when the Budget for the following fiscal year will be presented. Then, in the light of carefully appropriated Federal moneys, we can determine how much revenue will be needed to operate. Taxes can be levied deliberately as a true revenue measure. Any other program is not good business and it is not good government.

ORGANIZED AGRICULTURE—ADDRESS BY SENATOR POPE

Mr. McGILL. Mr. President, recently the Senator from Idaho [Mr. POPE] delivered a very illuminative address at the Founders' Day exercises and summer pilgrimage of the National Farm School at Doylestown, Pa., on the subject of organized agriculture. I ask unanimous consent that his address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen, the invitation to attend and address this meeting is a distinct honor to me. Being from a State one of the principal industries of which is agriculture, the problems, the joys and sorrows, the profits and losses of that industry are constantly uppermost in my mind. Those of you who are making

agricultural pursuits your life work deal with specific things and have detailed information as to the daily affairs of a farmer. Having been born and reared on a farm, I am familiar with the alternate joys and heartaches of every man engaged in producing the Nation's raw materials.

The National Government as an entity is conscious of conditions on the aggregate national farm and is constantly striving to better them. Your Government and you are, from both the philosophical and practical viewpoints, interested in the ebbs and flows of the economic tide as they affect you.

Farming has always been an individual pursuit. The man who owned a few acres of fertile soil was theoretically independent. He was the modern exemplification of Adam Smith's original theories of laissez faire. He was proud of his independence and maintained it for decades. The only danger which beset his personal freedom was economic pressure from forces over which he had no control. The grandeur of rugged individualism was found to fade rapidly when faced with privation, need, and, in some cases, actual starvation.

Because of a series of checks and balances in the American financial structure, all industries do not suffer at the same time except in the event of some major catastrophe such as the panic of 1929 and following. For years prior to that farmers as a class had been experiencing a depression. They were prosperous during the war but, immediately following it, their prosperity faded and disappeared. In June 1921, Congress appointed a joint commission of inquiry to determine the cause of agricultural depression. The committee reported in October 1921, recognizing the serious plight of agriculture but failing to report its cause. In 1922 President Harding called a national agricultural conference which indicated in broad general terms that prices of agricultural commodities were below the cost of production. From that time on innocuous gestures toward farm relief were continuously made by the National Government.

The war had converted the United States into a creditor nation, higher tariffs had been imposed upon imports, and foreign loans had been made to finance our exports until about 1929. Then these loans were discontinued, our exports fell off billions of dollars, and the depression was on.

The income of farmers dropped from a normal peace-time figure of about $12,000,000,000 and a war level of about sixteen billions to five and one-fourth billions in 1932. The price of farm products had fallen by 1932, in some instances, to all time low levels. It has been calculated that if farmers had continued to receive the same comparative price for their products as they received from 1909 to 1914, their income between 1920 and 1932 would have been twenty-seven and one-half billion dollars more. The loss of this income had decreased the average income of the individual farmer from about $900 a year to $400. The value of his property was cut in two, and at the same time his debts and taxes had approximately tripled. While his income had been thus decreased, the cost of the things he had to buy were well above the pre-war level.

In 1910 the farmers of the country, representing about 30 percent of the population, were receiving 16.6 percent of the national income. That percentage of income certainly seems small enough—16 percent for 30 percent of the population who are engaged in feeding and clothing the Nation. It would be an interesting study to determine just why the farmers who are in the most basic industry on earth are not entitled to a numerically proportionate part of the Nation's income. By 1932 the percentage of the farm population having been reduced to about 25 percent, they were receiving about 7 percent of the national income. Is it any wonder that the country was in the throes of the worst panic in its history? The base of the whole economic system was crumbling away.

Let us approach the matter from another angle. The Committee on Agriculture and Forestry during one of its hearings traced the consumer's dollars to determine where they went. It appeared that in 1913 a dollar spent for pork was distributed 56 percent to the producer or farmer, 19 percent to the processor, and 25 percent to the distributor. In 1932 this situation had radically changed. The producer was then getting 31 per cent instead of 56 percent, the processor 38 percent instead of 19 percent, and the distributor 31 percent instead of 25 percent. In other words, the producers were getting 25 percent less and the processors 19 percent more of the consumers' dollars in 1932 than in 1913. We found a similar situation as to beef. In 1913 the farmer was getting 61 percent of the consumer's dollar and the processors and distributors were getting 39 percent. In 1932 the farmer was getting 49 percent and the processors and distributors were getting 51 percent of the consumer's dollar. We found that of a housewife's dollar spent for lamb chops in 1913, 73 percent went to the producer and 27 percent went to the processor and distributor. In 1932 the farmer was getting only 50 percent of the consumer's dollar. Whatever analogy may exist between this condition in which the farmer found himself and that of the lion and the lamb, it is clear that the processor and distributor were getting the lion's share of the lamb.

From any method of approach, therefore, it was perfectly clear that the farmer was not getting his proportion of the national income. At the same time it was perfectly apparent that financial and industrial groups through excessive profits and manipulations of corporate enterprise had accumulated great reserves of wealth. They had organized the complex system of holding companies, some of which Congress has been dealing with for several months. They had brought about such an enormous concentration of wealth as to endanger our capitalistic system. They had gained such power that they largely controlled our economic system and dominated our Government. So huge and powerful had they become in contrast with the farmers of the land that one is reminded of Shakespeare's lines as to what Cassius said of Caesar:

"Why, man, he doth bestride this narrow world like a colossus, and we petty men walk under his huge legs and peek about to find dishonorable graves."

There is not a Senator who does not remember 2 years ago when millions of farmers were bankrupt, thousands of banks and business houses, particularly in farming communities, had failed; 30,000,000 people were in need of relief from hunger, and there was a real danger that the panic would destroy our present economic and governmental structure.

This was the condition 2 years ago when the Agricultural Adjustment Act was before us for consideration. There was probably not a Member of Congress who did not have serious doubts about it, both as to the principles involved and the practicability of its administration. I distinctly remember expressions of doubt on every hand, and particularly by the members of the Committee on Agriculture and Forestry to whom it was referred. We all realized, however, because of the conditions which I have mentioned, that something had to be done, and no other plan had been proposed.

At this point, it is interesting to recall the platform provisions of the Democratic and Republican Parties in 1932 for the relief of agriculture. Of the two, the Republican was much more specific. The Democrats favored "the restoration of agriculture, the Nation's basic industry", better financing of farm mortgages at low rates of interest, extension of the farm cooperative movement, and every constitutional measure that would aid farmers to receive for their basic farm commodities prices in excess of cost. It further provided for "effective control of crop surpluses."

The Republicans used the following language in their platform:

"The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand."

And then went on to say:

"* * * equally as vital is the control of the acreage of the land under cultivation as an aid to the efforts of the farmer to balance production."

And finally:

"We will support any plan which will help to balance production against demand, and thereby raise agricultural prices, provided it is economically sound, and administratively workable without burdensome bureaucracy."

The Agricultural Adjustment Act followed specifically the declarations of the Republican platform. It proposes a method to "control production to such volume as would balance supply with demand." It provided for "the control of acreage of the land under cultivation as an aid to the efforts of the farmer to balance production." Its object was to raise agricultural prices. It also attempted to provide a means for effective control of crop surpluses as declared for in the Democratic platform, and as clearly implied in the Republican plank.

It has always been interesting to me to hear criticism of the principles of the Agricultural Adjustment Act, by those who gave allegiance to the Republican platform—Mr. Hoover for instance—and particularly criticism of the crime of curtailing production and reducing acreage and "plowing under little pigs." It may be that the platform provision which I have quoted did have some restraining effect upon the recent "grass-rooters" convention which failed to condemn the administration of this measure, but I suspect that condemnation was withheld for another reason—that it was not good politics to condemn a measure that has to its credit so large a degree of success in restoring prosperity to the American farmer.

Regardless, however, of who conceived this Agricultural Adjustment Act, the real question is whether it has been attended by a reasonable degree of success in its administration. I shall undertake to deal with this point briefly.

One of the most striking features of its administration, in my opinion, has been the organized activities of the farmers themselves in the operation of the law. For decades the farmers of the country have been trying to organize themselves in their own interest. They have realized that processors, distributors, financial and industrial interests, manufacturers, and, during recent years, industrial laborers, have become organized in their efforts. They have seen organized manufacturers and distributors control the supply of their products to meet demand. They have seen them in large measure control prices. At the same time, the farmer has been at the mercy of natural and economic forces beyond his control.

If a farmer wants to buy a hat and goes to a store for it, the retailer, as a cog in the industrial organization, sets the price. Having harvested his crop, the farmer now becomes a seller and goes to the miller to sell his wheat. He is not asked the price of the wheat. He is told by the miller, another cog in the industrial organization, what he must accept for his wheat if he desires to sell it. On each end of the transaction, he is a passive individual who obligingly supplies, at convenient prices, grist for his organized brother's mill. Economists say that the aggregate farmer, being the producer of all foodstuffs, is in an excellent position to dictate to those with whom he deals. The difficulty with that theory has been the nonexistence of the aggregate farmer.

Efforts without Government assistance to organize the 6,500,000 farmers into a country-wide effective body have met with very limited success. There are too many of them; their interests are too varied; they have not been trained to cooperative effort; they have been too ruggedly individualistic. And it has always been to

the interest of manufacturers, processors, and distributors to discourage organization of the farmers.

Through the administrative machinery of the Agricultural Adjustment Act, gratifying progress has been made toward organized effort of farmers. About half of them have signed adjustment contracts, and 4,200 production-control committees have been organized and are effectively administering a program for more than 3,000,000 farmers. Community committees furnish information to farmers; allotment committees visit individual farms and check up on production quotas and compliance. The committees are selected by farmers and composed of farmers. The State board of review is made up of a farmer, the crop statistician, and a representative of the State agricultural extension service. This board reviews the work of the county committees and cooperates with producers in making adjustments in contracts. The agricultural service carries on educational work in connection with all these activities. The farmers select their committees, make their allotments, and administer the program in their communities. The democratic principle of majority rule permeates every phase of the work.

In 1934, when the corn-hog program was under consideration, more than 15,000 community meetings sponsored by the farmers themselves were held in all parts of the country. Then more than half a million contract signers voted, and two-thirds of them favored the program. Similar procedure was followed under the Smith-Kerr Tobacco Act, the Bankhead cotton bill, and the wheat-production program.

This is democracy at work in our economic system. It is effective organization among the farmers. And it is all based upon the voluntary act of each individual in signing the adjustment contract. If this is regimentation, it is self-imposed regimentation just as exists under any contract or other obligation freely and voluntarily entered into. The farmers themselves are not objecting to the measure. The anguished cries of "regimentation" are coming largely from the processors, the manufacturers, the industrialists, and the financiers. They are the ones who are organizing Liberty Leagues and singing paens to the sacred cause of liberty. They are the Paul Reveres who are warning the country. The sons of liberty are on the march, but they are not farmers' sons.

This organization of the farmers is all very well, you may say, but what is the result in dollars and cents? What is the effect on prices of farm products? How is it reflected in the income of the farmers?

Conceding that there are many factors making for recovery, such as monetary policies, large expenditures of public funds, refinancing of debts, and efforts to increase foreign trade, there can be no doubt the Agricultural Adjustment Administration has played a large part in improving the condition of the farmer. The prices of farm commodities subject to adjustment programs show remarkable increases, and farmers' incomes have shown corresponding improvement. The average price of farm products has increased from 55 percent of the pre-war level in 1932 to 108 percent in 1935. The total farm income has increased from $4,000,000,000 to $6,000,000,000 during the same period.

It seems unnecessary to give here the figures showing increased prices of the various basic commodities.

In the State of Idaho the income of the farmers increased from about $41,000,000 in 1932 to over $69,000,000 in 1934. The income from the wheat crop has more than doubled from fewer acres of land. The potato crop, however, for which Idaho is famous, not having been included in any adjustment program, has increased in price only from an average of 39 cents a bushel in 1932 to 49 cents in 1934. There is now a wide-spread demand among the potato growers to include potatoes in the Agricultural Act. A bill is pending in both Houses of Congress to include potatoes. Surpluses of potatoes have accumulated which are constantly depressing the price.

The potato situation needs immediate attention. Potatoes are raised in 48 States, and almost every person in the United States eats them. They are an important cash crop to about 3,000,000 farmers. The crop is strictly national, because no potatoes are exported and only an insignificant quantity imported. It is not subject to any kind of control or regulation. Every farmer can plant as many potatoes as he pleases, dig them when he gets ready, and sell them without restraint if he can find a buyer. As to potatoes, he is a rugged individualist supreme. No economy of scarcity affects him. He can and does follow the theory of abundance. Now let us see what his condition is.

The 1934–35 crop is one of the most disastrous in the history of the industry. Potato farmers produced over 385,000,000 bushels, a surplus of 65,000,000 bushels over the amount produced in 1933. They are receiving about $160,000,000 for the crop, which is about $64,000,000 less than the amount received for the 1933 crop. The growers of late potatoes are receiving approximately $40,000,000 less than the actual money spent in producing the crop. The average price of the 1934 crop of potatoes raised in Maine is 20 cents a bushel, in Michigan 28 cents, Wisconsin 29 cents, Colorado 55 cents, Idaho 49 cents. Sixty cents per bushel may be regarded as a fair price for potatoes and it can readily be seen why the 1934 crop is so disastrous.

It is interesting to note that the years 1928, 1931, 1932, as well as the year 1934, were depressing years for the potato farmer. The year 1929 was a good year. In the years 1930 and 1933 the potato farmer was barely able to receive the cost of production. The average annual production for 4 bad years of 1928, 1931, 1932, and 1934 was 395,000,000 bushels, and the average receipts $174,000,000. During the 3 years 1929, 1930, 1933, in which the farmer got by, the average annual production was 336,000,000 bushels, and the average receipts $330,000,000. In other words, during the 4 bad years farmers produced an average of about 60,000,000 bushels more and received an average of $156,000,000 less per year. This shows what the economy of abundance has done to the potato farmer.

It has been repeatedly said, however, that while the potato farmers were suffering from low prices the consumers were getting the benefit of them. This is true only to a very limited extent. During the 7 years from 1928 to 1934 the consumption of potatoes did not vary to any considerable extent; except for the year 1928, when the crop was very large and the consumption large, the consumption of potatoes varied only slightly from year to year. For instance, in the year 1932, when farm prices for potatoes were low and the receipts were only $126,000,000, the amount consumed was 207,000,000 bushels in the United States, and in the year 1933, when the price of potatoes was better and $224,000,000 was received for the crop, the amount consumed was about 205,000,000 bushels.

The fact is that the consumption of potatoes varies very little from year to year. The reason is that the consumer pays almost as much for potatoes when the price to the farmer is low as when the price to the farmer is fair. I have noted in Washington the price of Idaho potatoes this year at the grocery store is almost as high as it was last year, yet the prices received by the farmers in Idaho this year are considerably less than they were last year. The reason for this seems to be that charges of transportation and middlemen's profits are such as to make the price to the consumer about the same from year to year.

Assuming, however, that the consumer received the entire benefit of $160,000,000, which would be about the difference to the consumers between a poor year and a good one, that would amount to about $1.50 per year per consumer. This would not seem to be an exorbitant amount to be paid in order that 3,000,000 farmers and families might be permitted to enjoy a decent living as American citizens. It is certain, however, that the consumer does not pay any such additional amount during years of low prices to the farmer.

The removal of an average surplus production of some 40,000,000 bushels of potatoes would undoubtedly have the effect of assuring to the farmers a fair price for potatoes and at the same time the consumers would have an abundance. This is the purpose, as I understand it, of the Warren Potato Act, now pending before the Congress. I understand the senior Senator from North Carolina, Senator BAILEY, expects to offer this act as an amendment to the bill now pending before the Senate.

The reduction of price-depressing surpluses in the basic crops is an outstanding accomplishment of the farm administration. The carryover of cotton has been reduced several million bales; the wheat surplus has been reduced from 390,000,000 bushels in 1932 to about 130,000,000; the tobacco surplus has been greatly reduced. Of course, the severe droughts in the West have played an important part in this result, so far as certain western products are concerned.

For a long time the effect of large surpluses upon the market price has been realized. It is the most important factor in the price structure. The law of supply and demand is about as exacting in a free economic system as the law of gravitation. It does not mean the ineffective desire of millions of hungry Chinese, nor the unsatisfied wants of the hordes of India, nor even inability of those in other countries who have in times past purchased our goods. It is perfectly futile to argue that if the underfed and underclad millions in the world had our surpluses we would not need to reduce production. The only sensible thing to do is to face the reality, and to keep down surpluses of farm products by increasing exports in every way possible and by curtailing production when necessary.

The control of surpluses is, therefore, of vital importance to the farmer—more important than anything else in maintaining a fair market price.

In the language of the grass-rooters, which I suspect will one day become famous, we do not desire that gains already made by agriculture shall be relinquished. The mere fact that a few commodities have been put on a paying basis does not mean that the task of Congress is finished. They must be kept there. The crop-adjustment program of the A. A. A. and the drought have practically removed surpluses. If the power to adjust processing taxes in a manner which will prevent those surpluses from again accumulating is not given the Secretary of Agriculture, farmers will again find themselves with an unmanageable surplus and starvation prices.

The policy of the original Agricultural Adjustment Act passed in 1933 was to bring basic commodities to a fair exchange level or parity price. It is implicit in the law that when those basic commodities are equal to or exceed parity price, it is the duty of the Secretary of Agriculture to terminate the processing tax. This seems fair enough, but there is something else to be considered. Today wheat may exceed parity, and if the processing tax is terminated, a surplus big enough to knock the bottom out of the entire market may be grown this year. It seems to me that the purpose of the Agricultural Adjustment Administration should be not only to establish a parity price for basic commodities, but to keep them at parity once it has been obtained. The use of the processing tax is the only way in which acreage reduction contracts can be secured or enforced. It is obvious that if a program stops, surpluses will again accumulate to reduce the income of farmers.

This is not a question of politics, it is not a question of bureaucracy or dictatorship, it is a question of whether or not Con-

gress has a genuine desire to bring about a situation wherein the agricultural industry will receive such economic advantages as to guarantee to the American farmers a reasonably decent standard of living. It is a question only of preventing the Agricultural Adjustment Act from becoming ineffective by reason of the language used in its original draft.

My first interest is in the farmers themselves. It has been my earnest endeavor to secure legislation which would prove to be of permanent benefit to the agricultural industry. In spite of the fact that this cooperative effort among the farmers has been made on an uncharted, unexplored sea in stormy weather, the results accomplished in the last 2 years have certainly justified the venture. In spite of difficulties and mistakes, an advance has been made in the true direction of democratically organized agriculture.

Since farming is a basic industry and its prosperity is essential to the economic welfare of the country, no more important advance toward recovery can be made than a persistent and sustained effort to make fully effective the power of the tillers of the soil to control their destiny, and thereby promote the economic welfare of all the American people.

AMENDMENTS TO A. A. A. LAW—ADDRESS BY SENATOR SMITH

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an address entitled "What the A. A. A. Amendments Mean", which was broadcast by the eminent senior Senator from South Carolina [Mr. SMITH] over the Columbia System yesterday evening.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Much has been said and is being said about the amendments to the A. A. A. Act. Both in the committee and on the floor of the Senate these amendments were scrutinized with extraordinary care to make them legal and constitutional. So far as the amendments are concerned, in my opinion, they have been made legal and constitutional. Otherwise neither I nor any Member of the Senate who voted for them would have voted for them had they been either inequitable, illegal, or unconstitutional. After all the controversy about these amendments, only 15 Senators, when the roll was called, voted against them. I do not think that they could successfully sustain their argument that they were inequitable, unfair to agriculture, illegal, or unconstitutional. I believe that the Senate recognized—certainly the Committee on Agriculture recognized—that every effort on the part of the Federal Government and the States should be used to give the farmers in the markets of the world a fair chance.

I hope in discussing the A. A. A. amendments that the public who are listening in, will, for the time being at least, be farmer-minded, to consider the farmer in the relation which he now bears and has borne from time immemorial to our organized society. I take it that these amendments are an attempt on the part of the Government to set up an organization for the farmer which will stand as a bulwark against the organized processors and distributors.

From time immemorial the farmer has been exploited because he was unorganized. Everyone who is at all familiar with farming understands that the man who produces the raw material in the field never has had a voice in the price he has received. He pays the freight, he pays all the expenses incidental to production, and the price he receives is what is left after the purchaser has deducted all expenses incidental to the purchase and sale in distributing the article. Then, if anything is left the producer gets it. If what he receives is less than the cost of production, he accepts that, until today more than 50 percent of the farms in America, regardless of their location, are under mortgage.

These amendments are an attempt on the part of the Government to create a line of resistance for the benefit of the farmer. There may be in them, and there appears to be from time to time, what seem to be arbitrary provisions; but I desire to have the people bear in mind that, this being an effort on the part of the Government to recognize the helpless and unorganized condition of the farmer, we are attempting to create an organization which will stand as a resisting force against the organizations with which he has to deal.

In addition to that there is not a provision in these amendments which does not predicate their enactment upon the consent of the producer. That privilege is extended to him in every section of the bill. His majority consent is made the basis of any enactment in the bill. There is presented to him this proposition: How does this seem to you? Is it efficient in enabling you, through the agency of the Government, to receive at least some semblance of return from the wealth you produce?

Much has been said and is still being said about the constitutionality of the A. A. A. Act. So far as these amendments are concerned, they from start to finish provide for action by and with the consent of the producer and, through cooperation of the States, with the Federal Government.

I am asking the public, when they come to criticize the bill, to make their criticism constructive in reference to the unorganized, helpless farmers, and not destructive criticisms for the benefit of those who have exploited the farmer from time immemorial.

I am no more enthusiastic than any other individual about dictatorship. There is no place in the United States for the voice of a dictator. It is an alien and seditious voice. It should always be denounced wherever it shows itself or makes an intimation of its intent. These amendments are as far removed from the idea of a dictatorship in reference to the man who produces as they could be. I hope that you who are listening in will have clearly in mind the distinction between processors and distributors and the man who, in the field, in the sun, in the rain, in the winter, spring, and summer gambles with nature as to what he will produce—unorganized, incapable of organization—yet the aggregate of whose efforts feeds the Nation and furnishes the material out of which the Nation is clothed. I want the public in considering these amendments to bear in mind the farmer and not the man who processes and distributes. Let us first take care of the man who produces that upon which we live, and the others will be certain to take care of themselves.

I hope that those who antagonize these amendments on the ground of these being a bill to delegate arbitrary and dictatorial powers will consider the fact that there is not an element in them or a provision in them that is not predicated upon the vote of the man who produces. Let us all consider that fact, and if we have a criticism to make, let us remember those in the field who are producing the foodstuffs, who have asked and voted overwhelmingly for the provisions of these amendments.

My friends, we talk about the law of supply and demand. There is another law which is as irrevocable as the law of supply and demand. I refer to the law of least resistance. Every element of nature moves along the line of least resistance, and that law is as potent and deadly in the realm of commerce as it is in the natural world. Consequently, all those who deal in farm products get their profits out of the depression of farm prices, because the farmer offers the line of least resistance.

What business is there in the United States today that pays the freight except the business of farming? The producers receive for their goods what is left after those who handle them have deducted every expense incident to the handling. The man who produces the raw material does not even get paid for the wrappings in which he is compelled to package his product. The producer pays the freight, insurance, clerk hire, store rent, and every expense incident to placing the finished article on the market, and when all of these are provided for by the purchaser at a fixed rate, fixed by him and his associates, if there is anything left the producer gets it, but if not he can go back and make another crop.

These amendments are an attempt on the part of the Government—I take it to be an honest attempt—to set up an organization which will function in some degree for the benefit of the man who is unorganized but upon whom we are all dependent. Once again let me ask you, in considering these amendments and asking the meaning of any particular amendment, to keep in mind that they all are for the purpose of giving to the producer of raw material at least a partial chance in sharing in the wealth he produces.

These amendments are for the benefit of the producer and are an attempt to control the processor by the instrument that is invoked here for the purpose of handing back to the producer a part of the profit to which he is entitled.

In conclusion let me say that the problem of agriculture is far from being solved as it should be. There are tremendous difficulties in the way. There are too many things that the farmer has taken for granted that should not have been taken for granted. Monstrous trade injustices and discriminations have been perpetrated against him, not because of any enmity of the trade against the farmer but because of himself, who has been his worst enemy in that, as a class, he does not study his own problems and in conjunction with his fellow farmers attempt to solve his own problem—the farm problem—along right, just, and equitable lines; in a word, to place himself and his fellow farmers in a position where they may demand that just and equitable treatment in the trade world to which they are entitled.

The modern facilities for transportation, education, and communication make it easily possible for him to organize throughout the Nation along just lines for his own benefit and the ultimate salvation of this Government.

THE TAX PROGRAM

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Daily News of this date, written by Thomas L. Stokes, and dealing with the pending tax bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Monday, Aug. 12, 1935]

"POOR LITTLE RICH BOYS" NEED NOT FEAR TAX LAW—TRUSTS AND OTHER DEVICES PROVIDE EVEN FOR CHILDREN YET UNBORN, SAYS GOVERNMENT DEFENDING NEW MEASURE

By Thomas L. Stokes

The lot of the sons and grandsons of the rich is less forlorn under the Roosevelt tax program than some have pictured it, according to the administration.

The truth is, says Robert H. Jackson, counsel of the Internal Revenue Bureau, that America's wealthy already have taken care of their children and grandchildren—and in many cases of children yet unborn—through trusts and other devices which put them beyond reach of the pending tax measure.

Though Congress at the last session outlawed most of the dodges, the share-the-wealth program cannot be effective for many years in many cases because of the loopholes of which the rich have availed themselves, with the advice of high-priced lawyers.

Jackson took for the sake of argument the frequently cited case of a $100,000,000 estate where there is one heir who, through

operation of the estate and inheritance tax, would be left with only $13,157,850, though such a case, he said, is "over simplified."

DOES NOT TELL STORY

At 4 or 5 percent this legacy would represent an income of $500,000 to $700,000 a year, he explained.

But this does not tell the story.

"If the experience of the Bureau of Internal Revenue is to guide, you may safely assume that the son, during the father's lifetime, had many direct and indirect advantages from his surplus of resources", Jackson said.

"In a great majority of cases, you will find that he has already been given money and property, which represent a fortune as compared to the resources of most men. The father has probably set up trusts for the support of his children and grandchildren.

PROTECTED TO LIMIT

"Some of America's richest families have carried the setting up of trusts for future generations to the very limit permitted by law and even provide for those yet unborn. You will also find that the son has been given shares of stock in some of the leading companies in which his father's estate has been invested; that he has been elected to boards of directors, and probably placed in a position to receive a substantial salary."

One wealthy man has set up 197 separate trusts. Two taxpayers transferred $150,000,000 before the 1932 gift tax went into effect. These were among Jackson's examples.

Besides the purchase of tax-exempt securities and various other devices, Jackson pointed to other avenues of tax avoidance pursued by the wealthy and the sons of the wealthy.

"Big taxpayers reduce their taxes by obtaining allowance as business losses of the expense of show farms, ranches, racing stables, and hobbies, which are in fact amusements and recreations. This is done by asserting that the hobby is a business, entered into solely for profit, and the courts have generally sustained such claims when well sworn to."

EXPENSIVE HOBBIES

He cited the case of one taxpayer "who for years pursued a hobby, the expense of which greatly exceeded receipts, and in each of the last 2 years his loss was close to a million dollars. In one year he made the Government stand $166,888 of his hobby expense by reducing his income taxes in that amount."

Another was the case of three "distinguished" gentlemen farmers, each of whom has regularly lost from $150,000 to $200,000 a year on their farms. In the last 5 years, Jackson said, one reduced his taxes $221,000, another $210,000, and a third $206,000.

"Such 'farm relief' is not available to smaller payers who cannot deduct for their hobbies or amusements," Jackson remarked.

CONTROL OF FLOODS IN THE WEST—ARTICLE BY REED W. BAILEY

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have inserted in the RECORD an article written by Mr. Reed W. Bailey, Director of the Ogden, Utah, Intermountain Forest and Range Experiment Station. I am asking to have this inserted in the RECORD for two reasons. First, because the matter is of public interest, and second, because the discussion of the interesting engineering problems will bring home to those who own private lands in bench and hill countries feasible methods for conserving their own property in flood times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Forests for March 1935]

SHACKLING THE MOUNTAIN FLOOD

By Reed W. Bailey

Perched perilously along the steep sides of the Wasatch Mountains in Utah, 9,000 feet above the sea and almost a mile above the Great Salt Lake Valley, a small army of youths is engaged in a strategic movement to put an end to the floods that periodically come thundering down the mountain ravines to harass and plunder the peaceful settlements in the valleys below. Guided by the latest findings of research in respect to the causes of mountain floods, companies of the Civilian Conservation Corps are trenching steep slopes, building gully dams, and planting vegetation on critical areas in what resembles from a distance a vast face-lifting operation on the rugged features of the mountains.

This modern soldiery is allied against what formerly and incorrectly was called the "acts of God", but which science today labels the "mistakes of man"—mistakes resulting from a policy of land utilization that failed to recognize the influence of plant cover in regulating run-off and controlling erosion on mountain slopes. Destruction of vegetation on mountain watersheds by overgrazing and fires is wide-spread throughout the West. The technique of the rehabilitation work in Utah and its success in subduing floods, therefore, is of vital significance to communities everywhere subject to floods of mountain origin.

The establishment and expansion of settlements and industries in the arid West are fundamentally dependent upon water supply from the plant-covered mountain watersheds. In Utah, as well as in most of the other States of the intermountain region, the communities with their adjoining agricultural lands are situated in valleys, usually at the mouths of canyons on sediments brought down during past ages from the mountains by streams. In these valleys the rainfall is so scanty and evaporation is so high, that irrigation is necessary for general crop production. The mountain slopes and basins above the valleys constitute the source of both irrigation and municipal water. These same mountain slopes have been in urgent demand since early settlement for spring and summer grazing of livestock. In many localities, overstocking of the range has destroyed or greatly reduced the natural plant cover on parts of watershed areas.

If the condition of a watershed is so altered by natural causes or through improper utilization as to greatly accelerate run-off, disastrous results often follow. Soil and plant cover are the vital elements in regulating the run-off of any watershed. Their natural occurrence on the steep slopes of mountains, under the climatic conditions of the West, constitutes a delicate balance—a balance built up through the ages by the weathering of rock into soil and by the gradual improvement of the plant cover. In certain rugged mountains of Utah this balance has been overthrown in whole or in part by destruction of the plant cover. "Bald" spots have developed on the mountain slopes, which when visited by heavy summer rains, have become the generating places of floods which sweep down the steep, narrow canyons, carrying soil, gravel, and boulders up to 300 tons in weight into the valley communities below.

In recent years, floods from several canyons along a sector of the Wasatch Mountains between Ogden and Salt Lake City—the most intensively cultivated and densely populated rural section of the State—have resulted in the destruction of homes and the blocking of State highways and railroad lines. In addition, many acres of irrigated garden and farm land, worth several hundred dollars an acre, have been buried with debris containing boulders ranging up to 10 feet in diameter.

The seriousness of these recurring floods led to an investigation of the causes of the floods by a special commission appointed by the Honorable George H. Dern, Secretary of War, then Governor of Utah. Further cooperative studies by the Utah Agricultural Experiment Station and the Intermountain Forest and Range Experiment Station have contributed much to an understanding of the causes, the history of floods in the region, and measures to overcome flood danger.

The mountains in this locality are steep and, in the absence of retardent and retentive material, are conducive to rapid run-off from torrential storms. The record of the character of run-off during the past 500 centuries is recorded in the deposits of valley fill at the base of the mountains. The occurrence and recession of Lake Bonneville in this locality, many thousands of years ago, left clear-cut geological evidence in the form of shore lines and deltas which enable one to segregate the sands, clays, and boulders of the valley fill into three periods of formation, namely, pre-Bonneville, Bonneville, and post-Bonneville. The dating of these deposits made it possible to compare the quantities of material that had been brought down by the streams at different times. These observations revealed that in depth of cutting, in quantity of material and size of boulders carried, the recent floods exceed any others that have occurred since the recession of Lake Bonneville some 20,000 years ago. From this it is apparent that the recent floods mark a radical departure from the normal rate of post-Bonneville erosion and sedimentation.

The parts of the watersheds on which the floods originated were easily identifiable by the freshly incised gullies—unmistakable evidence of concentrated run-off—while on the well-vegetated slopes no gullying occurred. These gathering grounds were found high on the watersheds near the heads of the drainages, where overgrazing and fires during the past 40 years have destroyed or greatly reduced the vegetative cover on certain areas. The barren or depleted places are interspersed with areas of dense vegetation, and often stand out as "islands" in an otherwise well-vegetated landscape. Although constituting only a small part of the drainage as a whole, it was upon these "bare spots" that the flood waters originated.

The effect of vegetation in regulating run-off and erosion probably has never been more pronounced than it is in this section. On denuded slopes the plant cover and surface litter, which normally keep run-off spread over the slopes and facilitate absorption into the soil, were lacking. As a result, run-off rapidly collected into streams that increased in size and velocity as the water rushed down the slope, carving gullies as it went. With increase in volume of water came increased cutting and carrying power, thus adding large quantities of solid material to the moving mass. Descending the steep slopes, this mass of water, mud, and rocks formed the beginning of the floods that swept down the canyons in large heads, gathering debris and increasing momentum en route to the inhabited plain below.

Just as the investigation showed that the cause of the floods was rapid soil-laden run-off from depleted areas at the headwaters, it pointed to the need for stopping the rainfall in its tracks on these areas. Under the supervision of the Forest Service and Army personnel, a company of C. C. C. boys are at work on control measures designed to accomplish this end. They are carrying out the control program in minute detail as designed by the Intermountain Forest and Range Experiment Station, with the station investigators giving technical direction to the work. Control measures include protecting the critical areas against unwise grazing, the construction of terrace-trenches and check dams, and artificial reseeding and planting of the depleted areas in order to abet nature in the rehabilitation of the vegetative cover.

Contour terrace-trenches, which ascend the depleted spots on the steep upper slopes with steplike regularity, are the most conspicuous feature of this control system. They are designed to

hold the rainfall, even of storms considered torrential in that locality, and at the same time increase the absorption of water by the soil, thus eliminating surface run-off from the critical areas.

A sufficient number of trenches were constructed of such a size and spacing as to hold all the water from any storm anticipated. Thus, each terrace-trench is a potential reservoir for the temporary holding of rain water pending seepage into the soil. The size and spacing of the trenches must be determined separately for every area treated, based on the degree of slope of the land, type of soil, extent of plant depletion, and intensity and quantity of rainfall. On the Wasatch Mountain slopes the average horizontal distance between the trenches is about 24 feet. Their capacity is slightly more than 2 cubic feet for each linear foot, which is adequate to hold the run-off from the space above the trench, produced by a storm of 1¼ inch rainfall of any known intensity in the locality, exclusive of seepage. Each terrace-trench was first laid out with an Abney hand level and staked every few feet to assure as nearly a level trench as possible. On the more gentle slopes up to 45 percent, the trenches were first plowed with tractors equipped with caterpillar tracks and a trail builder. On the steeper slopes horses and plows were used, and under certain conditions the entire trench was made by hand labor. In plowing these terrace-trenches the loosened soil was pushed down the slope to form a bank, which acts as a barrier across the denuded and gullied slope. The upper cuts were reduced as nearly as possible to the normal gradient of the ground in order to minimize erosion.

After the trenches were roughed out with tractor or plow, the men finished them with hand tools. This consisted of trampling and compacting the loose bank and constructing partitions in the terrace-trench at varying intervals to offset irregularities in gradient. Otherwise the whole terrace might have reversed its purpose by becoming a drain ditch, which instead of holding the water would discharge a considerable volume down the slope in case any part broke during a storm.

The completed terraces were seeded with bromegrass, slender wheatgrass, Kentucky bluegrass, and common rye, or with seeds of native grasses and weeds collected on ungrazed areas in the locality. Douglas fir or other suitable conifer seedlings will be planted in the spring of 1935, the trees to be set out at intervals of 6 to 8 feet along the terraces. The establishment of plant cover on the freshly made terraces is an indispensable part of this program of erosion and flood control. The accumulated water in the trenches will aid in the establishment of the vegetation, which is the permanent basis of control. Since only the more critical areas are being trenched, some gullies will continue to receive considerable run-off until the area drained but not trenched becomes restored to an adequate plant cover. In these gullies, dams made of rock placed in wire baskets are being constructed for the purpose of establishing a new base level of erosion, thus preventing further headward cutting or further deepening and widening. On these steep watersheds the check dams are primarily for the purpose of retarding run-off and arresting erosion rather than for storing flood water or silt. The amount of debris that can be stored back of check dams is very small due to the steepness of the gradient.

The canyons from which floods have come are now gouged out so that run-off from the watersheds is rapidly delivered at their mouths. Accordingly some floods may occur as a result of the large accumulations of water from melting snow in the spring or from especially heavy summer rains during the period while the vegetation is being restored on the headwaters. A considerable amount of erosion debris has been moved part way down the canyons and this high water may pick up enough debris to become destructive. Accordingly, the C. C. C. boys moved down into the valley for the winter where they are constructing barriers and diversion works at the mouths of the canyons for the purpose of protecting property lying in the paths of these potential floods.

The underlying principle of this work in the valley is to create a basin in which the stream will deposit its load. Deposition is facilitated by forcing the streams to spread out over the basin. The utility of barriers in all probability would be short-lived and in time might become a menace to adjacent property, except where corrective measures are taken to control run-off at the headwaters of the drainages. Where control measures have been established at the heads of streams, barrier systems at the mouths of the canyons are justified as a temporary protection.

Man-made erosion control structures built on steep, sloping watersheds, at best, must be considered merely supplemental and temporary. Following any erosion-control program in which rehabilitation and protection of the plant cover is not included, the terraces and ditches will fill with silt and the dams and settling basins will be destroyed by erosion and debris. Lasting erosion-control measures can be obtained only through a program of land utilization and management which will restore and maintain an effective plant cover.

The combination of terracing, planting, and check damming may vary in different localities because of differences in topography, geology, soil, vegetation, and climate. Hence, every watershed must be analyzed and treated individually. However, the principles involved are basic to any control program and have as their object the reduction of surface run-off and soil erosion by inducing percolation of precipitation into the ground where it falls, until vegetation reclaims the denuded mantle and reestablishes the balance that made possible the accumulation and maintenance of the original soil. Such control aids in stabilizing the soil on the slopes, which is accomplished by keeping storm run-off spread out, by checking its progress down the slopes, and by preventing further erosion in the gullies. Thus, by lessening the volume and velocity of run-off, seepage of water into the ground is increased, and plant growth is promoted. Finally, the rainfall is prevented from accumulating into destructive flood proportions.

STATEMENT BY FORMER PRESIDENT HOOVER

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by former President Herbert Hoover, appearing in this morning's newspapers.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun of Monday, Aug. 12, 1935]

STATEMENT BY FORMER PRESIDENT HOOVER

The past 2 years have made it clear that the administration intends to bring about a fundamental change in the structure and balance of powers in our Government as distinguished from the normal development of the Constitution to meet specific problems as ofttime in the past. This has been evident from the demands made upon and the surrender by Congress to the President of powers reaching to dictatorial dimensions and in the invasion of State rights. For 2 years primary liberties of the people have been trampled upon.

In effect, the Supreme Court called a halt to the concentration of powers which has resulted in creation of monopolies, in coercion, in repudiation, and in other indirect invasion. The lower courts have declared still other acts unconstitutional.

But the President, in his criticism of the Supreme Court, his reference to "horse and buggy" days, and to the powers of European governments, revealed that these were not emergency measures nor temporary laws as had been asserted when they were passed. Moreover, we have witnessed the astounding passage of bills to prevent our citizens from having access to the courts to right their wrongs.

Further, we now see a demand from the President not to permit doubts as to the constitutionality of a proposed law to block its passage. We listen to constant urgings from prominent members of this administration that the Constitution must be revised. These things can have no other meaning than a continuous intent to change the Constitution directly so as to authorize such acts and such concentration of powers to accomplish them indirectly.

No matter how destructive an amendment might be, and even though the people were persuaded to ill-advised action upon it, yet it would be better for liberty to commit suicide in the open rather than to be poisoned by indirection in the Capital of the Nation.

No more momentous question has been raised since the Civil War. Common frankness requires that the administration come forward to the people and declare precisely wherein under our Constitution we cannot correct evils and cannot prevent social maladjustments.

The time has come when these full purposes should be disclosed. The people should now be told openly the specific words of the exact amendment that these gentlemen want, so that the people can consider and themselves determine it. That is their right.

FEDERAL LICENSING

Mr. BURKE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial appearing in the Omaha World-Herald of Wednesday, August 7, 1935, in reference to Federal licensing, having particular reference to the bill recently introduced by the Senator from Wyoming [Mr. O'MAHONEY].

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERAL LICENSING

It isn't so very long ago that there was lively discussion of the proposal of Federal incorporation for all businesses engaged in interstate commerce. It was advanced as affording an effective method for the regulation of trusts and monopolies not only, but of the numerous concerns operating in more than one State, that were able to defy satisfactory State control and yet could not be brought sufficiently under the supervision of the Federal Government.

At that time, Republicans, especially of the conservative variety, were the most ardent supporters of the plan. Democrats opposed it, and the more progressive they were the more determined their opposition. They charged it would afford a shelter for monopoly. Big business, controlling the Government, would find it delightfully easy to write its own ticket. That, it need not be said, was in a day before a Roosevelt administration was foreshadowed.

Now, however, it is a progressive Democrat, Senator O'MAHONEY, of Wyoming, who invokes the principle. His bill for the Federal licensing of interstate business is the same thing under another name. As briefly outlined in the dispatches, it seems to be worthy of serious consideration.

In our Federal system, it is widely recognized, there exists a troublesome twilight zone in which industry that ought to be regulated finds a hiding place. Neither the States nor the Federal Government are able to enter it. It extends beyond any State's

borders. It is shielded against Federal authority. Within that sheltered refuge, Robin Hood's merry men too often raise merry hell.

N. R. A. was an effort to solve the problem presented. It failed, not only because of its unconstitutionality, but because it sought to cover too much territory. It aspired to create Federal control over business, not alone between the States, but within the several States. It reached out a long hand from Washington to control the shirt maker and the pants presser and the blacksmith and the innumerable small activities in all the small communities, having nothing to do with interstate commerce. And that made it highly unpopular, so that, for its passing, there were few outside Washington to shed a tear.

Federal licensing of business between the States would need have none of that weakness and error. It could operate under the constitutional balance. The States would be left with the responsibility to regulate their own purely local businesses. The Federal Government could regulate, as it should, interstate business. And that would chase the big Robin Hoods out of their twilight zone.

Oceansful of water have passed under the bridge since the day conservative Republicans favored and progressive Democrats opposed Federal incorporation. Conditions have changed radically, including the attitude of the two parties. It is the Democrats who now are pressing for vastly extended Federal authority. It is the Republicans who are soulfully championing the old Democratic doctrine of State rights and local self-government.

Why doesn't the O'Mahoney plan propose a reasonable compromise? And why couldn't both parties, including conservatives and progressives of both parties, accept it? Then the two parties could find something else to fight about—and to switch positions on.

SECRETARY WALLACE'S VISIT TO NEW MEXICO

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Curry County (N. Mex.) Times concerning Secretary Wallace and his recent visit to Clovis, N. Mex.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW MEXICO LIKES WALLACE

The Lyceum Theater was filled to overflowing to hear Secretary of Agriculture Wallace Monday morning, and to say that the audience liked his looks and his plain common-sense arguments is putting it mildly. Farmers and business men who heard the short talk are boosters for the Secretary, who has had the biggest problems to solve of any Secretary of Agriculture in the history of the Nation. Secretary Wallace explained the details of the A. A. A. program without a lot of frills or rosy promises. He said farm products were not going to be raised to high price levels by magic and that better prices must come gradually and orderly.

He impressed his audience that he knew farm problems, and we dare say that every man who heard the speech thought a lot more of the A. A. A. program after he left the theater than before. Mr. Wallace said that he saw corn in Curry County that would do credit to rich farm lands of Iowa and maybe he was impressed with eastern New Mexico as well as we were impressed with him.

THE GUFFEY COAL BILL—STATEMENT OF COAL PRODUCERS' COMMITTEE

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and a telegram from the Committee of Coal Producers relative to the so-called "Guffey coal bill."

There being no objection, the statement and the telegram were ordered to be printed in the RECORD, as follows:

THE COAL CONSERVATION ACT OF 1935, H. R. 8479, FROM THE VIEWPOINT OF SMALL PRODUCERS

For decades the bituminous-coal industry has been seething with bitter and destructive warfare among producers of coal for the capture of markets and with outbreaks of violence and civil commotion between producers and mine workers, and the records are replete with reports and investigations of arbitrators and commissions.

Faced with a diminishing demand for coal, big business has sought to maintain volume of tonnage through the processes of uncontrolled competition, and all manner of unprincipled trade practice and price cutting has been used to crush the weaker members of the industry. With the reduction of sale value of the goods it has been necessary to lower costs, and helpless employees have been deprived of living wages without concealment or shame. Periodically the oppressed workmen rebel, and the Nation is for a time shocked by the ruthless violence that dominates a mine strike.

A constructive legislative movement to alleviate such conditions was started in 1934 by the national organization of mine workers, and a bill was written.

A national conference of producers of coal was convened, and a legislative committee was formed, of which Charles O'Neill is chairman, and for the first time in the history of the industry the mine owners and the representatives of labor conferred together with harmony and unity of purpose to work out a legislative program to cure the ills of the industry.

The original bill was amended, and some prominent producers of coal withdrew their support for reasons which to them seemed sufficient (see copy of annexed telegram relative thereto), but ultimately more than 50 percent of the commercial tonnage of the country agreed with labor upon a bill that is now known as "H. R. 8479."

There are yet remaining in the industry more than 4,000 rail and river mines in the United States that employ upwards of 400,000 men who live for the most part in communities remote from large centers of population and who depend solely upon the industry for their livelihood.

As conditions affecting the mining of bituminous coal in western Pennsylvania are typical of the industry anywhere, this discussion in support of the Guffey-Snyder bill, H. R. 8479, will apply with equal force to many shippers elsewhere. It is presented at the instance and upon behalf of 30 small producers and shippers of bituminous coal in western Pennsylvania, whose tonnage, names, and addresses appear on a list attached hereto.

We are here concerned with practical every-day problems presented by the bill as they affect these producers of coal and their employees, leaving for others the subjects of constitutionality, coal conservation, labor provisions, and allocation of tonnage.

Therefore we purpose to deal with four major parts of the bill in the following order, namely: Marketing, enforcement, wholesaling, and representation on the district board.

MARKETING

Bituminous coal as it lies in the seams in a natural state varies according to thickness of seam, quality, and structure, but in the main it falls into a few broad classifications, namely, seam coal, byproduct coal, coking coal, free-burning coal, and domestic coal.

Generally, to the producers and shippers of coal in competition with other coal of similar kind, quality, and size, it is immaterial whether the competitive coal is mined in West Virginia, Kentucky, Ohio, Pennsylvania, or elsewhere, so long as it all reaches the consuming markets at substantially the same or competitive prices.

On account of the wide-spread deposits of coal and the large numbers of producers engaged in its production it is a disorganized business, but it is also one of the few remaining major businesses of our country in which individual initiative has not yet been stifled by the grasping hand of monopoly.

For the past 10 years, however, monopoly has been on the way up and individual initiative is on the way out, chiefly because the large and well-financed producers have been crushing smaller competitors through the means of uncontrolled competition. The wrecks of mines in the coal regions are visible evidence of the result.

This condition is also mutely expressed in a release of the western Pennsylvania Coal Code Authority, which shows, for example, that the Pittsburgh Coal Co. increased its percentage of tonnage in western Pennsylvania 43 percent during the years of depression. Its peak production year during the period 1925 to 1929, inclusive, was 13.2 percent of the total district tonnage and for the year 1934 it was 18.8 percent of the total district tonnage, while in the meantime 128 small mines in the district that had produced and shipped coal and contributed to the support of communities in the year 1929 now lie idle and did not produce a single ton of coal for and during the entire year 1934.

It does not follow that the small producer is the high-cost producer or that the small producer has the inferior quality of product, but it has occurred because large producers of coal are tonnage minded.

They seek volume of business in order to spread fixed costs over a large tonnage output. These fixed costs, such as pumping, ventilation, maintenance, employees, taxes, insurance, administrative expense, interest charges, and depreciation are continuing charges regardless of the actual tonnage produced at the mine, and it frequently seems advisable to reduce the selling price as much as 30 to 40 cents per ton upon part of the business in order to secure volume and assure the large producer a small net profit on the entire production.

The result has been disastrous because large and well-financed organizations have been able to control the tonnage of substantial markets by their affiliations with or ownership of docks, coaling pockets, lake and ocean vessels, railroads, river barges, and privately owned transportation facilities. The producer with such affiliations or controlled tonnage is certain of a substantial production at good prices and can and does sell the remainder of the production in the open market at reduced or cut prices.

Meanwhile the small producer does not enjoy good prices for any of his business, for he is compelled to compete in the open market against the low prices of his more powerful competitor who enjoys the special privilege of a controlled market. This situation is analogous to the oil industry in its early days.

Uncontrolled competition in the markets has built up a system of ruinous prices and unfair practices that can be cured only by stabilization under legislative enactment, and unless it is cured for the coal industry it will continue to foster monopoly and the survivors, after crushing competition, can impose their wishes upon both labor and the public as they will.

The marketing provisions, pages 10 to 20, of H. R. 8479 tend to strike down unfair practices and prevent selling coal below cost.

The first salient feature of these marketing provisions is that producers of coal will be prevented from selling the coal below a

minimum price that returns its weighted average out-of-pocket cost.

The second important feature is the provision clothing the national commission with authority to establish maximum prices in the interest of the consuming public.

The third notable provision coordinates relative market values for the various kinds, quality, and sizes of coal, which shall be just and equitable and not unduly preferential between producers not only within the district but also between and among producers of similar coal from other districts.

The law provides that the commission shall certify to each district board the weighted average per net ton total cost of all coal produced within the minimum-price area. The district board will then establish minimum-price differentials for the various kinds, quality, and sizes of coal for each district, and such minimum prices shall not unduly reduce as to any district the return per net ton upon all the coal produced therein below the minimum return as determined for the whole minimum-price area, subject to the power of the commission to approve, disapprove, or modify the same. The commission may raise or lower the district price schedules to coordinate prices according to kinds, quality, sizes, and transportation charges, but when so coordinating the commission is charged with the mandate to maintain weighted average prices for each minimum-price area equal as nearly as may be to the weighted average total costs per net ton of the tonnage of the minimum-price area.

Under this system of coordination the districts with poorer-quality coal or with higher transportation charges will receive lower prices, but the more favored coal will be priced sufficiently high so that the total will yield the weighted average cost of production for the area.

Manifestly the consumers of a product cannot for any protracted period expect to secure that product at less than the cost of producing the goods. It is true that during the past few years many producers of coal have been unable to realize its cost and this condition has led to great financial distress in the coal regions and has contributed materially to the closing of many banking institutions and to irreparable losses for other security holders and to the owners of property.

Selling coal below cost has been directly responsible for the progressive reduction of rates of wages and pay of employees, frequently to an extent where earnings have not been able to support decent existence and the morale and living conditions are deplorable. The wage earners have not only been pauperized but the owners of the mines have been denied a return sufficient to provide machinery, equipment, pit posts, and supplies for the proper protection of the people who work in and about the coal mines.

The buying power of both producer and thousands of employees has been depressed to such an extent that they have ceased to be a constructive force for maintenance of the bituminous coal-mining communities.

The guaranty under this bill of a price sufficient to pay costs assures security for the wages of more than 400,000 men employed in the coal mines of the country by removing from the producer the necessity of breaking down wages in competing for business that will not approximate even the out-of-pocket costs for his product.

It is a self-evident fact that the purchasing power of a prosperous bituminous-coal industry in which there are 4,000 producing organizations and more than 400,000 employees will be much more beneficial to the public at large than an industry which can neither pay the bills for its material nor pay fair wages to its employees.

The yield of cost to the producer for his coal should not be shocking to the consumer but the yield of an insufficient return should be shocking to every person from a humane point of view. Producers of coal have neither been able to pay living wages nor to purchase proper equipment and supplies to guard against the preventable crippling and injury of the men who go down in the mines to work.

There are mines in western Pennsylvania with an accident hazard so great that they must pay $12 to the State insurance fund for each $100 distributed over the pay roll to employees.

Accidents are not profitable to mine owners, for they must be compensated for under the workmen's insurance rates, but sheer pressure of economic necessity has limited many producers from installing preventative measures.

It is not the desire of the coal producers to continue the slaughter and crippling of its employees, and it cannot be the desire of the consumers of coal to be a party to the fact by insisting upon the purchase of their coal at less than its cost in money, but at the cost of crippling and maiming the toilers in the mines. It is the inevitable result arising from a situation where the ability to make costs is denied or frustrated.

For the protection of labor, for the protection of investments, to prevent monopoly, and for the general welfare of all the people we endorse and support the marketing provisions of the bill.

ENFORCEMENT

Irrespective of the value of the services rendered by the Bituminous Coal Code under the N. I. R. A., it broke down from lack of enforcement.

This bill provides for a tax or penalty on the sales price or fair market value of coal to be collected by the Commissioner of Internal Revenue from those who do not desire to comply with the law or who feel that fair trade practices or equality of opportunity in the markets may be antagonistic to their interests. (See p. 5, sec. 3.) This should be an effective enforcement provision. One may take the chance of successfully defending against threatened incarceration, but when the money or property of an industrial enterprise is placed in jeopardy because of the failure to do or not to do a certain act, we submit that the mandate of the law will be scrupulously observed.

There is a credit against the tax in favor of those who do comply, but the right of any coal producer to the drawback on the taxes levied under section 3 may be revoked by the Commission after due complaint, notice, and hearing, upon proof of willful failure or refusal to comply with the duty imposed by reason of this clause. (See p. 26 (b).) There is also reposed within the discretion of the Commission power to issue cease-and-desist orders for failure of compliance of a member, and this affords reasonable protection for unintentional violation.

There is also a provision that any producer whose membership in the code and whose right to drawback on the taxes has been canceled shall have the right to have his membership restored upon payment by him of all taxes in full for the time during which his unlawful violation shall have been continued. (See p. 28 (c).)

The process of enforcement is further aided by requiring the filing of contracts for the sale of coal, copies of invoices, and copies of credit memorandums, and these records shall be held as confidential records, but they will place in the hands of the National Commission reasonable information concerning the business of the industry. (See p. 10 (a).)

An appropriate remedy is provided which charges the producer under penalty of $50 for each and every day of his continuance to fail to file the reports within the time fixed for so doing. (See p. 36.)

There is also a clause covering civil liability extending the right to bring action for threefold damages as guaranty to one who observes the price structure that a willful violator may not escape with the fruits of his misconduct. (See p. 29 (d).)

Manifestly these provisions protect one who is not a flagrant or willful violator of the law and also permit one who has been a violator to again reestablish himself.

Under the N. I. R. A. the lack of enforcement was first and quickly perceived by large and astutely organized producers, and this weakness was capitalized and used skillfully to secure business at special prices long before the small and uninformed producers of coal awakened to the fact that their business was being lost to those who arrogated to themselves the right to do as they pleased. The name of "chiselers" has been well applied to them, and the provisions of H. R. 8479 have been strictly drawn to protect all bituminous-coal producers against this class of parasites.

Many of the small producers in the coal fields have grown up in their local communities and they are unaccustomed and unable to command the system of high-pressure salesmanship with its devices and schemes to secure special privileges, and have not the large interlocking financial connections that assist in the sale of coal. There has never been any problem in securing compliance from these producers. Compliance under the N. I. R. A. was beneficial to them, as the small amount of regulation was compensated for by the equal opportunity afforded; whereas compliance simply fettered a large chiseler and finding out there were no teeth at the moment he selected, he stopped compliance.

All of the above remedies and provisions for enforcement are of vital necessity to the small producer of coal. He has a healthy respect for law and for the enforcement of it. He does not have a battery of skilled legal talent at his command to guide him through the intricate processes of legal contests, and he reads and interprets common language in a plain and direct way and guides his action in accordance with such understanding.

In offering his coal to the market he is willing to do so on the basis of equality in price for the kinds, quality, and sizes of coal that are to be offered by others, but if the processes of enforcement are so weak that competitors with more acumen are able to circumvent the price structure, the small producers awake to find that the opportunity to market their coal has been lost.

WHOLESALING

It is noteworthy that H. R. 8479 contains a section to provide compensation for those who purchase coal for resale, commonly known as "wholesalers", whereas other recent bills that have been introduced for the coal industry have omitted such provisions. (See p. 19 (i).)

The business of wholesaling is perhaps one of inconsequence to the large producer of coal whose tonnage is sufficiently great to warrant the maintenance of a sales organization and combustion engineering service, but it is of vital importance to the small independent producer who, by reason of his size, cannot afford the expense of special representatives in the consuming markets.

Many of the small producers of coal are extremely efficient and capable in the production of the product. They have grown up from boyhood as members of mining communities and they are not only familiar with the production of coal but they know their communities and their workmen. There is often a bond of close contact between employer and employee that promotes the efficient management of the property.

Such a producer is localized in his environment and training and he has little knowledge of the processes of marketing and distribution of coal. He knows that he has coal that he would like to sell but he does not know, for instance, whether his coal is best suited to an underfeed stoker, overfeed stoker, chain grates,

or hand firing, or whether low-fusion coal will best suit the needs of a slagging furnace or whether high-fusion coal is desirable.

He does not have the intimate contact with the consumer. The small producer must of necessity rely upon the wholesaler who may know little about the producing of coal but who knows the needs of consumers and the marketing of the product.

Wholesalers are not only entitled to compensation because of sales ability but they assume credit risks and frequently advance pay-roll money and help finance the urgent needs of the small producer.

Certain wholesalers have from time to time taken advantage of the necessity of the tonnage-hungry producer to drive unduly hard bargains, but in this bill the price allowance receivable by the wholesalers is under the control of the Commission, and this seems to be a practical and safe method to work upon.

Manifestly it costs more money to sell coal in single carload lots to small consumers in territories farthest away from production or in scattered communities such as one finds in northern New England. As against this the marketing of coal in large volumes to railroads or large industrial consumers affords much greater return, and it is reasonable and proper that the compensation for the resale of the article should be based upon the amount of service rendered.

The bill protects the small consumer when it protects the wholesaler and it retains a place for the wholesaler as a useful member of the industry who with long-established market contacts has proved valuable and helpful, both to the producers by finding a market for their kind of coal and for the consuming public by providing the best kind of coal for each individual need.

REPRESENTATION ON THE DISTRICT BOARD

Under part 1—organization and production—page 6 (a) there is a provision for local self-government through and by the means of a district board composed of not less than three or more than 17 members, subject to the approval of the Commission. One member to be chosen by labor, one member by numbers of producers, and the remainder by vote of volume of tonnage for the calendar year 1934 with the right on part of any producer to vote tonnage cumulatively.

There are 23 such district boards and the districts which they represent have been well defined for the purpose of giving to independent producing localities the control over their destinies. Some of these districts produce very small tonnages and probably will be represented by a district board composed of the minimum allowable number, while other districts such as western Pennsylvania, produce not only large volume of tonnage but comprehend a great variety in kinds of coal shipped from a number of producing fields and here it is proper that the district board should be composed of a large number of representatives who have production and market knowledge of the various kinds of coal within the district.

This is extremely important because the marketing provisions contemplate that differentials between various kinds, sizes, and quality of coal shall originate with the district board. This situation is again recognized in the bill on page 8, where provision is made that marketing agencies comprising a substantial number of members in any producing field may be given representation on the district board by the Commission by increasing the membership of the board in its discretion.

Representation of the district board is vital to the small producer and is also at variance with the provisions of other proposed legislation for the industry which provided that all the producer members of the board should be elected by a preponderance of volume of tonnage alone. Manifestly, under such a provision the large producers could and probably would dominate the board and the small producer would in effect be denied the right to representation.

It is not within the mind of anyone that the small producer will be able to control the board, but the provisions in H. R. 8479 make it possible for the smaller producer to have some degree of representation on the board so that controversial questions such as differentials between kinds, quality, and sizes of coal may not come before the Commission as the unanimous action of a few of the large producing companies.

The opportunity for presenting minority reports to the National Commission for the purpose of conveying a complete understanding of any subject at issue will be within the means of any substantial group of smaller producers either through representatives elected by cumulative voting or through representatives of their marketing agency.

CONCLUSION

The enactment of this bill will mean:

1. A price realization sufficient to sustain wages and return to capital the cost of producing the goods.

2. A check against exploitation of the consumer by placing control of maximum prices in a Federal Coal Commission.

3. The settlement of wage disputes by conferences, arbitration, and due process.

4. The regular and orderly supply of coal to the consuming public.

5. Equality of opportunity for producers in marketing the various kinds, quality, and sizes of coal.

6. The preservation of a great basic industry from the grasp of monopoly.

7. Guaranty against bankruptcy of small communities dependent upon coal operators.

Supported, as it is, by a practically unanimous opinion of mine workers and by the majority of mine operators, the reasons for enactment are persuasive and should be resolved in favor of an attempt to correct what is a plague spot nationally in an industry which affects without regard to State lines the health, happiness, and prosperity of so many of the citizens and taxpayers of this country.

Respectfully submitted.

COMMITTEE OF COAL PRODUCERS,
By JOHN B. BRUNET, *Chairman.*
D. R. DAVIS,
JAMES GREGG,
J. E. SUGDEN, Jr.,
H. M. WASSUM.

Dated: GREENSBURG, PA., *August 6, 1935.*

[Telegram sent on July 10, 1935]

Hon. SAMUEL B. HILL,
Chairman Subcommittee on Ways and Means,
House of Representatives, Washington, D. C.:

It is to be regretted that selfish producers of large tonnage of bituminous coal will be active against the Guffey bill. They are able successfully to fight, and in the past have successfully fought, both their smaller competitors and the miners. If larger operators are able to destroy competition by putting smaller competitors completely out of business by underselling them, they will be able to treat labor and the consuming public as they will.

Originally the Guffey bill suited most of the large operators. It was drawn so that the election of all the members of the district board was on the basis of tonnage alone. Marketing agencies were to be elected and controlled in the same manner. It originally enabled high-quality coal to drive steam coal out of the market by providing for uniform prices for all coal. It denied the right of appeal from rules and determinations of the district board. It omitted all compensation to wholesalers or others engaged in the resale of coal who are vitally necessary to the smaller producers.

A number of small producers of western Pennsylvania who are represented by the signers hereof united in seeking fundamental protective amendments to the bill and after national conferences of producers held in Washington changes were made in the personnel of the national legislative committee and this committee under the chairmanship of Charles O'Neill after weeks of deliberation counseled and aided in writing the Guffey-Snyder bill, H. R. 8479, that guarantees to both large and small producers the right to representation, the right of appeal and protection for wholesalers.

After the Guffey bill was amended to preserve the rights of the smaller producers some of the larger producers withdrew their support from the Guffey bill.

Within the western Pennsylvania district five large producers of bituminous coal plus the captive coal tonnage for the year 1934 produced more than one-half of the district tonnage while the small producers of whom there are approximately 1,100 within the district with about as much investment as the larger producers and with production ranging from a few thousand tons to upward of some hundreds of thousands of tons produced the balance of the tonnage.

This bill assures to small industry economic rights for fair marketing provisions and we maintain that the larger producers are not entitled to benefit at the expense of the small producers and we believe that H. R. 8479 has been drawn to give all producers fair opportunity to share in the business of the industry at stabilized prices that will protect labor and with power in the national commission to safeguard the public against a runaway market.

Committee of coal producers supporting the Guffey bill:

D. R. DAVIS,
JAMES GREGG,
J. E. SUGDEN, Jr.,
H. M. WASSUM,
JOHN B. BRUNET, *Chairman.*

Butler Consolidated Coal Co., Wildwood, Pa	692,364
Cochran Coal Co., Williamsport, Pa	63,639
McKeesport Coal & Coke Co., Pittsburgh, Pa	324,769
Daugherty Coal Co., Finleyville, Pa	9,518
Henderson Coal Co., Hendersonville, Pa	165,600
Chartiers Gas Coal Co., Pittsburgh, Pa	45,130
West Point Marion Coal Co., Point Marion, Pa	43,379
St. Clair Fuel Co., Ligonier, Pa	21,688
Davidson-Connellsville Coal & Coke Co., Connellsville, Pa	21,921
Fancy Hill Coal Co., Point Marion, Pa	178,207
Pleasant Valley Mining Co., Pittsburgh, Pa	330,726
South Fayette Coal Co., Pittsburgh, Pa	127,049
Seger Bros. Coal Co., Ligonier, Pa	75,711
Creighton Fuel Co., Creighton, Pa	158,103
Seehart Coal Co., Saltsburg, Pa	31,789
Saxman Coal & Coke Co., Latrobe, Pa	105,789
Irwin Gas Coal Co., Greensburg, Pa	253,633
Edward Tomajke, Adamsburg, Pa	166,672
Atlantic Crushed Coke Co., Greensburg, Pa	27,044
Penn Valley Coal Mining Co., Youngwood, Pa	109,123
Howard Gas Coal Co., Greensburg, Pa	63,533
Keystone Coal Co., York, Pa	92,503
Washington Gas Coal Co., Pittsburgh, Pa	119,492

Charleroi Gas Coal Co., Pittsburgh, Pa	5,177
Ontario Gas Coal Co., Pittsburgh, Pa	25,327
Seger Bros. Co., Ligonier, Pa	75,711
Westmoreland Mining Co., Blairsville, Pa	553,449
Klondike Fuel Co., Pittsburgh, Pa	116,695
McClure Mining Co., Washington, Pa	79,966
Lyons Run Coal Co., Irwin, Pa	15,086

CONDITIONS IN GOVERNMENT CONTRACTS AND LOANS

The Senate resumed the consideration of the bill (S. 3055) to provide conditions for the purchase of supplies and the making of contracts, loans, or grants by the United States, and for other purposes.

Mr. AUSTIN. Mr. President, I am opposed to the amendment in the nature of a substitute which has been offered by the Senator from Missouri [Mr. CLARK] for Senate bill 3055. The amendment is in the form of the so-called "30-hour-week bill", with the preamble subtracted from it and section 4 and paragraphs (a) and (b) also eliminated. The proposed substitute as offered would apply to a great number of employees in almost every line of activity throughout the United States. The direct effect of it, if agreed to, would be to control labor to the extent of limiting the sale of services by law to not more than 5 days in any week and to not more than 6 hours in any day. Therefore it would curtail the liberty of the laboring man and create a statutory monopoly of services in this country.

The scope of the amendment includes employees, "except officers, executives, and superintendents, and their personal and immediate clerical assistants", or any person producing or manufacturing goods "in any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment situated in the United States." "Manufacturing establishment" alone is so generic in its scope as to include practically every industrial activity in the United States and, therefore, to proscribe the right of every employee engaged in manufacturing.

The proposed substitute includes employees of all producers of agricultural or farm products save those producers who are original producers and who process for the first sale. It includes employees in the publishing business, the original bill having excluded that business by name and the proposed substitute having eliminated that exclusion.

There is an exemption by reason of a permit by the President in respect to the classes of employees I have mentioned. Special circumstances and special causes for exempting persons have to be shown in order to obtain such exemption, but the noticeable thing from a legislator's point of view is that the exemption does not include industry. Not one of the industries to which I have adverted so far can obtain an exemption from the limitations of the bill. Only persons within industries who can show cause, therefore, may be exempted from its prohibitions.

I have already indicated the very large class of citizens who are prohibited from exercising the customary right of contract, but I have not comprehended the entire scope of the amendment, for it will be observed that another great class of wage earners is included within the reach of its prohibitions, and that is the employees of vendors—vendors of articles or commodities sold to the United States or to any department or organization thereof.

Employees of any material man who sells to any contractor for any public work are included.

Then, there is that vast number of employees who fall within the following classes, namely, "Employees of any borrower from any governmental agency who is engaged in the production and manufacturing described in the first section." Thus we see that the activities of the wage earners of the country, practically every class of wage earners, are curtailed to the point where they may contract for the sale of their services only 5 days a week and only 6 hours a day.

The substitute is extraordinary in respect to its enforcement provisions. Curious and unusual punishments are provided. I do not assert that these are unconstitutional within the ban of that section of our Constitution relating to punishment, but I refer to them because of the effect of the application of such punishments upon our social and economic structure.

When before has this country contemplated punishment by embargoes on the declaration of an administrator? So far as I know, the Congress of the United States has never before considered the employment of the embargo as a means of enforcement of law, but in the proposed substitute an embargo is expressly provided for, an embargo on transportation in interstate and foreign commerce affecting the shipper, the transporter, and the deliverer. I quote:

That no article or commodity shall be shipped, transported, or delivered in interstate or foreign commerce, which was produced or manufactured—

In any of the establishments described in section 1, in which any person, that is to say, only one person—

was employed more than 5 days in any week or more than 6 hours in any day.

Mr. LONG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. AUSTIN. I yield.

Mr. LONG. As I understand, the Senator is opposing the 30-hour bill?

Mr. AUSTIN. Yes; I am trying to do so.

Mr. LONG. I am trying to find out whether the Senator from Vermont has persuaded the Senator from Nevada [Mr. MCCARRAN] to change his mind or vice versa. I am having difficulty in determining whose logic I should follow. I do not understand the situation clearly.

Mr. AUSTIN. Mr. President, I continue with these strange and unusual sanctions which are laid down in the proposed amendment. The next one is a boycott. Section 2 reads:

No article or commodity shall be purchased by the United States, or any department or organization thereof, from any business enterprise operating contrary to the provisions of this act—

And so forth.

Notice the breadth of that prohibition, "operating contrary to the provisions of this act." Then we come to the limitation of contract, and I read further:

Each contract made with a contractor for any public work shall contain a provision that the contractor will buy no article or commodity to use on or in any public work from any business enterprise violating any of the terms or provisions of this act, etc.

There we have in the frankest manner a conspiracy between the Federal Government and the citizen contracting with the Federal Government to boycott every material man, every vendor of the articles or commodities to be sold under the contract, who employs even one single person, a janitor, for example, more than 5 days a week or more than 6 hours a day. I ask, is not that a strange and unusual punishment and sanction for the Congress of the United States to enact?

Then we have disqualification of the citizen. We pick out the persons who do not conform to the measure and say that such persons shall not enjoy the privileges which are common to other citizens of the United States:

SEC. 3. (a) No governmental agency shall make or renew any loan to any employer of labor in any * * * establishment * * * in which any person—

I say, even one—

was employed more than 5 days in any week or more than 6 hours in any day.

Again, another limitation of the right to contract:

SEC. 3. (b) On and after the effective date of this act, any such employer who applies for a loan from any such governmental agency shall agree at the time of making application for such loan that so long as he is indebted to the United States he will not permit any person, except—

And there are certain exceptions made—

to work more than 5 days in any week or more than 6 hours in any day.

Then we come to another punishment, forfeiture:

In the event that there is a violation by any such employer of his agreement, the full amount of the unpaid principal of the loan made to such employer shall be immediately payable.

And ultimately we arrive at the customary penalties for violation of a statute, namely, fine and imprisonment:

SEC. 5. Any person who violates any of the provisions of this act, or who fails to comply with any of its requirements, shall upon conviction thereof, be fined not less than $200, or be imprisoned for not more than 3 months, or both.

This penalty runs against others than the employer and employee. It strikes shippers, carriers, and deliverers, who may or may not know that the commodity they are transporting and handling was manufactured by a concern in which one person—perhaps the janitor, as I have said—was employed for more than 5 days in a week or more than 6 hours in a day.

All the foregoing enforcement provisions reach the employee indirectly, and tend to curtail his liberty to work and to earn money.

Another effect of the amendment is that the compensation of employees is frozen by section 4 at the present daily, weekly, or monthly wage rate, unless a change shall be made according to the amendment. That change obviously is not an increase but is a reduction, for the amendment provides, in section 4:

On and after the date this act takes effect it shall be unlawful for any employer subject to any of the provisions of this act to reduce, directly or indirectly, the daily weekly, or monthly wage rate in effect on such date * * * with respect to any—

As I say, even one—

of his employees until a reasonable opportunity has been afforded to his employees, through representatives of their own choosing by a majority vote, to meet with the employer or his representatives and to discuss and consider fully all questions which may arise in connection with the reduction of such wage rate.

Thus, we see that there is in the amendment no contemplation of increase. It matters not what a laborer's opportunities may be; it matters not what his zeal and his power and his ability and his efficiency may be; his power to earn money is frozen by the amendment, save that it may be reduced upon a proper representation, and opportunity for him to defend himself by mass effort and representatives of his own choosing. The obvious discrimination forced upon employees in different industries varies between those industries running on the 30-hour basis, the 40-hour basis, and the 50-hour basis at the present time, and between those operating under sectional and seasonal differences.

Mr. President, I shall not take the time of the Senate with a further analysis of the amendment. The amendment had the consideration of a subcommittee, which sat for weeks attempting to give representatives of all the various industries—transportation companies, publishers, vendors, agriculturists, and others—an opportunity to state facts, and to show what the effect of a horizontal, level, Nation-wide, rigid fixation of hours would be upon the laboring man and upon industry.

It has been claimed that this is a humane measure, and that its objective is to bless the laboring man. The evidence which came before the committee tended to show, almost without question, that the laboring man would suffer more than any other class of American citizens from being put into the strait-jacket of a rigid rule such as that proposed here, and that instead of being a humane proposition, the 30-hour proposal applied at this time and under the existing circumstances would be an inhuman measure.

Probably no committee received more written and telegraphic communications asking for an opportunity to be heard than did this committee. The committee sat for weeks and was not able to find time to hear all who desired to appear and testify before the committee. Great public anxiety and apprehension were manifested during the hearings. Just to indicate to the Senate the breadth and scope of the investigation, I call attention to the classes of witnesses who gave their evidence, which is published and available to the Senate:

Economists: A large group from all sections of the United States, men who had a general interest in the proposed legislation and absolutely no special interest whatever.

Code authority members: Men who had had actual experience with the limitation of hours of the day and of the week under the operation of the codes.

Agriculture: Men dealing in processing milk, canning fruit, milling grain, and handling all the products of the soil.

Perishable-goods handlers: Men dealing with fruit, meat, milk, and the commodities which must reach the consumer promptly in order to be healthful and in order to be usable at all.

Millers and food manufacturers, who showed to the committee that the processing of wheat was such a fluctuating business, depending on the delivery by the farmer to the mill, and other considerations incident to the milling itself, that it would be utterly impossible to operate under the so-called "Black 30-hour bill" if it should become a law.

The durable-goods industries were represented by leaders in that activity, in which is to be found the greatest pool of unemployment in the United States today.

Retailers, miners, manufacturers of and dealers in automobiles, consumers' goods dealers, the chemical industry, trucking, publishers and editors, exporters and importers—these and others came before the committee and opposed the Black bill and assigned good cause for the Congress to reject it; but most astounding to announce to the Senate is that laboring men sent their petitions in to the committee opposing this measure. So far as labor appeared in those hearings, it appeared in organized form by a few representatives. Against their representations came the petitions and the letters of great numbers of laborers in different parts of the United States opposing this measure. I call attention to only a few of the statements of those disinterested witnesses; that is, witnesses disinterested from a selfish point of view, who volunteered their testimony, or who were asked by the committee to come and testify. Listen to what Neil Carothers, professor of the College of Business Administration at Lehigh University, as quoted by Professor Saxon, stated in part. I extract from his testimony:

This fundamental truth, that you cannot help labor by reducing production, is the basic fact in this 30-hour-week matter. If the average workweek in normal times is 44 hours, then the national dividend is simply the product of 44 hours of labor applied to our land and capital. Cut this workweek to 22 hours and you destroy the American standard of living.

Again, he said:

Cut it again to 11 hours and our civilization disappears. Cut it once more to 5½ hours and death sweeps away the population. But, you say, this is a proposal to cut to 30 hours. Exactly. It will have the same starvation tendency, but it will not go so far.

The Brookings Institution made this statement, among other things:

It should be clear * * * that a 30-hour week would involve a simultaneous increase in wage rates and a decrease in productive efficiency. The volume output would be declining at the same time that the payment of wages was increasing. This would result in either bankrupting business or in a rise in prices more rapid than expansion in pay rolls. If the former alternative resulted, we obviously would not have recovery, but, rather, intensified depression. In the latter alternative the rapid advance in prices would nullify the increased money wages.

At this point I call attention to something on the subject of the cost of food. I extracted this from the Burlington (Vt.) Free Press of Thursday, July 25. It is headed, "Costs of Food Up 27.2 Percent", and I read only a brief extract from the article:

These figures, compiled from authoritative sources, cover the period from June 15, 1933, to June 18, 1935.

The greatest advance in retail food prices occurred in pork chops, which rose 96.8 percent; the least rise occurred in coffee, which rose only 4.8 percent. Among the advances made by the more common articles of food are white bread, up 25.8 percent; sliced bacon, up 78.8 percent; eggs, up 61 percent; tea, up 17.2 percent; rolled oats, up 37.5 percent; butter, up 13.8 percent; milk, up 16.7 percent; and sliced ham, up 43.8 percent.

Of course, the rising cost of government in many activities is the reason for such increases as these, but add to that at this time a horizontal, Nation-wide, fixed, and arbitrary limitation of the right of the employee to sell more than 5

days a week and 6 hours a day of his labor, and fix his wages right where they are now, whether he is working 50 hours or 40 hours or 30 hours a week, and we have an increase of the cost of food and other articles named in this proposed amendment of 33⅓ percent, according to the evidence which appeared before the committee.

The question is, as a matter of economics, is it wise to undertake to impose such an arbitrary limitation on work and such an increase of pay and, therefore, increase in the cost of living? It must be clear to everyone that actual wages depend upon the amount of food and clothing which the pay roll will purchase, and that if we work both ends against the middle as we are asked to do we will reduce actual wages, and we will make the life of the workman much more difficult than it has ever been before. If we should pass and put into effect this wicked limitation upon the right of the workman to sell his toil, we would increase rather than diminish, in the long run, the number of unemployed.

I call attention to just a few extracts from the testimony of men who dealt with the subject under the N. R. A. First I shall quote Ralph E. Flanders, president of Jones & Lamson Machine Co., Springfield, Vt., member of the industrial advisory board of the National Recovery Administration from November 1933 to March 1934. I do not select this witness because he is a Vermonter, although that fact adds to his probity, in my view, but I select him because of the recognition by those who sponsor this proposed legislation of the soundness of his views and the reliability of his testimony. This witness was a sufficiently reliable authority to be cited by the Senator from Alabama [Mr. BLACK], the author of the bill, and by the expert witness called in rebuttal, W. Jett Lauck, who characterized the witness as "one of the foremost men in his profession."

Mr. Flanders said:

A recovery, to be real, must be expressed in terms of an increase in the production and distribution of goods and services. A further shortening of hours cannot possibly produce such an increase; a further shortening of hours would obviously produce a decrease. It would be a deathblow to recovery.

The remainder of his testimony is worthy of study. In his testimony he sums up how the workers' interests could be really served, and I wish to make his summation a part of what I have to say:

1. Abandonment of the wage and hours policy of bill S. 87.

That is, the 30-hour bill.

2. Abandonment by labor of corresponding wage and hour policies which retard recovery and reemployment.

3. Abandonment by industry of the search for profit by way of less production and higher prices, and a return to normal profit and business expansion through increased production and lower prices.

4. Acceptance by business of overtime wage policies which will distribute an increased sum in wages as the demand for workers rises above the level of the 40 hours per week.

5. Active protection of true business profit by government for the sake of reemployment, increased pay rolls, and increased governmental income.

6. Confining repressive measures to the limiting of profit from speculative inflation, which destroys purchasing power, produces unemployment, and generates an unendurable burden of debt.

Let no man say that that investigation did not have something constructive in it. Let no man criticise those who oppose the 30-hour bill and say that there is nothing in what they do that is humane or that tends to improve the position and circumstances of the employee.

The subcommittee sought a constructive, beneficial remedy for the situation, and to my mind there are the fundamental principles of a remedy stated in those six postulates.

I now wish to quote a man who ought to appeal to many Members of the Senate. They know him. He has been a part of this administration in connection with the President's relief measures. I refer to Robert E. Wood, president of the Sears, Roebuck & Co. Listen to what he said about the 30-hour-week proposal. I will assume that no one will discount his testimony on the theory that his mind was closed to the consideration of new ideas and the ultimate limitation of the hours of service. I quote from his testimony:

In the long-term view I think that perhaps my children will see a 30-hour week; just as we came down from 59 to 50 and from 50 to 48 and from 48 to 40, I think we will eventually see 30. We may see lower than that. But you are taking a terrible risk if you do this now. You are going too fast. You have got to wait until machine production is better than it is today.

And again he said:

I am opposing this bill not from the standpoint of my own firm. If other merchants go to 30 hours I can go to 30 hours and hold my end up, but I am opposing it from the standpoint of the citizens and what I think will endanger my customers.

Again:

Neither is there any reason to believe that reduction from the present 8-hour day for 5 days per week, to a 6-hour day for 5 days, would result in any material increase in efficiency by the individual worker.

Again:

As a practical business man, a merchant who comes into direct and intimate contact with the buying public, the thing that gives me the greatest concern in this 30-hour-week proposal is the practical certainty that it would result in a tremendous buyers' strike. This would, of course, be followed by a closing of factories and the discharge of employees. In my opinion, the net effect of adopting the Black bill would be that within 6 months we would find fewer people at work than today.

I wish to have special consideration accorded the following statement by this business man bearing upon the general increase in the cost of goods which would naturally economically follow the adoption and application of this proposed law. He said:

The statements of a prominent labor leader before this committee to the effect that the adoption of the 30-hour week would raise prices only 3 to 3½ percent, despite the 33⅓-percent theoretical rise in labor costs involved in most industries, will hardly be taken seriously by this committee, I trust. Other data in that same statement completely refute that assertion. This very serious error results from the fact that they have inadvertently computed the increased labor cost on only one step in the process of transforming the raw material into the finished product sold and delivered to a point where the consumer can use it.

Robert West, of Danville, Va., representing the Cotton Textile Code Authority, testified among other things:

* * * The inflexible and arbitrary provision for a maximum 6-hour day and a maximum 30-hour week permitted to be worked is not the answer to the problem of unemployment, and if made a law will quite likely work incalculable harm to those already engaged in gainful occupation, with very little, if any, compensation advantage to the unemployed.

Again, he said:

The net effect of the efforts of Government, industry, labor, and agriculture for shorter hours, higher hourly rates, and curtailment in production of foodstuffs is making itself manifest in the form of rising prices of what the workman has to buy. This proposal to further reduce the maximum hours permitted to be worked means higher costs and prices with no increase in the ability to pay. * * * While it is the hourly rate that determines cost of manufacturing, it is the weekly pay envelop which pays the butcher and the grocery man, but the value to the worker of that pay envelop is dependent on the prices he has to pay. The current proposal for the shorter work week forestalls the opportunity of providing the necessary income, because it raises costs without providing a compensating increase in income to meet the rising prices occasioned. * * * It accelerates the necessity of expenditure and deprives him of his opportunity to earn more.

I pass from that group of witnesses—and it is a considerable group; having referred to the testimony of only a few of them—to another group, who brought out clearly the dislocation this proposed law would create in the parity of prices between agriculture and industry. J. F. Kolb, director of industrial relations, National Metal Trades Association, testified:

Our 30,000,000 farm population would be confronted with higher prices for all commodities purchased. This increase in the disparity between the prices of manufactured products and agricultural products would seriously affect sales of manufactured products as well as the farmer's real earnings and no doubt ultimately would increase our unemployment burden.

A. M. Loomis, representing the American Association of Creamery Butter Manufacturers, testified:

A 30-hour week and a 6-hour day, we are convinced, cannot successfully be applied to these manufactured products, because of practical considerations which cannot be changed by law. * * *

* * * * * * *

When the milk and cream reached the creamery or cheese factory they must be promptly taken care of. They cannot be carried over until the next day, because at this stage deterioration is rapid.

There is no need of my reading testimony of those who process other perishable goods; canners of all kinds, those who make sausage; those who engage in a process which is chemical in its nature, although it may relate to domestic chemistry—a process in which one person must carry through from the beginning to the end. Such is the act of the baker of bread. What baker of bread would stop in the midst of baking bread and take on a substitute to finish the job when the whistle blew? How could he ever inform his successor in that humble chemistry just what stage in that chemical process had been attained, and just what more had to be done about it?

That argument applies to the making of all kinds of food products which are perishable in their nature, and shows beyond any question how utterly futile it is to limit the hours and days in a manufactory of that kind, and undertake to move shifts out of a process such as that and move new shifts into it. I recall that these witnesses showed that there would not be available workers with the necessary education and experience to take up the extra shifts proposed by the Black bill.

Mr. President, I desire to call attention to the testimony of one miller, Charles F. Dietz, of the wheat-flour milling industry. He testified:

The movement—

Meaning the movement of wheat—

is seasonal and usually for 2 or 3 months, or thereabouts, almost unlimited service is necessary. The rest of the year the elevator men, while on the job, have no really arduous tasks. It would be impossible to find men in these small communities with knowledge of wheat, grades, values, and binning for a few weeks' work in the year.

* * * * * * *

* * * That immediately affects the prices and it affects the purchases related to those particular areas. It varies very widely and uncertainly. * * * Any restriction as to running time in a case of that sort would, of course, be disastrous. If we had a 30-hour week and a 6-hour day a man would be permitted to operate 5 days. That mill is called upon to operate for 6 and 7 days. It would have no way of operating. It cannot carry a stand-by crew in order to have it jump in and operate the sixth day.

A. J. Hettinger, Jr., representing the durable-goods industries committee, testified with respect to the effect of this measure upon agriculture as follows:

This bill, if enacted, would ask the farmer, who finds it difficult to make a living on 60 hours of work a week, to support the industrial worker on 30 hours a week.

Mr. President, one of the conclusions which the minority of the committee came to, from this and other testimony, was that what this poor, benighted country needs, what the worker of this Nation needs, rather than a curtailment of his liberties, is more production at lower prices. We were persuaded that what the workmen of America want—that is, the average American workman—is not a shorter working week but in fact most of them are eager to work more hours than employers can supply, so that their weekly pay checks may be adequate to their family needs.

Also, speaking for the minority, we came to the conclusion that the result of the 30-hour week, with no increase or decrease in the production of manufacturing industries, probably would produce the following results:

For the unemployed workers, restoration to employment of some of their number, perhaps to the extent of between 20 and 30 percent; for the employed workers, reduced hours, increased hourly earnings, stationary money income per week, increased cost of living, reduced real wages; for the manufacturers, smaller output per man-hour, increased labor cost per man-hour, larger increase in labor cost per unit of product, and reduced sales.

In other words, the minority holds the view that this sort of arbitrary, fixed rule limiting the hours of work in this country would reduce production, and therefore reduce the wealth of the country and increase the cost of everything the worker has to buy.

That great branch of industry producing automobiles and automotive accessories was represented by many witnesses, every one of whom testified that the 30-hour bill, if put into effect, would be a deterrent to recovery. They pointed to increased costs, increased prices, increased sales resistance, decreased market, reduced output and production, increased unemployment, reduced purchasing power, and increased real wages. They testified that it would tend to mediocrity and lower levels of skill and labor, block the movement of economic law, and bring a penalty for it. They pointed out that the measure ignores the strain that individual industry is now suffering, assumes that all separate industries are equally prosperous, and that they are competent to bear the extraordinary burden of reduced hours without reduced pay.

Their testimony tended to show that the 30-hour bill would not work as a relief measure because of its tendency to create idle industries and throw workmen upon relief rolls; and further, that it would not work as a recovery measure because of its tendency to paralyze industries unable to find capital with which to carry the added load.

The effect of their testimony was that the bill would lower the standard of living generally.

I have dealt with the local situation as affected directly by this proposed arbitrary limitation upon the right of the individual workman to sell his services, to work as many hours as he can find employment in which to work.

There was evidence dealing with another aspect of the 30-hour measure, and that was its effect upon the workers because of the further destruction of our foreign trade. No one denies that our trade with other nations has been reduced. There may be a controversy as to what is the cause of that condition, but the fact is perfectly obvious that when the American manufacturer and the American farmer have to pay more for the production of the commodities they undertake to sell in competition with foreign-produced goods they must be outsold by the foreigner.

The evidence before the committee shows that many of the industries represented there had in their business been dependent to a certain extent—I recall one of them testified 33⅓ percent—upon the manufacture of goods which were in direct competition with goods manufactured abroad which did not have to bear the 33⅓-percent additional cost which the 30-hour measure would impose. Obviously, on both ends of the transaction, we would still further hamper and impede the efforts of industry and agriculture in the United States to compete in foreign trade.

Consider the case of the manufacturer of heavy tools, the manufacturer of tools by which tools are made, who undertakes to sell his goods in Europe or Asia in direct competition with foreign manufacturers. What will be his position as to price in the future if there should be added to his costs 33⅓ percent more for labor? The answer is obvious. Consider the case of those who sell in the domestic market and find themselves in competition with the manufacturers and vendors of Europe and Asia. The same inhibitions apply.

Let us consider another great activity in our economic, social, and political life. I refer to the publishing industry, the publishing of magazines, books, newspapers, and literature of all kinds. These activities were represented by men who knew what they were talking about and who gave facts to the committee which were not denied. In this particular branch of activity the testimony was all one way, that the proposed limitation of hours would cripple the publishing business.

Let me quote from some of those who testified. Among them was Harvey J. Kelly, of the American Newspaper Publishers Association representing more than 400 publishers of daily newspapers throughout the United States. What he sought was an exemption of the newspaper publishing industry from the scope of the act, but of course he was not granted it. He testified, among other things, as follows:

It should be remembered that a newspaper cannot, in the absence of revenue business, shut down like a manufacturing

concern or a commercial print shop. A newspaper must serve its readers. It is like a train which must make its run whether or not it has revenue passengers aboard.

Again he said:

The act would inevitably result in decreased employment in the newspaper-publishing industry.

Again he said:

We predict that if it becomes a law, hundreds of thousands of man-hours of now available employment in this industry will cease to exist because of the number of daily newspapers which cannot survive and because of the number of editions which, of necessity, will be discontinued.

Guy L. Harrington of the National Publishers Association, that association representing 200 of the leading periodicals and magazines of the Nation having a total combined circulation of approximately 50,000,000 individual copies monthly, said:

The immediate effect of this bill would be to suddenly increase costs to a point impossible of absorption. Many magazines would be placed on a losing basis, all unnecessary employees would be eliminated, and drastic attempts would be taken to speed up the output of those already employed. Those publishers who could not meet the increased cost would, if unable to negotiate loans, be forced into bankruptcy.

Again he said:

There are certain operations in some branches of printing that would be impossible of performance under a 30-hour week. In many operations in printing as well as in industry in general, a 30-hour week would entail a large percentage increase in unproductive time.

Again he said:

A 30-hour week means a reduction of at least 40 percent, probably more, in our national production of the year 1929, which was then $665 per capita. Would this Nation be self-sustaining upon a per capita production of $400 per year? Obviously it would not if present living standards were maintained.

He said further:

Harder work, more work, longer hours, not shorter hours, increased production, saving and thrift only will lead to prosperity. Thus and thus only may we meet our obligations and become self-sustaining.

Mr. President, the proposed substitute is incompatible with free government. Our Government was formed to secure to workers the freedom of selling their services. Our Government was formed for the purpose of securing to workers the right to pursue happiness which involves the right to capitalize the ability, the interest, the industry, the energy of every worker in this land. Happiness cannot successfully be pursued when millions of workers all over the United States are put in a strait-jacket and forbidden by their Government to sell their services beyond 5 days a week and 6 hours a day.

There is not even an idealism in that suggestion. Sometimes we do impractical things. Sometimes we advocate impractical ideas solely because of the emotions which we have, such as sympathy for suffering humanity, generosity, philanthropy, interest in the welfare of every man, and thus were we all attracted to this type of legislation, and many a man who never studied it, who never heard the testimony which was heard by the subcommittee, attached himself to the cause of a 30-hour week law because he was reacting to a feeling of humanity, a love for his fellow man.

The minority members of the committee are equally interested in the welfare of the very same persons in whom the initiators of the 30-hour bill are interested, but there is a very grave difference in view about what is best in the way of legislation to obtain the objectives sought by us all. To the minds of those of the minority who now oppose the proposed substitute it seems that the pursuit of happiness through the liberty to work and to contract is essential to the permanent welfare of the worker. It seemed to them that the democracy of labor was more important to them in their pursuit of happiness, and more promising of benefit to them, than a statutory monopoly by the Government.

I ask, What will become of the organized voice of labor when the Federal Government shall acquire a monopoly of the laborer's time and services? After that do Senators think any labor organization will be able to do anything contrary to what the Federal Government wishes it to do? After hearing this testimony I became persuaded that the real thinkers and leaders of thought on behalf of labor see clearly that fatal danger in this type of legislation, taking away from the laborer himself the right of self-government, the right of self-expression, and turning over to the Government a monopoly of his time and of his wages.

This amendment is unnatural because it proposes to convert into crimes and misdemeanors perfectly lawful acts with respect to the activities of the worker. It is unnatural because it discriminates between citizens, holding one man guilty and another man honest, though each does the same thing, namely, works, contracts.

After this proposal shall become the law, if it ever shall, there will be a few workmen in this country who can sell their services at their own price, who can work as many hours per day and as many days per week as their health and genius and ability and disposition enable them to do, and they will be kings, they will be sovereigns among the working people of the United States; for all others who come within the ban of the 30-hour law will be slaves of their Government.

The amendment proposes to destroy the natural independence and dignity of labor. It discourages self-discipline, self-government, self-improvement, and individual responsibility. It proposes to flatten out, on a lower level or standard than now exists, the entire body of labor universally throughout the United States. It is wholly inconsistent with the democracy of labor and the right of bargaining collectively or individually. The penalty for this drastic violation of the principles upon which a free government was founded will inevitably be suffered by those who come under this ban if the 30-hour bill shall become a law.

Mr. President, I must hasten, because there is another aspect of this matter which I should not overlook. Naturally, it interests me especially; and that is that this amendment represents an attempt on the part of Congress to exercise powers which are not vested in it.

I call attention to the decision in Baldwin, Commissioner, against G. A. Seelig, Inc., rendered March 4, 1935, which redeclared the independence of the several States in respect to regulation of intrastate commerce. Of course the mere reading of the amendment shows that it deals with production, it deals with manufacturing, it deals with mining, none of which are interstate commerce. They are intrastate commerce.

In that case Mr. Justice Cardozo delivered the opinion of the Court, and it contained the following:

Commerce between the States is burdened unduly when one State regulates by indirection the prices to be paid to producers in another, in the faith that augmentation of prices will lift up the level of economic welfare, and that this will stimulate the observance of sanitary requirements in the preparation of the product. The next step—

I pause to comment that the Court, through Mr. Justice Cardozo, has condemned as undue burdening what he has just referred to; but he speaks now of something that will be worse, and that something is the identical thing which is proposed here to be done by Congress:

The next step would be to condition importation upon proof of a satisfactory wage scale in factory or shop, or even upon proof of the profits of the business. Whatever relation there may be between earnings and sanitation is too remote and indirect to justify obstructions to the normal flow of commerce in its movement between States.

And again, at another point, bearing on the same subject, the opinion states:

It is one thing for a State to exact adherence by an importer to fitting standards of sanitation before the products of the farm or factory may be sold in its markets. It is a very different thing to establish a wage scale or a scale of prices for use in other States, and to bar the sale of the products, whether in the original packages or in others, unless the scale has been observed.

There is a denunciation of the act which Congress now is asked to perform—a denunciation made in the spring of this year, and during this very session of Congress. Since the report was filed in the Senate on the 30-hour bill, the great decision dealing with the codes has been rendered; and we have there, as of a subsequent date—namely, May 27, 1935—

a decision of the highest Court of the United States denouncing the very thing we are now called upon to do when we are asked to adopt this proposed substitute.

I read from the opinion rendered by the Chief Justice. Afterward I shall read from the opinion rendered by Mr. Justice Cardozo, and concurred in by Mr. Justice Stone. Both opinions hold the same principle.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Vermont yield to the Senator from Illinois?

Mr. AUSTIN. I do.

Mr. LEWIS. Is it the opinion of the able Senator from Vermont that the whole of this amendment is denounced by the decisions referred to by him, or is it certain paragraphs and provisions of the amendment which alone he feels are denounced by the decisions?

Mr. AUSTIN. Mr. President, I am persuaded that the entire amendment is subject to this denunciation in the respect that it is an attempt by a Federal Congress to regulate the internal affairs of the several States.

Mr. LEWIS. Then the able Senator has a conviction that under the decision the bill and its policy become unconstitutional?

Mr. AUSTIN. I do, Mr. President, and I think that what I am about to read supports that opinion. I quote from the decision of the Supreme Court as found on page 13 of Document No. 65, Seventy-fourth Congress, first session. These provisions relate to the hours and wages of those employed by defendants in their slaughterhouses in Brooklyn and to the sales there made to retail dealers and butchers.

That is what this bill relates to.

(1) Were these transactions "in" interstate commerce? Much is made of the fact that almost all the poultry coming to New York is sent there from other States. But the code provisions, as here applied, do not concern the transportation of the poultry from other States to New York, or the transactions of the commission men or others to whom it is consigned, or the sales made by such consignees to defendants. When defendants had made their purchases, whether at the West Washington Market in New York City or at the railroad terminals serving the city, or elsewhere, the poultry was trucked to their slaughterhouses in Brooklyn for local disposition. The interstate transactions in relation to that poultry then ended. Defendants held the poultry at their slaughterhouse markets for slaughter and local sale to retail dealers and butchers who in turn sold directly to consumers. Neither the slaughtering nor the sales by defendants were transactions in interstate commerce.

And there are citations supporting that. Later the holding is directly made:

So far as the poultry here in question is concerned, the flow in interstate commerce had ceased.

I shall point out later that the flow in interstate commerce under the pending bill has not begun. The one is the equivalent of the other.

Again, I quote from page 15:

Interstate commerce is brought in only upon the charge that violations of these provisions—as to hours and wages of employees and local sales—"affected" interstate commerce.

"Affected interstate commerce." I turn now to page 16, and quote:

This principle has frequently been applied in litigation growing out of labor disputes.

And cases are cited.

Mr. President, the Court, referring to the case of *Levering & Garrigues Co.* v. *Morrin* (289 U. S. 103), stated:

In the case last cited we quoted with approval the rule that had been stated and applied in *Industrial Association* v. *United States, supra*, after review of the decisions, as follows: "The alleged conspiracy and the acts here complained of spent their intended and direct force upon a local situation—for building is as essentially local as mining, manufacturing, or growing crops—and if, by resulting diminution of the commercial demand, interstate trade was curtailed either generally or in specific instances, that was a fortuitous consequence so remote and indirect as plainly to cause it to fall outside the reach of the Sherman Act."

I read another paragraph on page 16:

The question of chief importance relates to the provisions of the code as to the hours and wages of those employed in defendants' slaughterhouse markets. It is plain that these requirements are imposed in order to govern the details of defendants' management of their local business. The persons employed in slaughtering and selling in local trade are not employed in interstate commerce. Their hours and wages have no direct relation to interstate commerce.

I pause for emphasis, to bring out in bold relief that holding, a specific, definite holding of a fundamental principle, "Their hours and wages have no direct relation to interstate commerce."

I continue the quotation:

The question of how many hours these employees should work and what they should be paid differs in no essential respect from similar questions in other local businesses which handle commodities brought into a State and there dealt in as a part of its internal commerce.

I quote now another paragraph appearing on page 17:

If the Federal Government may determine the wages and hours of employees in the internal commerce of a State, because of their relation to cost and prices and their indirect effect upon interstate commerce, it would seem that a similar control might be exerted over other elements of cost, also affecting prices, such as the number of employees, rents, advertising, methods of doing business, etc.

Again from page 17:

The apparent implication is that the Federal authority under the commerce clause should be deemed to extend to the establishment of rules to govern wages and hours in intrastate trade and industry generally throughout the country, thus overriding the authority of the States to deal with domestic problems arising from labor conditions in their internal commerce.

It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it.

Again on page 17:

We are of the opinion that the attempt through the provisions of the code to fix the hours and wages of employees of defendants in their intrastate business was not a valid exercise of Federal power.

These are quotations from the majority opinion, rendered by Mr. Chief Justice Hughes. I desire to read also a portion of the opinion rendered by Mr. Justice Cardozo, concurring in the majority opinion, Mr. Justice Stone also joining in the concurring opinion. I read from page 21 of the same Senate document to which I have heretofore referred:

If this code had been adopted by Congress itself and not by the President on the advice of an industrial association, it would even then be void unless authority to adopt it is included in the grant of power "to regulate commerce with foreign nations and among the several States" (U. S. Constitution, art. I, sec. 8, clause 3).

I find no authority in that grant for the regulation of wages and hours of labor in the intrastate transactions that make up the defendants' business. As to this feature of the case little can be added to the opinion of the Court. There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours "is an elastic medium which transmits all tremors through its territory; the only question is of their size." Per Learned Hand, Judge, in the court below. The law is not indifferent to considerations of degree. Activities local in their immediacy do not become interstate and national because of distant repercussions. What is near and what is distant may at times be uncertain (Cf. *Board of Trade* v. *Olsen*, 262 U. S. 1). There is no penumbra of uncertainty obscuring judgment here. To find immediacy or directness here is to find it almost everywhere. If centripetal forces are to be isolated to the exclusion of the forces that oppose and counteract them, there will be an end to our Federal system.

To take from this code the provisions as to wages and the hours of labor is to destroy it altogether. If a trade or an industry is so predominantly local as to be exempt from regulation by the Congress in respect of matters such as these, there can be no "code" for it at all. This is clear from the provisions of section 7 (a) of the act, with its explicit disclosure of the statutory scheme. Wages and hours of labor are essential features of the plan, its very bone and sinew. There is no opportunity in such circumstances for the severance of the infected parts in the hope of saving the remainder. A code collapses utterly with bone and sinew gone.

So it is in the present case. There is nothing in the substitute save hours and wages. That is the subject of the proposed amendment. Everything else—transportation in interstate commerce, contracts with the Government for the erection of buildings, loans made from Federal agencies—all those are mere implements for imposing upon internal transactions within a State a code of hours and wages to be obeyed by the manufacturer, producer, miner, canner, all who are the employers of those unfortunate em-

ployees who come within the ban and contemplation of this amendment.

The cases I have presented do not declare a new principle. I heard soon after the N. R. A. decision that the Supreme Court had extended the law by interpretation over what it ever had been previously with respect to transactions which affected interstate commerce. A study of the cases, extracts of which are set forth in the report of the minority of the committee, will show beyond question that those decisions, particularly the N. R. A. decision, are directly in line with the decisions of the Court heretofore made, and there is no distinction in principle between dealing in the production and manufacturing of goods which are contemplated to be put into interstate commerce and those which have landed at the end of the transportation and are being handled after the completion of the transportation. It is quite probable that cases turned upon the fact that transactions before the beginning of the transaction more easily were proved directly to affect the transportation than those where the end of the transportation had occurred, but that does not change the principle.

I wish to refer to only a few of those cases in the short time I have left. *Delaware, Lackawanna & Western Railroad Co.* v. *Yurkonis* (2781 U. S. 439), where a man was engaged in shifting coal from a mine into a car destined for interstate commerce. The court held that the man was not engaged in interstate commerce. There is an illustration of a transaction preceding the transportation.

In the case of *Coe* v. *Errol* (116 U. S. 517), where a lumberman in New Hampshire was preparing his logs for shipment and floating them down the river, and the log raft was tied up at the town of Errol, and the town undertook to tax the logs, it was held that the logs had not entered interstate commerce and, therefore, were taxable locally.

In *United Mine Workers of America* v. *Coronado Coal Co.* (269 U. S. 344) there was a question involved as to whether or not a local union engaging in a strike and tying up the operation of a coal mine was, by obstructing the production of coal, engaged in restricting interstate commerce. The court said it was not. The court said:

> As long as there is restraint only on coal in that vicinity it has no relation to interstate commerce, because coal mining is not commerce. It is production, * * *.

In *Anderson* v. *Ship Owners' Association* (272 U. S. 359) the Court said:

> Neither the making of goods nor the mining of coal is commerce; and the fact that the things produced are afterward shipped or used in interstate commerce does not make their production a part of it.

There are numerous cases dealing with that subject of intent. I read a statement of such a case by Willoughby in his work on the Constitution:

> * * * That commodities are manufactured with the intent that they are to be exported, in part or in whole, is absolutely immaterial, as determining the exclusiveness of State authority over their production (*Coe* v. *Erroll* (116 U. S. 517)).

It seems to me, Mr. President, that the case I am about to cite most definitely and clearly points out when commerce begins and shows that the acts of production and mining and manufacturing, which are proscribed by the proposed amendment, are not commerce. *In re Green* (52 Fed. 113), frequently quoted with approval by the Supreme Court:

> When the commerce begins it is determined, not by the character of the commodity nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, on the actual commencement of its transfer to another State.

Mr. President, I must conclude. The cases I have referred to and other cases to be found in the minority report, it seems to me, leave a very clear persuasion that what we are called upon to do is something entirely without the power of Congress to do. In the present case, however, although that is a sufficient cause for rejecting the amendment—and I should be glad to see it rejected for that cause—nevertheless, it seems to me that the time has come in the discussion of these economic pieces of legislation when we should pause before thrusting into our social and economic system such a strange, arbitrary, unusual, unnatural piece of legislation as the 30-hour bill with the idea that it will benefit the worker to be subjected to the absolutely arbitrary limitation of 5 days a week and 6 hours a day. The economic certainty of the consequence of frozen time and wages, increased costs and prices, lower real wages and less purchasing power, diminished volume of production and sales, reduced business activity, and increased idleness, with lower standards of living, ought to prevent an agreement to the amendment proposed as a substitute.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. CLARK] in the nature of a substitute for the amendment reported by the committee.

Mr. WALSH. Mr. President, I assume more Senators should like to be present when the vote is taken. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Logan	Robinson
Ashurst	Copeland	Lonergan	Russell
Austin	Costigan	Long	Schall
Bachman	Davis	McAdoo	Schwellenbach
Bailey	Dieterich	McCarran	Sheppard
Bankhead	Pletcher	McGill	Shipstead
Barbour	Frazier	McKellar	Smith
Barkley	George	McNary	Steiwer
Black	Gerry	Maloney	Thomas, Okla.
Bone	Gibson	Metcalf	Thomas, Utah
Borah	Glass	Murphy	Townsend
Brown	Gore	Murray	Trammell
Bulkley	Guffey	Neely	Truman
Bulow	Hale	Norbeck	Tydings
Burke	Harrison	Norris	Vandenberg
Byrd	Hastings	Nye	Van Nuys
Byrnes	Hatch	O'Mahoney	Wagner
Capper	Hayden	Overton	Walsh
Caraway	Johnson	Pittman	Wheeler
Carey	King	Pope	White
Chavez	La Follette	Radcliffe	
Clark	Lewis	Reynolds	

Mr. LEWIS. I repeat the announcement made by me on the previous roll call as to the absence of certain Senators and the reasons therefor.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

SESQUICENTENNIAL CONSTITUTION COMMISSION

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 59) providing for the celebration on September 17, 1937, of the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States of America by the Constitutional Convention; establishing a commission to be known as the "Sesquicentennial Constitution Commission."

Mr. ASHURST. I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. ASHURST, Mr. KING, and Mr. BORAH conferees on the part of the Senate.

SKELTON MACK M'CRAY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1577) for the relief of Skelton Mack McCray, which was, on page 1, line 7, to strike out "to reimburse him" and insert "in full settlement of all claims against the United States."

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELLIOTT H. TASSO AND EMMA TASSO

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2374) for the relief of Elliott H. Tasso and Emma Tasso, which was, on page 1, line 6, to strike out "$3,500" and insert "$2,000."

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

GENERAL BAKING CO.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1409) for the relief of the General Baking Co., which was, on page 1, line 9, to strike out "United States" and insert "District of Columbia."

Mr. WAGNER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DAN MEEHAN

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1640) for the relief of Dan Meehan, which were, on page 1, line 5, after the word "appropriated" and the comma, to insert "to Dan Meehan, of Tyler, Tex.", and on the same page, line 6, to strike out "covering" and insert "in full settlement of all claims against the United States for."

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BELL TELEPHONE CO. OF PENNSYLVANIA

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2168) for the relief of the Bell Telephone Co. of Pennsylvania, which were, on page 1, line 7, to strike out "on account of" and insert "in full settlement of all claims against the United States for", and on the same page, line 10, after the numerals "1933", to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 percent 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 percent 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.

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

OLIVER B. HUSTON AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1214) for the relief of Oliver B. Huston, Anne Huston, Jane Huston, and Harriet Huston, which was, on page 1, line 7, to strike out "$750" and insert "$856.60."

Mr. McNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TAMPA (FLA.) MEMORIAL PARK

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2426) to provide for the creation of a memorial park at Tampa, in the State of Florida, to be known as "The Spanish War Memorial Park", and for other purposes, which was, on page 2, to strike out all after line 5 down to and including "$500,000" in line 8 and insert "The American forces in the War with Spain. The cost of establishing such monument or memorial, of constructing suitable sidewalks and approaches and of landscaping such site may be paid from any fund or moneys available for such purpose, except from the general fund of the Treasury."

Mr. TRAMMELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CONDITIONS IN GOVERNMENT CONTRACTS AND LOANS

The Senate resumed the consideration of the bill (S. 3055) to provide conditions for the purchase of supplies and the making of contracts, loans, or grants by the United States, and for other purposes.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the unanimous-consent agreement entered into on Friday last becomes effective, and debate is limited on the part of each Senator to 15 minutes on the bill and 10 minutes on each amendment. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] in the nature of a substitute for the amendment reported by the committee.

Mr. WALSH. Mr. President, before the vote is taken on the amendment in the nature of a substitute, I send to the desk a telegram, which I ask to have read.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

ATLANTIC CITY, N. J., *August 12, 1935.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

The bill you sponsored providing for decent wage standards, abolition of child labor, and exclusion of convict labor in Government contracts and purchases of Government supplies is heartily approved by the American Federation of Labor. I appeal through you to the friends of labor in the United States Senate to vote for the enactment of this bill into law. I sincerely hope that no substitute, meritorious as it may seem, will be permitted to prevent the immediate passage of your bill.

WM. GREEN,
President American Federation of Labor.

Mr. CLARK. Mr. President, on April 6, 1933, just a little more than a month after the inauguration into office of President Roosevelt, and less than a month after the convening of the special session of Congress called by the President immediately after his inauguration, the Senate passed the bill known as the "Black 30-hour bill." On that day I made, in behalf of the Black 30-hour bill, the second address which I had ever made in this body. I shall not undertake at this time to repeat all that I said on that occasion; it was a short address; but I ask unanimous consent that I may be permitted to insert in the RECORD at this point the remarks which I made on the occasion of the passage of the bill originally.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the speech will be printed in the RECORD.

The speech referred to is as follows:

THIRTY-HOUR-WEEK BILL

Speech of Hon. BENNETT CHAMP CLARK, of Missouri, in the Senate of the United States April 6, 1933

Mr. President, the bill which the Senate is, I hope, to pass today is one of the most important which has ever come before this body, and, in my judgment, it presents one of the most momentous issues which will ever be presented to the Congress. It represents an effort upon the part of Congress to take up the slack of unemployment, which has created a condition so menacing in its possibilities, so fraught with cataclysm and disaster as seriously to threaten the very existence of our whole economic system.

This bill, Mr. President, is designed to reverse the vicious circle which has led to so much economic disaster, so much human misery and suffering, so much menace to the perpetuity of our institutions.

Through the development of the machine, the constant gearing up of industry to mass production, the eagerness of capital to seize for its own greater remuneration every advance in means of production through improvements in the art of the invention of machinery, a condition has been created in which even in normal times we are forced to contemplate a portion of our population, running well into the millions, as being steadily out of employment. When I say "normal times", Mr. President, I mean even such times of illusory and fictitious prosperity as proceeded the titanic crash of 1929. If the conditions of that year could be restored, we would still face an unemployment roll of millions.

This mounting unemployment must necessarily affect in a most drastic way the purchasing power of the consuming class, who are also the working class, whether on the farms or in the cities. And when the purchasing power of the consuming class is affected it immediately reacts upon business, upon manufactures, upon production, upon capital return. This again leads to further increase in unemployment, further decline in the mass purchasing power of the consumers, and this to a further fall in production and a decrease in capital's profits. And so we have the vicious circle.

This bill, Mr. President, proposes to reverse the movement in that circle. It proposes to reverse it by starting with the unemployment situation and by limiting the hours of labor in industry, to force a drastic decrease in unemployment, a better and wider

distribution among all the potential workers of the work to be done. The improvement in the mass purchasing power must be immediately reflected in an increase in mass consumption, and this, in turn, by increase in production, improvement in business, and betterment in capital returns. So we have the vicious circle made into a beneficent circle.

Mr. President, I know it is said by many that a reduction in the hours of labor will automatically result in a reduction of wages in the same proportion to those now employed. Such has not been the experience of mankind. Exactly the same arguments and predictions have been interposed to oppose every proposal for shortening the hours and improving conditions of labor in the history of the race. The same argument was advanced, the same dire forebodings were expressed, when it was proposed to shorten the workday from 12 hours to 11 and later from 11 to 10 and later from 10 to 8. And in each case these fears were proven unfounded. Shorter work hours have been accompanied by higher wages. Certainly no one would contend that the converse of such arguments as those made by the Senator from Pennsylvania [Mr. Reed] has been demonstrated in the present economic disaster and that the lengthening of work hours has produced higher wages. No one will contend that as the hours of toil in some industries have increased from 8 to 10 to 12—in some cases even to 14 hours—a corresponding increase in wages has been brought to the worker. Far from it. The hearings on this bill before the Judiciary Committee and a staggering mass of other evidence conclusively demonstrate the fact that longer hours of labor have been accompanied by steadily falling wages, increasing unemployment, lowered consumption, and declining production.

But, Mr. President, even if we were to assume for the purpose of argument that temporarily at least this cutting of the hours of labor would result in automatic reduction of wages to those now employed, it would still be in the interest of society and the public welfare and for the workers themselves. It is better that 8,000,000 men work 6 hours a day than that 6,000,000 men work 8 hours a day and the other 2,000,000 be left to starve or eke out a miserable existence eating the bread of charity. For even if the gross amount of the wage for the 6,000,000 employed at 8 hours per day and the 8,000,000 employed at 6 hours per day be conceded to be the same, as an initial proposition, the prospective consumptive power of 8,000,000 self-supporting wage earners must be vastly greater than that of 6,000,000 wage earners and 2,000,000 derelicts dependent upon charity. If this be true, then it must inevitably follow that as the segment of unemployment is cut down or eliminated, consumption is increased, production must be speeded up, and wages must of necessity be increased.

So, Mr. President, while naturally I was moved to the point of tears on yesterday, as you, sir, must have been, by the pathetic eloquence of the Senator from Pennsylvania, when, in moving accents, he depicted his heartbreaking solicitude for the welfare of the laboring class and the farmers—eloquence which the distinguished Senator has too often exercised in the advocacy of tariff iniquities, the defense of income-tax refunds to malefactors of great wealth, and the emasculation of the laws against trusts and monopolies—while, as I say, such perfervid pleas for the laborer and the farmer on the part of the Senator must have impressed us all, nevertheless I believe this bill, embodying a great constructive reform, ought to pass and will pass this body.

On yesterday, Mr. President, the Senator from Oklahoma [Mr. GORE] sarcastically remarked that this proposed act should be amended to provide that it should be designated as the "Black Act." In my judgment, such an amendment is unnecessary, because the law will inevitably be known as the "Black Act", constituting the chief claim to fame of the Senator from Alabama and standing in the time to come as a shining and impressive monument to the ability, courage, industry, and humanitarian spirit with which the Senator from Alabama has prepared this bill and conducted its course to passage. I may add that in the coming time I believe that the enactment of this bill will stand high upon the list of the achievements of the administration of Franklin D. Roosevelt.

Mr. President, I do not wish to detain the Senate in a discussion of the constitutional features of this bill, which have been discussed here at great length and with such impressive ability on both sides, other than to say that earnest consideration of the principles involved and diligent examination of the precedents cited has led me to the conclusion that the act is constitutional. Furthermore, I agree with the principle laid down by the able Senator from Idaho [Mr. BORAH] and the distinguished majority leader, the Senator from Arkansas [Mr. ROBINSON], that there is nothing in a 5-to-4 decision of the Supreme Court on closely controverted questions of constitutionality which should bind the mind and conscience of a Senator or Representative against voting for the passage of an act which would again submit the same or similar questions to the Court's consideration. There is nothing sacred about the decisions of the Supreme Court in the child-labor case, and I hope to see that decision reversed when the Court passes upon the pending bill.

I was not impressed with the soundness of the very able and ingenious argument of the Senator from Alabama to the effect that Congress by the declaration of an emergency could make constitutional the exercise of powers otherwise unconstitutional. It is precisely in times of stress and emergency that the guaranties and separation of powers of the Constitution should remain most sacred.

Nevertheless, I shall vote against the amendment which I understand is to be offered by the Senator from Idaho striking out the preamble of the bill. While I do not believe that the declaration of an emergency could make constitutional an act otherwise unconstitutional, nevertheless I deem it proper for the Congress, in the exercise of constitutional powers in a matter of such momentous consequence, to set out the circumstances and conditions which have appealed to its legislative judgment in taking such action.

Mr. President, in my personal campaign platform, announced nearly a year and a half ago, I declared for a 6-hour day but not for a 5-day week, it being my idea at that time that the establishment of a 36-hour week would be a sufficiently drastic reduction to largely accomplish the necessary reform. A study of the hearings before the Judiciary Committee, however, has convinced me that the establishment of the 30-hour week is far preferable and that the maintenance of a 6-hour day as against an 8-hour day is so far preferable as to amount almost to necessity. If the principle of the benefits to be derived from reduction of hours of labor be sound, then I believe that we are liable to err here in the direction of not going far enough rather than in the direction of going too far.

I know the undeviating spirit of support which the Senator from Arkansas has given to this legislation, as he formerly gave his support and leadership to the child-labor legislation. I am extremely reluctant to differ with him upon this matter; but, in view of the facts presented in the hearings on this bill, I feel constrained to stand with the author of the bill, the Senator from Alabama, and shall therefore vote against the amendment offered by the Senator from Arkansas. I may say, however, that either with or without the Robinson amendment, the measure will amount to a great step forward in the alleviation of our economic disaster, and that with or without the Robinson amendment I will take pride in voting for the Black bill.

Mr. CLARK. Mr. President, the principle of the measure which I have offered as a substitute for the committee amendment to the original bill is designed in recognition of the fact that, owing to the increase in the use of machinery, owing to the inventions of machinery, owing to the constant cutting down of the necessity for labor as well as to the normal increase in population which takes place in this country, and in every other country, from time to time, there is a normal and constant increase in the supply of labor. That would be so even if this dreadful depression had not afflicted the country, because even at the height of the so-called "boom" in 1929 it was admitted by all authorities that there was a surplus of labor in this country, ranging, according to various estimates, from 3,000,000 to 5,000,000 people who could not find employment even in those so-called "boom times."

The Black 30-hour-a-week bill, which the Senate once passed by a majority of nearly 2 to 1, after very elaborate debate, and which the Senate Judiciary Committee, of which the distinguished Senator from Nebraska [Mr. NORRIS] was at that time chairman, reported after very elaborate and exhaustive hearings and research and study, is designed to take up the slack in labor and to care for the surplus which must exist irrespective of depressions.

The bill is based on the principle, to use a very minute example, that there is more mass purchasing power, even at the same gross wage, in 8 men working 6 hours a day than there is in 6 men working 8 hours a day. I cannot possibly give a better illustration of the principle of the bill than that.

The theory of the proponents of the Black 30-hour bill has always been that short hours and high wages always, throughout the industrial history of the country, have gone together. The principle of dividing up the work, of cutting the hours of labor for the purpose of putting more people to work, is simply a reversal of the vicious economic circle into which we have fallen. With more men at work, with more men earning wages to increase the mass expenditure, the purchasing power of the consumers of the Nation, taken as a whole, is inevitably increased, and for the purpose of increasing the wages of labor either in industry or on the farm the necessity for increasing the mass purchasing power of the consumer is absolutely unescapable and inevitable.

So the Black bill, thoroughly considered by the Senate 2 years ago, passed by a nearly 2 to 1 majority, including the vote of the distinguished Chairman of the Committee on Education and Labor [Mr. WALSH], who now opposes it, is based upon thoroughly thought out grounds for the purpose of dividing the mass hours of labor in the country, putting more people to work, and increasing the mass purchasing power of the consumers of the United States.

Mr. President, one difference between the substitute which I have offered and the Walsh bill lies in the question whether or not Congress shall proceed to carry out its functions imposed upon it by the Constitution of the United States by legislating, or whether it is to continue in the course of signing blank checks for Executive action, abdicating its own functions and delegating to the appointees of the executive branch of the Government the making of laws, the supplying of flesh to the skeletons of laws, a practice recently repudiated in unmistakable terms by the unanimous decision of the Supreme Court of the United States.

The Black bill proceeds upon the principle that Congress should lay down the legislative conditions upon which it is willing to establish maximum hours of labor in the United States. The Walsh bill proceeds upon the theory that some bureaucrat in the N. R. A., or some similar institution, should pass upon something which the Supreme Court has said ought to be a matter of congressional regulation—regulation by Congress, not by delegation to some clerk in the back room of a bureau.

Mr. President, I may be old-fashioned—I hope I am—but I adhere to the principle laid down by the founders of the Constitution, I adhere to the principles of the great founders and leaders of the Democratic Party, that legislation should be by Congress and not by appointees in the executive departments.

I have seen here during this debate the adviser and consultant of the Chairman of the Committee on Education and Labor, a high official of the N. R. A., a most estimable gentleman, with whom my relations have always been entirely friendly, who has treated me with great courtesy. But in his department an incident occurred which, to my mind, proves conclusively the soundness of the objection to Congress simply leaving in the discretion of bureaucratic officials the matter of determination.

The PRESIDING OFFICER. The time of the Senator from Missouri on the amendment has expired.

Mr. CLARK. I shall take some time on the bill.

I am certain that Mr. Healy, from the N. R. A., who sits on the floor of the Senate today as an adviser of the eminent Senator from Massachusetts [Mr. WALSH] will recall an incident in which one of his subordinates in the Blue Eagle division of the N. R. A. had to pass on a matter of very great importance affecting the newspaper industry of the United States in one particular case. It was a case of the first instance which might well have affected every newspaper of the United States. As I stand in my place on the floor of the Senate I see before me the Senator from Michigan [Mr. VANDENBERG] and the Senator from North Dakota [Mr. NYE], both of whom have had great newspaper experience.

In this instance, in the course of a hearing affecting labor conditions in the newspaper industry, it became apparent and was admitted that the young man who was passing on it, also a most kindly gentleman, a man of great courtesy, immediately out of the office of Sullivan & Cromwell, of New York, fresh from the Harvard Law School, knew so much about the newspaper business that he did not know that a composing room was a print shop, and he thought that compositors on newspapers were white-collared men who were not affected by the labor provisions of the President's agreement.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. CLARK. I yield.

Mr. TYDINGS. I notice the language of the Black bill, which the Senator has offered as a substitute for the Walsh bill, deals with commodities produced or manufactured in any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment situated in the United States. I am wondering why the farm worker is not given equal treatment with the factory worker in the 6-hour-day provision. There are many cases of those who work on the farm, I suppose, similar to those who work in the factories.

Mr. CLARK. So far as I am concerned, I shall be very glad to accept such an amendment if the Senator will offer it.

Mr. TYDINGS. Can the Senator see why a national policy of 6 hours a day and 5 days a week, if it is to apply to all manner of employment, should exempt agriculture?

Mr. CLARK. I cannot, I will say to the Senator.

Mr. TYDINGS. My recollection is that the man who works on the farm probably receives less wages than the man who works in the factory, and that he works longer hours than the man who works in the factory. If this is going to be a national policy and we are going to be honest about it, it seems to me it ought to be a national policy and we ought not to edge in by getting the nose of the camel under the tent and then adopting it piecemeal.

Mr. CLARK. Of course, the Senator from Maryland undoubtedly knows there are certain seasons of the year in which the farmer works very little, as during the winter season.

Mr. TYDINGS. That applies likewise to the cannery. When we get ready to can fruits or vegetables we cannot wait and work one shift only 6 hours a day. We have to have various shifts. When sugarcorn, tomatoes, peas, beans, or peaches get ripe, we have to be in a position to can them or they will spoil. I can see no reason, if we are going to include the cannery, why we should not include the man who works on the farm, who works 10 or 12 hours a day for less wages than his compatriot gets who works in the factory in the city. However, I doubt, in spite of the fine logic which the Senator has spun, whether the Senate would vote to include agriculture in the bill. That shows how consistent we are about the 6-hour day.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. CLARK. I yield to the Senator from Nebraska.

Mr. NORRIS. In reference to the question asked by the Senator from Maryland, I should like to say, if the Senator will permit me, that a 6-hour law would necessarily have to have a great many exceptions. As I remember now, never during the extended hearings on the bill did any representative of organized agriculture or anyone else advocate putting agriculture under the bill.

Canning is an occupation which I mentioned the other day. There will have to be exceptions to any 6-hour law. For instance, if we should put farmers under such a law, and a farmer were in the midst of cutting wheat or making hay, nobody would expect the farmer to be compelled to let his hay be subject to a rain which might be approaching, or to let his wheat rot in the field, because he would have to stop working after he had worked 6 hours a day. There are a great many instances where seasonal exceptions would have to be made; and if benefit should come, it would come in another way than from shortening the hours.

Mr. TYDINGS. Mr. President, will the Senator from Missouri yield to me?

Mr. CLARK. How much time have I remaining, Mr. President?

The PRESIDING OFFICER. About 8 minutes.

Mr. TYDINGS. I shall take only a moment. Will the Senator let me conclude this thought?

Mr. CLARK. Mr. President, this is my amendment, and I have only 8 minutes remaining. The Senator from Maryland may take the floor in his own right.

Mr. TYDINGS. I shall not interrupt again, but I should like to make one observation.

Mr. CLARK. With all respect and friendship to my friend from Maryland, I must decline to yield.

The PRESIDING OFFICER. The Senator from Missouri has the floor and declines to yield.

Mr. CLARK. I do not care to have a debate between the Senator from Maryland and the Senator from Nebraska take up the small amount of time I have remaining.

Mr. President, referring to the telegram just read by the Senator from Massachusetts, I desire to say only that Mr. Green personally appeared before the Finance Committee

of the Senate at this session of Congress and urged this precise proposal—the Black 30-hour bill—as the principal aspiration of labor at this session of Congress. It is perfectly true that prior to that time, after the Senate had passed the Black 30-hour bill by a majority of nearly 2 to 1, the bill was held up for some 23 months in a committee of the House of Representatives controlled by so-called "friends of labor." It is perfectly true that the Senator from Massachusetts last week made the statement that the Black bill had no chance of passage at this session of Congress; and I come back to the question which I asked the Senator from Massachusetts on last Friday, as to why the Black bill has no chance of passage at this session if the forces which have repeatedly announced their support of it are really in favor of it.

Mr. President, I say that the issues involved in the Black 30-hour bill are only two. One is the question whether everybody shall be included. The other is the question whether Congress shall pursue its constitutional function of legislating, or shall simply sign a blank check, to be filled with legislative provisions and administered and construed by some minor official in the N. R. A. or some similar bureau.

I say, that to my mind, the most fundamental question which confronts the American people today is whether Congress is going to resume its functions of legislating, or is going absolutely to abdicate its duties under the Constitution and under our whole system of Government, and merely sign blank checks which are to be filled in, not by the President as the assertion is always made and the appeal is always made, not even by responsible Cabinet officials, but by minor officials and bureaus who undertake to give the bare skeletons of legislative enactment passed by Congress constructions which no one would have dared advocate in this body.

To go back again to the actual operation of the N. R. A.: We had a case before the Finance Committee, in our investigation, in which an N. R. A. official had not only attempted to procure the rescission of the contract of a printer in St. Paul for State printing in absolutely intra-State business, where he was the low bidder by $12,000, but afterward certified the matter to the Federal district attorney, with a view to prosecution, and because, forsooth, this printer who, the testimony showed, paid 50 percent higher wages than the "big three" that controlled the local printing code authority in the States of Minnesota and North and South Dakotas. The only ground assigned was that this printer, the successful bidder, had been unwilling to make a false entry in setting up his costs, and set up a 10-percent straight-line depreciation, so that he would charge depreciation on a third- or fourth-hand printing machine which had already been entirely depreciated before he bought the machine.

Mr. President, I say that I am unwilling, as a Member of the United States Senate, to leave the determination of vital rights involving the rights and liberty and happiness of millions of Americans to the determination of some bureaucrat. The issue is between the substitute I have offered, which is the bill introduced by the Senator from Alabama [Mr. BLACK], and the substitute offered by the Senator from Massachusetts [Mr. WALSH]. Of course, the bill of the Senator from Massachusetts is itself a substitute because he has stricken out all after the enacting clause of a bill which had been prepared by a very eminent official in the law department of the Government and substituted his own bill. The issue between the two substitutes is whether we are going to extend a principle which, if it be a good principle, should be extended to the whole country, and whether we are going to have Congress, in pursuance of its own constitutional functions, write a law and prescribe its specifications and qualifications, or whether we are going to allow some clerk in one of the executive departments to do so.

Mr. TYDINGS. Mr. President, I am not going to take the time to discuss this matter for more than a few moments.

First of all, I agree with what the Senator from Nebraska [Mr. NORRIS] has said, that if agriculture were included under this bill there would have to be many exemptions to take care of the very peculiar and unusual conditions applicable to that industry; but that would not defeat the argument I presented that agriculture ought to be included, and then it ought to apply and get its exemptions as every other industry has to do.

In this case, if the farm workers of the country in a body were organized, to my mind they would take the same stand in reference to their occupation which other organized labor groups have taken in respect to theirs. We all know, however, that the farm workers of the country are not organized; that they have no voice through any organization, leader, or representative. Because we know the farmer would not like to be included in a 6-hour law, we are not going to put agriculture in the bill; but we all know that the farm worker has just as much right to live under a 6-hour national policy as anybody else has, and there can be no logical reason whatever why we should make an exception of him, or overlook his case.

The man who toils 8 hours or 10 hours on the farm has just as much energy taken out of his system, and for less pay, as has the man who toils in the factory or on the railroad. So let us be frank and honest about the matter. We are not putting agriculture in the bill because the farmers of the country do not want it in the bill, and that is the only reason.

Now, let us come down to the economics of the matter.

I agree with the constitutional philosophy expounded by my friend from Missouri; but his economics is entirely overlooked as he discusses his philosophy. He says we must spread the work, and at the same wage. What does he mean by that?

Mr. CLARK. Mr. President, will the Senator yield? I do not wish to interrupt the Senator, but he certainly inadvertently misquoted me. I did not say that the work must be continued at the same wage. What I said was that there was more mass purchasing power with more men employed at the same wage.

Mr. TYDINGS. I did not misinterpret the Senator, as he will see if he will let me go on.

Mr. CLARK. I shall be glad to let the Senator go on, but I did not wish him to put in my mouth words which I did not use.

Mr. TYDINGS. In other words, 8 men who work 6 hours a day will make the same amount of money as 6 men who work 8 hours per day. The basic output of money for wages remains constant. Am I right?

Mr. CLARK. I will say to the Senator that I went one step further, and said——

Mr. TYDINGS. I asked the Senator if my interpretation of what he said was accurate.

Mr. CLARK. If the Senator will permit me to tell him what I said, I shall be glad to do so. I said that automatically the increase in mass purchasing power would increase wages. I said it had been the history of the world that short hours and high wages go together.

Mr. TYDINGS. In other words, the Senator says that if 8 men are making a dollar a day apiece, it is the same as if 6 men are making $8 a day apiece. That is what the Senator said.

It costs $8 a day, whether you employ the 6 men for 8 hours or the 8 men for 6 hours. So I understood the Senator correctly. But let me point out where the Senator's economics does not always carry along with his political philosophy.

Mr. LONG. Mr. President, will the Senator yield to me?

Mr. TYDINGS. Just as soon as I finish with this point, I will yield to the Senator from Louisiana.

Let us suppose a man is making a hundred dollars a month, working 8 hours a day. Under the Senator's dispensation, the same man would get only $75 a month. In other words, the bill would result in a decrease of 25 percent in the wages paid the working man; and how the working man who has a mortgage on his home, a family to support, and his scale of life already firm, can take three-quarters of as much money as he is now in the habit of making and keep all his obligations up, and keep out of debt, I should like to know.

A 25-percent decrease in the returns of those who make the lower wages, a thousand or two thousand or three thousand dollars a year, would be the difference between sending their boys and girls to college, or something similar, and not doing it. The man who is making $3,000 a year as a workman would lose $750 a year as a workman. Instead of getting $3,000 a year, he would get only $2,250 a year, under the amendment as framed by the Senator from Missouri.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CLARK. I suppose the argument the Senator has just made is the reason why every labor organization in the United States has repeatedly stated it was in favor of this proposed legislation?

Mr. TYDINGS. I am not one of those Senators who votes as some labor organization or some business organization or some farmers' organization wants me to. I consider that I was sent here to vote good common sense of my own.

Mr. CLARK. I agree entirely with the Senator from Maryland in that; nevertheless, he cannot deny that every labor organization in the United States is absolutely in favor of the measure which I have suggested by way of amendment.

Mr. TYDINGS. I am not trying to do my small bit in the operation of this Government just to please labor. Labor is entitled to a fair deal, of course, but we have to look at the entire country.

Mr. CLARK. I agree with the Senator from Maryland; nevertheless, labor has been very well able to look after its own interests, in the matter particularly of labor legislation.

Mr. TYDINGS. That may be true; but labor would soon demand that with the 6-hour day they should receive the same pay they get for working 8 hours a day, and every man here knows it.

Mr. CLARK. Mr. President, if the Senator will yield for just one moment more——

Mr. TYDINGS. I will be more courteous to the Senator than he was to me. I yield again.

Mr. CLARK. I thank the Senator for his courtesy. Of course, everybody who has studied the experience of mankind in reducing hours knows that it would not be necessary for labor to demand the same wage, that shorter hours would automatically increase the wages.

Mr. TYDINGS. We can carry any position to the point of absurdity. It could be said, "Why not work 1 hour a day, and you would have still more purchasing power? Why not work 2 hours a day?" After a while we may reach the point that it will be a crime in this Republic to do an honest day's work.

Mr. President, if the 6-hour a day bill is to be enacted into law, everybody knows, insofar as the bill is concerned, that it will mean a 25-percent reduction in the wages of every man who works in occupations covered by the bill.

Let us suppose it does not mean a 25-percent reduction; let us assume that for working 6 hours a day the workingman will get the same pay he now receives for working 8 hours. I hear much said about parity, about labor and agriculture having to get on a parity. If the laboring man works but 6 hours a day, and he is paid, as he is now being paid, for 8 hours a day, certainly there is an added cost in the production of every article the farmer has to use on his farm, and then where is parity?

It would be the same as reducing the income of the farmer 25 percent, because if the income of the workingman is increased 25 percent, it takes 25 percent more of the income of agriculture to buy the things which industry produces. If we are to make an end of parity, that is one thing; but let us not stand on the floor of the Senate day after day and talk about parity between agriculture and industry, and then pass bills which destroy every semblance of parity.

If this proposed legislation were enacted into law the laboring man of course would be glad to have the law prescribe that he should work but 6 hours a day. I would like to see it so that we could all survive without anyone working. But no sooner would he get his 6 hours a day, attendant as it would be with a 25-percent reduction in wages, than there would be a movement, and a proper movement, under the circumstances, I think, in most cases, to get his 8-hour wages for his 6 hours of actual work. When that happened the overwhelming number of people being engaged in industry, there would be a greater burden to agriculture than 25 percent because there are working in industry about 30,000,000 people who are over 16 years of age, and only eight or ten million working in agriculture who are over 16 years of age. So that while three-quarters of the population were having their wages increased, the other one-quarter, the farmers, would be having their income decreased, and I venture to say that any man representing an agricultural constituency who will vote to put this extra burden on the back of agriculture, if the farmers ever come to understand what it means in increased cost, will rue the day that he ever voted for a 6-hour day, with the resulting increased costs which agriculture will have to pay.

It is frequently said on the floor of the Senate, and it is true, that all wealth comes out of the soil. Really, the farmer is more responsible for all the wealth we have than is any other single class in the United States. But he represents only 20 or 25 percent of the working population. Yet, while he is the prop under the whole outfit, with all the protective tariffs, the 8-hour-day law, the protection of industry, Workmen's Compensation Act, and what not, the farmer is the unprotected individual who is down on the bottom, standing on his own two feet, without any labor laws, dependent upon whether and all sorts of unusual hazards, and the adoption of the Black bill would drive him further into the slough of despond, and be the crowning blow in reducing him to absolute bankruptcy.

Mr. LONG. Mr. President, I wish to say just a few words in answer to the line of logic of my friend the Senator from Maryland [Mr. TYDINGS].

The trouble with the Senator from Maryland, and those like him, is that they fail to accept what we all know has always happened, namely, that wherever hours are shortened wages go up. We need not worry about adjusting the wage scale; wherever we basically establish fair hours of labor, shorter hours of labor, wages inevitably go up.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. NORRIS. I agree with the Senator, but I should like to call attention to another reason why I think the wages would go up, and it is the reason which makes a shorter workday necessary. There are all kinds of inventions and improvements in machinery, which is one of the causes of the present unemployment, so that a man who labors today with modern methods does perhaps the labor of 50 men, in some instances, or 2 or 3 men, or 5 or 6 men. So that while I shall not vote for the pending amendment, I do not agree with the argument made by the Senator from Maryland.

Mr. CLARK. Mr. President, will the Senator from Louisiana yield for just a moment?

Mr. LONG. I yield.

Mr. CLARK. Along the line of the statement of the Senator from Nebraska, which of course expresses the basic philosophy of this bill, I saw a cartoon 2 or 3 years ago which illustrated the announcement of the invention of a labor-saving machine which would enable one man to do the work of 250. A publicist who was standing by said, "What we need is to have a machine invented that will enable one man to consume as much as 250 men are now consuming." The principle of this bill is that dividing the work and shortening the hours will automatically increase the wages of people engaged in industry by increasing their purchasing power.

Mr. TYDINGS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. TYDINGS. I should like to point out to the Senator from Missouri that the greatest headway machinery has made has been first on the farm. There is more labor saving on the farm through machinery than in any other one line of activity.

Secondly, I should like to ask the Senator a question, if the Senator from Louisiana will permit me to do so in his time. If the Senator says that wages are going to increase and hours of work are going to decrease, will that not increase the cost of the materials which the farmer has to buy, and thereby destroy the so-called "parity" which I thought Congress was attempting to set up?

Mr. CLARK. Mr. President, I do not wish to take more of the time of the Senator from Louisiana, but I ask the Senator if he will yield for just one more moment.

Mr. LONG. I yield.

Mr. CLARK. The proposition is simple, and I think the Senator from Maryland ought to be able to grasp it. The intention of this bill is to reverse the vicious circle which has been going on. The theory of the bill is that when industry is going at full blast, when a large number of men are employed in industry—after all, industrial workers are the consuming public and buy the products of the farm—when they are able to purchase, farm prices go up, and the farmer is prosperous, as well as industry, and also the wage earner.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TYDINGS. What the Senator from Missouri has said is largely true, that the proposition is too simple for the Senator from Maryland to understand.

Mr. LONG. Mr. President, if I may resume—and I thank my colleagues for yielding to me—the fact which I am undertaking to explain is, and I am going to repeat one line, that invariably shortening the hours of labor means increased wages. Not only that, but it increases the consumption of farm products. The Senator from Missouri explained with a cartoon what I was going to undertake to put in my own words. We must provide some means for a greater consumption of agricultural products, and thereby give the farmer a better market for his products. If we shorten the hours of labor of the industrial worker and give him a better wage—and one is equivalent to the other—we not only give him more money with which to buy, but we give him more time in which to consume, and the consumption is so much greater.

As an example, take the Adamson 8-hour law. What I now say is intended even for my friend from Nebraska [Mr. NORRIS], who was one of the pioneers in the work of shortening hours of labor before men of my kind were ever heard of. The Adamson law was referred to as one which would decrease purchasing power, and would impose a heavier burden upon the farmer; but the facts will show that a greater consumption of agricultural products among the industrialists followed the shortening of hours which began with the Adamson law. If Senators really desire to help the farmer, the best thing they can possibly do is to shorten the hours of the industrial worker, because it most assuredly means a greater market for farm products, and a better value for what the farmer has to sell.

That is point number one.

What is the second point? Here we are on solid ground. Here is where I leave the Senator from Maryland [Mr. TYDINGS] and his kind, because they are against us on all points, and cross over to argue for a moment with my friend from Nebraska [Mr. NORRIS]. The point is that the Senator from Nebraska and men of his kind who pioneered legislation for shorter hours of work, did it on a sound basis. They did not say that the President might stop trains on Sunday, or that he might except the mail carrier or the section hand, or that he might prescribe a code which applied only to conductors, and another one which applied only to engineers. In connection with the 24-hour service, the 7-day service, the 12-months-a-year service, the 365-day service on all jobs, there was prescribed an absolute maximum 8-hour day. Where we are getting into deep water is by entering into—if I may use a word which may seem somewhat hard—a Fascist system of giving somebody the right to say what line of work is to be governed by a minimum or a maximum law, who is to be excepted, which one is to be 6 hours, which one is to be 8 hours, which one is to be 10 hours. If we do that, we are involving the whole matter in something far more reprehensible than hours of labor which are now limited by law. Whenever we begin to tear down the fundamental principle of government that law is law applying equally to all, we begin to throw a stone in the way of regulating the hours of labor.

I will give another illustration. It is said that there are some occupations which it is not practicable to place on a minimum- or maximum-hour basis. Which ones are they? Agriculture is not supposed to be regulated by the proposed law, but I desire to tell Senators that agriculture may be placed on a maximum-hour basis. It may be done if necessary. The old talk that we are likely to get into some field where work cannot continue if the hours of labor are limited is of no value. There is not a thing in the world to such talk.

I have helped in most of the ordinary occupations on the farm. Take the case of canning, for instance: There is nothing to keep a man from employing more persons to do his canning in the canning season. There is nothing to keep a man from employing more persons to do the cotton ginning in the ginning season, and there is nothing to prevent more men being employed to do the work of carloading on the railroads in the heavy transportation season. The country would adjust itself to the law if we had an absolute maximum-hour law established.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CLARK. The Senator knows, of course, that exactly the same arguments which are now advanced against the Black bill were advanced against the 8-hour law applying to the railroads. They were advanced when labor was reduced by law in many States from 12 hours to 10 hours, and from 10 hours to 8 hours, and in every case the shortening of the hours of labor was followed by increase in wages.

Mr. LONG. What the Senator from Missouri has said is right. The same things were said, and the same arguments were raised back in 1916, and they were annihilated by the argument of the Senator from Nebraska [Mr. NORRIS]. There is not an argument made against the pending 30-hour bill which was not made against the Adamson law.

In discussing the proposed legislation not one new argument has been used. The trouble with the 30-hour bill is that instead of creating a paralysis, it does not provide short enough hours of labor. In view of inventive science and all the progress which has been made, the hours would not be short enough.

The PRESIDING OFFICER. That time of the Senator on the amendment has expired.

Mr. LONG. I have 15 minutes on the bill. I will take my 15 minutes on the bill.

Let me give an illustration: In 1928 Congress passed a flood-control bill, and we were under the impression that the several hundred millions of dollars which were going to be spent on flood control, building levees, preempting rights-of-way, and clearing the ground in the State of Louisiana were going to provide an immense opportunity for employment, the employment of all the extra labor we might have in that section. What resulted? They put out a drag line. They put their steam shovels down there, and one or two men were building as much of levees in a day's time as a thousand men used to build in a week's time with the mules and scoops which they used to use for the purpose of hauling and stacking dirt to make a levee.

Let me refer to farm life if it be desired to take that as an example. I can remember the time, even in my day, when we farmed a piece of ground which produced about one-quarter of a bale of cotton to the acre before we ever had such a thing as fertilizer. Today, on the same old worn-out land, so poor that two red-headed women could not raise a row on the land [laughter in the galleries]—right on that land they harvest from half a bale to three-quarters of a bale, and in some years a whole bale of cotton.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TYDINGS. In view of the great improvement which machinery has made on the farm, does not the Senator think this 6-hour bill ought to apply to farm labor?

Mr. LONG. It would work.

Mr. TYDINGS. Certainly, it would. If the Senator is going to be fair with respect to the matter, there is no reason why the bill should not apply to farm labor as well as industrial labor.

Mr. LONG. Surely. In answer to all this bogey business which has been brought up that there is likely to be some occupation in which the plan will not work, I say it will work in all occupations. There can be guaranteed to every farmer in the United States a $2,500 minimum during a year, and to every other family man $2,500 minimum earning a year on a 6-hour day, and then only one-third of the average family income will be involved, according to Mr. Roger W. Babson, one of the greatest Wall Street analysts we have. Mr. Roger W. Babson says all heads of families may be paid $10,000—and I reduced his figures to $7,500—on a 6-hour-day basis, and he says it would only be necessary to work those who are 50 years and younger. There is not any question about that. The only defect in the 30-hour bill is that it probably does not provide a short enough work period.

Mr. TYDINGS. The Senator could not make the limit 45 years?

Mr. LONG. My friend from Maryland asks me if the limit might be made 45 years. Is the Senator from Maryland 45? I am willing to make it any age limit which the Senator from Maryland wishes which will exclude him, and exclude me, too, so far as that is concerned.

Mr. President, my friend from Massachusetts [Mr. WALSH], who is a good friend of labor, and a good friend to humanity and social reform, unfortunately, like many others, has changed his course. The Senator from Vermont [Mr. AUSTIN] has remained consistent in his labor attitude. The Senator from Maryland [Mr. TYDINGS] has remained consistent in his labor attitude.

The trouble is, however, that some of our friends, like my friend from Massachusetts, and like that leader of all labor movements, the Senator from Nebraska [Mr. NORRIS], have unwittingly fallen for the same line of logic which they resisted in their younger days when they were fighting for labor reform. They have allowed the argument of "impossible, impossible, impossible" finally to affect them.

It has been said that if pebbles were to beat upon a great rock, such as the Rock of Gibraltar, it would finally be broken down. So it is in this case. Those Senators have heard for so long the argument that it is "impossible, impossible, impossible", that in their unguarded moments it has to some extent taken effect upon them. A law which will absolutely, unquestionably, unequivocally shorten and limit the hours of labor for all persons in all industries, by positive law which may not be suspended, which may not be repealed, which may not be used to the advantage of one and the disadvantage of the other, is the only kind of labor law that Congress can pass which will do any good, or which will not do more harm than good. That can be done constitutionally, and the amendment which my friend from Missouri proposes can validly become the law of the land.

I understand Mr. Green, president of the American Federation of Labor, sent a telegram here this morning stating that he would like to have the pending bill passed in its present form. I am very sorry Mr. Green sent that kind of a telegram, because only a short time ago he issued statement after statement to the effect that the only thing on earth for us to do was to enact a 30-hour law.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BONE. I know the Senator must be familiar, as is the Senator from Missouri [Mr. CLARK], with the statements which I think come from most respectable sources, that if by some sort of political or economic magic we were able to go back to the peak of production which obtained in this country in 1929 there would still be a great army of three or four million wage earners who could not possibly be reemployed. That problem is like Banquo's ghost in our economic system, and it is up to us to solve it. I ask the Senator if he does not agree with me that that is the case?

Mr. LONG. I not only agree with what the Senator says, but I say that the bill which the Senator from Massachusetts is trying now to have passed will not be effective. Unemployment was hardly decreased a particle by the N. R. A. There were 11,000,000 unemployed industrial workers, and no one knows how many millions of agricultural workers unemployed under the N. R. A. codes. I understand the hours of ice vendors in my State were actually lengthened, if anything, under the code, rather than being reduced. One man had a 44-hour week; another had a 54-hour week; another a 40-hour week; no one knew what the hours were. One ran against the others; one chiseled against the other; one man was covered; another was not covered. What is going to happen under the bill which the Senator from Massachusetts is sponsoring is that it will discourage the undertaking to prescribe such a thing as the maximum hours of toil.

It will set the hands of the clock back, it will not work except in the direction of disaster, it will do nothing but harm and it will do great injustice and injury to the labor cause in its effort to set up some maximum limit on the hours of toil.

It seems to me that experience should be worth something to us. Do we not remember that we once had such a law as the Senator from Massachusetts is now trying to give us? Do we not remember that we had 11,000,000 unemployed, and that the list of unemployed grew from 1934 to 1935 under a law almost the same as the bill for which the Senator from Massachusetts is now clamoring, so that we had 734,000 more unemployed in 1935 than in 1934? Do we want to go back to something that we know was a failure? Do we want to do something that we know was unpopular? Do we want to do something that we know will not work, or do we want to do that which would be done by the bill which the Senate passed to start with, the Black 30-hour bill, providing not to exceed 5 days' labor and 6 hours' work a day, to apply to everybody? If we could secure the enactment of that bill, the result would be that the number of unemployed would not be 12,000,000, 15,000,000, or 20,000,000 people. That is what we have today, we have approximately 20,000,000 unemployed, and the number grew under the N. R. A. and the A. A. A., and whatever other A's they have hung onto it by this time. Industrial unemployment grew from ten and a half to eleven million, and we had about 10,000,000 agricultural workers who were unemployed at the same time, or a total of some 20,000,000 people who were half employed and half unemployed, according to their earnings and the purchasing power of the dollar.

Yet we are going right back today to try the same thing we tried before; and with what a result? I do not think my friend from Massachusetts contends conditions under his bill will be any better than under the N. R. A. law. Has anyone here reached the conclusion that they will be better under this bill, if it shall be enacted, than they were last year or this year? Does anyone expect any improvement? According to my understanding, conditions now are probably better than they were under the N. R. A., if there is any difference between the conditions that obtained under the codes and present conditions not under the codes.

Some of us are bewildered. We are standing right where we have stood all along for shorter hours, for a law with teeth in it, without deviation, and we are standing for the ordinary, customary, constitutional process of government. We are standing for a measure that will really shorten the hours of labor, such as was done when we passed the Adamson law. We are standing for the same 30-hour bill which the Senate passed only 2 years ago, with 53 votes in favor of it and 30 votes against it. Ten of those who voted against it are no longer Members of this body; so that today if we may rely on the sentiment heretofore expressed by the Senate the amendment embodying the Black 30-hour bill, now

before this body, would pass with probably 63 votes instead of 53 votes, and would have but 20 votes against it instead of 30 votes against it.

We are trying to have passed the identical bill, the very words, the very syllables, the very sections for which the Senate of the United States voted. However, at that time we were sidetracked by the N. R. A., which by actual practice and experience not only failed in the minds of the public and in the minds of everyone affected by it, but which the Supreme Court of the United States, by unanimous vote, declared to be invalid, illegal, and unconstitutional and un-American, topside and bottom.

Now we are proposing to go back to that. We propose to go back to something which was tried and which failed, a law which the Supreme Court said was invalid, which would not work, which could not work, and which brought chaos and destruction and no good to anybody. We turn away from the action which the Senate took and the policy for which it voted, a maximum 30-hour bill. I wish the Senate would pursue the course on which it started and vote for the 30-hour bill as an amendment to the pending measure. If enacted, it would bring good where everything else has failed.

Mr. President, I inquire how much time have I remaining.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. LONG. I wish to use my 4 minutes to make a statement on the tax bill.

From what I hear, we have about reached the time when the Senate will come to its hour of mourning. I sometimes think, when I see what is being done about the tax bill, that it is very unfortunate that the present Congress ever met. I was in favor of the so-called "lame duck" amendment to the Constitution, which was sponsored by the Senator from Nebraska [Mr. NORRIS]; I thought it was right, and I still think it is right; but this is one time when we got a bad break. Of course, we have to take the bitter with the sweet; but this is one year when we got a bad break. It certainly was a bad thing that Congress had to meet this year. I have watched every measure that has passed, and for the last couple of days have tried to imagine some kind of a result that would have meant good out of this session of Congress; but with what the Finance Committee, I understand, has given out as its purported or tentative report, apparently it has come down to the hour of perpetual mourning for this expiring—and the quicker it expires the better—Congress of the United States.

I understand that the Committee on Finance have reformed the tax bill as passed by the House; have stricken out the inheritance-tax increase—which did not amount to much, to start with, in my opinion, it was not nearly enough—and that they have taken the income-tax schedule and given it a reverse locomotion, so that, instead of going up into the higher realm, they have gone down to the lower one and propose to take a great deal more money from the common poor men than the bill was designed to get from the supposed-to-be super-rich men in this country. In other words, they have made it a soak-the-poor bill instead of a redistribution-of-wealth bill.

I think the Senate Finance Committee, if its report shall be accepted, will have well demonstrated the futility of this abdicating system of government by which the Congress leaves matters to bureaus and bureaucrats, abdicates its own functions, and allows this rule and this regulation and this law to be promulgated by somebody outside the legitimate sphere of Congress. I think it will demonstrate by the particular amendment before the Senate that the Congress had better revert to the customary process of enacting laws and declare "this is a law, this is a crime, this is a penalty", rather than to say that something is the law provided someone else wants it to be the law, and that something else is a penalty provided someone wishes to establish it as a penalty, and agrees that it is the proper penalty, and that such and such an act is a crime provided that, in the mind and sphere of knowledge of some bureaucrats or autocrats they wish so to promulgate it.

I should like to see the Congress, if it shall reassemble here next term, assuming that the people will stand for it to reassemble again, and I presume they will, for they have stood for a whole lot, and I guess they will be willing for us to come back—I should like to see Congress profit from its own failure, a failure which will be demonstrated in time by this measure; in fact, I think it will be demonstrated before we meet next time, as it has already been demonstrated in the past and will be demonstrated in the future. The only kind of laws which are going to do us any good are laws that are specific, that are in themselves legislation, and give every man and every industry to know what the law is and what they have to expect and under what rule or custom they have to live and operate.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] in the nature of a substitute for the amendment reported by the committee.

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Lewis	Reynolds
Ashurst	Connally	Logan	Robinson
Austin	Copeland	Lonergan	Russell
Bachman	Costigan	Long	Schall
Bailey	Davis	McCarran	Schwellenbach
Bankhead	Dieterich	McGill	Sheppard
Barbour	Fletcher	McKellar	Shipstead
Barkley	Frazier	McNary	Smith
Black	George	Maloney	Steiwer
Bone	Gerry	Metcalf	Thomas, Okla.
Borah	Gibson	Murphy	Thomas, Utah
Brown	Glass	Murray	Townsend
Bulkley	Gore	Neely	Trammell
Bulow	Guffey	Norbeck	Truman
Burke	Hale	Norris	Tydings
Byrd	Harrison	Nye	Vandenberg
Byrnes	Hatch	O'Mahoney	Van Nuys
Capper	Hayden	Overton	Wagner
Caraway	Johnson	Pittman	Walsh
Carey	King	Pope	Wheeler
Chavez	La Follette	Radcliffe	White

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. CLARK. Mr. President, I desire to offer an amendment to the pending amendment. On page 6, line 12, I move to strike out the word "thirty" and insert the word "ninety", having to do with the question of the time when the amendment, if agreed to, shall go into effect.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed in the amendment in the nature of a substitute, on page 6, line 12, after the word "effective", to strike out the word "thirty" and insert the word "ninety", so the paragraph would read:

> This act shall become effective 90 days after the date of its enactment, and it shall not apply to commodities or articles produced or manufactured prior to its effective date.

Mr. CLARK. Mr. President, I desire to offer a preferential motion. I move that the Senate proceed to the consideration of Senate bill 87, the Black bill. Since the suggestion has been made that this is an attempt to sidetrack the so-called "Walsh bill", I now move to lay aside the unfinished business and that the Senate proceed to the consideration of Senate bill 87, being the so-called "Black bill."

Mr. WALSH. Mr. President, I move to lay the motion on the table.

Mr. McNARY. Mr. President, I was unable to understand the statement made by the Senator from Missouri.

Mr. CLARK. I made no statement. I simply made a motion that the Senate proceed to the consideration of Senate bill 87, the Black bill.

Mr. McNARY. I thought the Senator had offered it as a substitute for the Walsh bill.

Mr. CLARK. I have offered it as a substitute, but since the suggestion was made that offering the Black bill as a

substitute was an attempt to circumvent consideration of the Walsh bill I have now moved to proceed to the consideration of the Black bill at this time.

Mr. WALSH. Mr. President, at the request of the Senator from Nebraska [Mr. NORRIS] I temporarily withdraw my motion to lay on the table.

Mr. NORRIS. Mr. President, why does not the Senator let us vote on the Walsh bill and then offer his motion to proceed to the consideration of the Black bill? I should be glad to support it.

Mr. CLARK. I was trying to conform to what I understood to be the wishes of the Senator from Nebraska. It so happens that there are many Senators—at least a goodly number of Senators—who are in favor of the Black bill and who are opposed to the Walsh bill. So far as I am concerned personally, I should not be willing at any time to vote to sign a blank check to reestablish the N. R. A.

Mr. NORRIS. I understand the Senator's position. I am in favor of both bills. Although I do not wish to charge anybody with bad faith in the matter, I resent any attempt to put those who are in favor of both bills in a bad light before the Senate or the country or to put them in an embarrassing position.

We have the Walsh bill pending. Another bill is offered as a substitute. If the substitute is voted down and if the Walsh bill is disposed of, then the Senator could make his motion. I have been wondering all through the debate why the Black bill has never been taken up during this session. I did my part, although it was a weak part this time. I was not able to attend all the hearings on the Black bill, although I did attend the earlier hearings when it was brought before the committee in the preceding Congress. I have wondered all the while why it was not taken up and passed at this session. I think it ought to be done. I want to see it passed.

However, I do not want now to be put in the attitude of voting to stop all this discussion and lay aside the Walsh bill after we are practically all ready to vote on it if the amendment were not pending. I do not want to throw away all that time and discussion. I do not want to defeat the bill which is advocated by the Senator from Massachusetts. I believe in it. I have faith in it. I have just as much faith in the other bill.

I should like to go on record as voting to proceed to the consideration of the Black bill. I should like to go on record as voting for its passage. It does not seem to me it is quite fair for the Senator now to move, after several days of debate on the Walsh bill, to lay it aside and proceed to the consideration of the Black bill, which would have the effect of killing the Walsh bill.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. Certainly.

Mr. CLARK. May I say to the Senator from Nebraska that, so far as I am concerned, I offered the motion because I understood it was his suggestion.

Mr. NORRIS. Oh, no; that was not my suggestion.

Mr. CLARK. There are a number of us who are not very much in favor of the so-called "Walsh bill." I shall not insist upon my motion to take up the Black bill for consideration after the Walsh bill shall have been disposed of, because I realize fully, as I said the other day in discussion with the Senator from Nebraska, that when some red herring like the N. R. A. or the Walsh bill can be dragged across the trail we can never secure consideration for the Black bill.

Mr. BLACK. Mr. President, will the Senator yield for a statement?

Mr. CLARK. The Senator from Nebraska has the floor.

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BLACK. I simply wish to say that a motion was made to take up the 30-hour-week bill and it was defeated by the Senate on a record vote. The only reason why other motions were not made was because I was afraid the same result would follow.

Mr. NORRIS. I do not remember that occurrence, though I am sure, if I was present and voting, I voted to take up the bill.

Mr. ASHURST. Mr. President, the Senator did so vote.

Mr. BLACK. Yes; I remember that the Senator from Nebraska voted in favor of taking up the bill.

Mr. CLARK. If the Senator from Nebraska will yield to me for just one moment further——

Mr. NORRIS. I yield.

Mr. CLARK. I have no disposition or desire on earth to put any Senator in an embarrassing position. My whole feeling is that the Black bill would be a most meritorious and most monumental bill to be passed by the Senate, and that the Walsh bill would be a very bad bill to be passed by the Senate. In view of the Senator's statement, I am perfectly willing to withdraw the motion I made to take up the Black bill for present consideration, because my only thought about the matter was that it might secure the support of some Senators who are in favor of both bills. After a red herring shall have been drawn across the trail by the passage of the Walsh bill, I should not be willing to make a motion to take up the Black bill, and I am certain the Senator from Alabama [Mr. BLACK] feels exactly the same way, because I know that most of those who are trying to pass the Walsh bill do not desire to pass the Black bill. I do not think that statement applies to the Senator from Nebraska.

Mr. NORRIS. It does not apply to me.

Mr. CLARK. I certainly do not intend to apply it to the Senator from Nebraska.

Mr. NORRIS. It does not apply to me; and I do not think what we are doing is drawing a herring across the trail. The Black bill has once been passed by the Senate and sent to the House. The pending bill never has been passed by the Senate. If both of them should be sent there, we could not compel the House to take up either one of them; but at least we can give the House an opportunity to take up both of them.

Mr. CLARK. Of course we can.

Mr. NORRIS. And I do not see anything inconsistent between the two.

Mr. CLARK. But the Senator from Nebraska well remembers that we passed the Black bill 2 years ago by a vote of nearly 2 to 1.

Mr. NORRIS. Yes.

Mr. CLARK. It went over to the House, and was held up in a House committee while they brought out this innovation from the United States Chamber of Commerce and passed it. Then the House said, "We cannot take up the 30-hour bill because the Senate has already passed the N. R. A. bill, and we will take that up." If we were to pass the Walsh bill at 2:30 today, and pass the Black bill at 2:35, of course we could be assured in advance, by the disposition which has been shown here, that the Black bill never would pass at this session or at any other session.

Mr. NORRIS. I do not know why.

Mr. CLARK. But there never has been any showing that if the Senate should pass the Black bill, and should not pass another bill, which, in effect, could be taken up as a substitute and passed, the House would not pass the Black bill.

Mr. NORRIS. Mr. President, I am ready to pass the Black bill; but in all fairness I desire to say that since we once passed the Black bill, and it failed in the House for want of consideration, I think there is no reason to believe it would now meet any better fate. That would not make any difference with me, however. I should feel it my duty to vote as I thought right in the Senate; and if the House wishes to vote differently, that is its right and its privilege.

Mr. WALSH. Mr. President, a parliamentary inquiry. Has the motion of the Senator from Missouri been withdrawn?

Mr. CLARK. It has not as yet been withdrawn. I announce my intention to withdraw it.

Mr. WALSH. I thought the Senator said he had withdrawn it.

Mr. CLARK. No; I announced my attention to withdraw it, but the Senator from Nebraska is still entitled to the floor.

Mr. NORRIS. I yielded to the Senator for that purpose. I though he had done so. That does not make any difference, however.

I desire to say that when the Black bill was first introduced, before there were any hearings, there were a great many opinions about it; and, in all fairness, I wish to say that I think, as a general rule, without giving the matter thorough consideration, most of those who did think of it thought it was an unconstitutional bill, basing their opinion principally on the child-labor decision of the Supreme Court of the United States. When we got into the consideration of the bill and had unlimited hearings, it seemed to me when the legal argument was made, that while perhaps the question was not free from doubt, inasmuch as many eminent lawyers thought one way and many equally eminent lawyers thought the other way——

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the motion of the Senator from Missouri [Mr. CLARK].

Mr. LONG. Mr. President, has the Senator withdrawn the motion?

Mr. CLARK. I have not as yet withdrawn it.

Mr. LONG. Please do not withdraw it. I wish to get a chance to talk about it.

Mr. President, let me say to my friend from Nebraska—and I hope he will understand the spirit in which I make these remarks—that the Holy Land gave us the Christian religion, but today we are sending people from heathen lands back to the Holy Land as missionaries to teach the people of the Holy Land the word of Christ. My undertaking to talk labor legislation to the Senator from Nebraska is worse than that, because I might be regarded as a heathen in the move compared to the record he has and the long service he has had in labor legislation.

Let me say to the Senator from Nebraska, however, that he is a practical legislator, and, while he may not like the term so well, in order to be a practical legislator he has to be a practical politician. If we should pass the bill which is being advocated by the Senator from Massachusetts, that would be the same as killing the Black bill even more effectually than the last time, because this bill is a labor regulation by codes. It itself would kill the Black bill. If the two bills were passed simultaneously, the Black bill would not be worth the paper on which it was written.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CLARK. Does the Senator believe that if the Senate had failed to pass the N. R. A. bill after it passed the Black bill in 1933, the Black bill ultimately would have become a law?

Mr. LONG. It would have become a law just as certainly as the Senator is alive.

Mr. CLARK. If the Senate should now pass the Walsh bill, and later should pass the Black bill, does the Senator believe that the Black bill would have any chance of passage by the House?

Mr. LONG. None at all. On the contrary, with due regard to the good motives of the Senator from Massachusetts—although he indicates some change in his attitude between the 2 years—the Walsh bill is not a thing on the living earth but something with which to kill the 30-hour bill, and the N. R. A.—they themselves so said—was not a living thing except something with which to forestall the Black bill. But assume that we could pass both of them, the Walsh bill, if we had them both written into the law, would do away with the Black bill because the codes would have a right to exist with the 44-hour bill.

Mr. NORRIS. Mr. President——

Mr. LONG. I yield.

Mr. NORRIS. The pending bill, the so-called "Walsh bill", applies to persons doing business with the Government.

Mr. LONG. Yes.

Mr. NORRIS. It is a governmental matter. The Black bill applies generally to persons engaged in interstate commerce.

Mr. LONG. I may say to the Senator that they both apply to about the same class of persons.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BLACK. The bill I have introduced applies to the interstate-commerce features and to Government contracts and to Government loans. As a matter of fact, the idea in the Walsh bill is exactly the idea carried out in the bill I have introduced, except that my bill fixes the hours by law and does not leave the matter to some other agency.

Mr. LONG. Yes. I may say that the Black bill applies to about the same persons to whom the Walsh bill applies. What the Walsh bill tries to do is to use Government funds, loans, contracts, and so forth, to draw private industry as well as Government employees and contractors into the matter. That is what one is and that is what the other is.

There is only one fundamental difference between the two bills. The Black bill provides that the hours of labor shall be 30. The Walsh bill says, "We do not know what they shall be. They shall be whatever we may find in the codes." There is no question in my mind as to that.

I appeal to my friend from Nebraska. This is the only chance we have on the living earth to do any good. This is the only route we can go to do any good, to save our lives, in this Congress. I go the route; I take the course—and the Senator from Nebraska has taken it time after time—that does the most good and will force good to be done—and I speak plainly, because I say that the overpowering majority running the Government, if we will put their feet up to the fire, will not dare fail to pass the 30-hour bill. If we will not give them a smoke screen to hide behind, the administrators outside of Congress will not dare fail to have this maximum-hour bill passed, but they will do toward us as they did the last time; namely, when the Black bill had passed the Senate, they held up the Black bill. The Speaker of the House went to the White House, and he gave out a statement on the steps of the White House——

Mr. ROBINSON. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON. The Senator from Louisiana has no right to refer to the action of the Speaker of the House.

The VICE PRESIDENT. The point of order is well taken.

Mr. LONG. I may not refer to him? I may not mention the fact that he is a Speaker? I have not reflected on him.

The VICE PRESIDENT. No; the rules of the House and the rules of the Senate are very positive, by custom as well as the written word, to the effect that one body may not refer to the action of another body.

Mr. LONG. I may not mention that he is a Representative? Very well; then I will forget that; but once upon a time there was a man of influence in the United States who announced on the White House steps that there would not be anything done about the Black bill, and there was not anything done about it.

The VICE PRESIDENT. The Senator's time has expired.

Mr. ROBINSON. Mr. President, I move to lay on the table the motion of the Senator from Missouri [Mr. CLARK].

Mr. CLARK. Mr. President, in view of the statement of the Senator from Nebraska, I withdraw the motion.

The VICE PRESIDENT. The motion is withdrawn. The clerk will call the roll on the amendment of the Senator from Missouri [Mr. CLARK].

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. As I understand, the question is on the amendment, in the nature of a substitute, offered by me to the amendment of the committee, as amended.

The VICE PRESIDENT. The Senator has correctly stated the parliamentary situation. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. KEYES]. I understand we are in agree-

ment in that he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

The roll call was completed.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] has a general pair with the Senator from Mississippi [Mr. BILBO].

I also announce that the Senator from Delaware [Mr. HASTINGS] is necessarily detained from the Senate. If present, he would vote "nay."

Mr. LEWIS. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Indiana [Mr. MINTON], the Senator from New Jersey [Mr. MOORE], and the Senator from California [Mr. MCADOO] are necessarily detained.

I announce, in addition, that the Senator from West Virginia [Mr. HOLT] is detained by illness.

Mr. WALSH. I desire to announce the necessary absence of my colleague [Mr. COOLIDGE]. If present and voting, he would vote "nay."

The result was announced—yeas 23, nays 61, as follows:

YEAS—23

Adams	Clark	McGill	Schwellenbach
Bachman	Costigan	Murray	Shipstead
Bankhead	Frazier	Nye	Truman
Black	Long	Overton	Van Nuys
Bone	Maloney	Reynolds	Wheeler
Caraway	McCarran	Schall	

NAYS—61

Ashurst	Copeland	La Follette	Russell
Austin	Davis	Lewis	Sheppard
Bailey	Dieterich	Logan	Smith
Barbour	Fletcher	Lonergan	Steiwer
Barkley	George	McKellar	Thomas, Okla.
Borah	Gerry	McNary	Thomas, Utah.
Brown	Gibson	Metcalf	Townsend
Bulkley	Glass	Murphy	Trammell
Bulow	Gore	Neely	Tydings
Burke	Guffey	Norbeck	Vandenberg
Byrd	Hale	Norris	Wagner
Byrnes	Harrison	O'Mahoney	Walsh
Capper	Hatch	Pittman	White
Carey	Hayden	Pope	
Chavez	Johnson	Radcliffe	
Connally	King	Robinson	

NOT VOTING—12

Bilbo	Dickinson	Hastings	McAdoo
Coolidge	Donahey	Holt	Minton
Couzens	Duffy	Keyes	Moore

So Mr. CLARK's amendment in the nature of a substitute for the committee amendment as amended was rejected.

Mr. CLARK. Mr. President, I offer an amendment, to add as a new section the following language:

This act shall remain in force for 2 years after the date it becomes effective.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add a new section, as follows:

This act shall remain in force for 2 years after the date it becomes effective.

Mr. CLARK. Mr. President, the theory of the N. R. A. act and all legislation of that class has been that it was temporary, to be tried out and tested. Of course, some of it has been declared by the courts to be unconstitutional before the date of expiration, as provided in the law, was reached. I offer this provision of the Black bill as an addition to the Walsh bill to limit the effect of the proposed act to 2 years, so that we may see how it will work.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment of the committee as amended.

Mr. CLARK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the junior Senator from Indiana [Mr. MINTON] and vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs:

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Wisconsin [Mr. DUFFY].

Mr. LEWIS. I regret to announce that the Senator from West Virginia [Mr. HOLT] is detained from the Senate on account of illness.

I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from California [Mr. MCADOO], the Senator from Indiana [Mr. MINTON], and the Senator from New Jersey [Mr. MOORE], are necessarily detained from the Senate.

The result was announced—yeas 51, nays 33, as follows:

YEAS—51

Adams	Clark	Hayden	Radcliffe
Ashurst	Connally	King	Reynolds
Austin	Copeland	Lonergan	Russell
Bachman	Costigan	Long	Schall
Bailey	Dieterich	McCarran	Schwellenbach
Bankhead	Frazier	McGill	Smith
Barbour	George	McNary	Steiwer
Black	Gerry	Maloney	Townsend
Burke	Gibson	Metcalf	Truman
Byrd	Glass	Norbeck	Tydings
Capper	Gore	Nye	Vandenberg
Caraway	Hale	Overton	White
Carey	Hatch	Pittman	

NAYS—33

Barkley	Fletcher	Murray	Thomas, Utah
Bone	Guffey	Neely	Trammell
Borah	Harrison	Norris	Van Nuys
Brown	Johnson	O'Mahoney	Wagner
Bulkley	La Follette	Pope	Walsh
Bulow	Lewis	Robinson	Wheeler
Byrnes	Logan	Sheppard	
Chavez	McKellar	Shipstead	
Davis	Murphy	Thomas, Okla.	

NOT VOTING—12

Bilbo	Dickinson	Hastings	McAdoo
Coolidge	Donahey	Holt	Minton
Couzens	Duffy	Keyes	Moore

So Mr. CLARK's amendment to the committee amendment as amended was agreed to.

The VICE PRESIDENT. The question is on the committee amendment, as amended.

Mr. KING. Mr. President, I desire to offer an amendment. I move to strike out the words "by the District of Columbia", appearing in lines 8 and 9, page 5, so that the sentence will read:

That in connection with all or any purchases of or contracts for construction, articles, materials, supplies, equipment, or services, except professional services, made, extended, or modified on or after the effective date hereof, by any executive department, independent establishment, or other agency or instrumentality of the United Sttaes, or by any corporation all the stock of which is beneficially owned by the United States—

And so forth. On pages 9 and 10 of the bill under consideration the following language appears:

SEC. 2 A. In all or any contracts or agreements made, extended, or modified hereafter, by agencies of the United States for the loan or grant of funds or labor to any State, Territory, possession, including subdivisions and agencies thereof, municipality, and the District of Columbia—

It will be perceived that the amendment which I have offered does not relate to section 2 A, a part of which I have just read. This section deals with loans and grants or labor supplied by the Government; it does not deal with the authority or power of States or Territories or municipalities or the District of Columbia with respect to their functions or the discharge of the duties and obligations under the authority of their constitution or charters or organic acts.

The purpose of the bill, as I interpret it, is to restrict and control loans and advances made by the Government to the States or municipalities or Territories, including the District of Columbia. Those who accept the philosophy of the bill, will not object to the Government which loans money, having incorporated within the contracts, restrictions and limitations such as provided in section 2 A; but, as stated, my amendment does not deal with this section nor with the limita-

tions and restrictions therein contained. In this section the District of Columbia is placed in the same category as other borrowers and, as stated, I am not objecting to that course, but my objection relates to the provision in section 1 which imposes upon the District of Columbia restrictions and limitations that are imposed upon the United States and its executive departments and agencies. My position is that the District of Columbia is to be differentiated from the States and independent agencies and executive departments of the Government. Doubtless the Government and its governmental agencies has the authority to fix the terms of contracts entered into for the performance of work or labor in its behalf and in behalf of such agencies. It may prescribe the terms in contracts which are entered into, and such terms as it may deem for the best interests of the Government. But I insist that it is improper and indeed unfair, to include in section 1, the District of Columbia, because, as I have indicated, this section does not deal with organizations that are borrowing money from the Government. The section places the District of Columbia in the same class as executive departments and seeks to impose upon it all of the limitations and restrictions that it would impose upon borrowers and upon all of its agencies.

The District of Columbia is not an executive department of the United States, nor an independent establishment or other agency or instrumentality of the United States. It has attributes similar to those of territories, and the functions of an autonomous and independent government in dealing with its internal and domestic affairs. It is to be noted that in sections 1 and 1 A the words "Territory possession" do not appear. That means that the drafters of the bill regarded Territories and possessions of the United States as being exempt from the provisions of sections 1 and 1 A, but in sections 2 and 2 A, where loans or grants of funds or labor are to be obtained from the Government, then the words "Territory" and "possession" appear. If territories and possessions are not to be governed by the provisions of sections 1 and 1 A, then in all fairness and justice the District of Columbia should be excluded from the provisions of these two sections.

I insist that the District of Columbia has the right to deal with its local and domestic problems and to take all proper steps for the handling of its municipal affairs. It should have the right to make such arrangements as it sees proper to afford fire and police protection, to provide an adequate water supply, and to do all those things that are necessary for the happiness and welfare of the inhabitants of the District. If a Territory is not subject to the provisions of sections 1 and 1 A, and may enter into contracts to build roads and bridges and public buildings, and to carry out those duties and responsibilities essential to an autonomous or quasi-independent government, certainly the District of Columbia, through its officials, ought to have the authority to have carried into execution those policies incident to progressive municipalities. Indeed, the District of Columbia is more than a municipality and it has powers, largely executed by Commissioners, which give to it more or less the status of a government.

As I have indicated, the Territory of Alaska or Hawaii or the Government of Puerto Rico or the Virgin Islands or the Canal Zone are not included within the provisions of section 1 and section 1 A. They may discharge important functions connected with the administration of their internal and governmental affairs. If, however, they desire to borrow money, then they fall within the terms of subdivision 2 and 2 A and in expending such money they must submit to the restrictions and limitations with respect to contacts made as found in the section just mentioned. My contention is that the District of Columbia is singled out and treated differently from other Territories. It is discriminated against. And its officials who are charged with important responsibilities in governmental functions may not enter into contracts for the purchase of paper or pencils or for the cleaning of streets or the removal of garbage or the furnishing of water without being subjected to the limitations and restrictions found in sections 2 and 2 A. If they desired to purchase a dozen gross of pencils, under the provisions of the section which I have just referred to, they would have to insert in the contract for the purchase of the same all the restrictions and limitations as to hours of labor, minimum wage, and so forth, found in such section. And that is true even though the payment for such pencils come from the taxpayers of the District of Columbia. Not only that, they would be compelled to make inquiry and ascertain whether the wood or the lead of which the pencils was made was produced or manufactured by persons or companies that complied with all conditions respecting hours of labor, minimum wage, and so forth—indeed, with many of the provisions found in the codes which were drafted when the late lamented N. R. A. was in existence.

Mr. TYDINGS. Mr. President, will the Senator yield to me for a question?

Mr. KING. I yield.

Mr. TYDINGS. Has the Senator taken into consideration the different conditions in the Philippine Islands and in Puerto Rico from those which apply to the United States?

Mr. KING. There are differences, of course, but Puerto Rico may obtain a loan from the Government of the United States.

Mr. TYDINGS. My question, perhaps, was obscure. Would the Senator compel Puerto Rico to adopt as high a standard as would be adopted in the State of New York?

Mr. KING. Under the bill I would assume so. If it makes a loan from the Government it must comply with the terms which are applicable to any State or to any Territory and to the District of Columbia. I am not making any contention in regard to that matter.

Mr. TYDINGS. I appreciate the Senator's motive, but I will point out, with all due respect, that I believe the scale of living in Puerto Rico and in the Philippine Islands and the scale of pay would be such that they could not obtain a loan under this bill, because the pay in the Philippine Islands is about 80 cents a day in our money, and the pay in Puerto Rico is about 80 or 90 cents a day, and in the Virgin Islands the pay is about 70 cents a day. I am not going to oppose the Senator's amendment, but I am simply suggesting that perhaps, unless two or three of these Territories are included, the effect of the amendment will be to deny them relief under the bill, because their standards are so vastly different from those in the United States.

Mr. KING. Mr. President, if I understand the Senator, I do not think his remarks have any application to the motion which I have submitted.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. JOHNSON. Where is the Senator's first amendment?

Mr. KING. There is only one amendment. It will be found on page 5, in lines 8 and 9, and it seeks to strike out the words "by the District of Columbia."

The VICE PRESIDENT. The time of the Senator on the amendment has expired.

Mr. KING. I will take my time on the bill. I took the liberty yesterday of asking the corporation counsel, a lawyer of great ability, to write me in regard to the matter which is under discussion. In reply he wrote me, and I desire to read from his communication:

> The general purport of the bill is to impose upon certain persons minimum wage and maximum hours of labor conditions. These conditions are imposed by sections 1, 1A, 2, 2B, and 2C. The remainder of the bill (secs. 3 to 13) is administrative and formal.
>
> There is a sharp difference between sections 1 and 1A on the one hand, and sections 2, 2B, and 2C on the other hand. The former (secs. 1 and 1A) relate to transactions entered into by the United States, its agencies, and the District of Columbia. They contain no reference to borrowing or lending money from the United States.

They do not deal with that question at all as do the other sections.

> They contain a flat, unequivocal requirement that persons (whether general contractors or subcontractors) dealing with the United States, its agencies, and the District of Columbia, must meet the requirements mentioned. I emphasize again that these sections are not promised upon the borrowing, or otherwise obtaining, of Federal funds. They are a direct declaration of policy, a positive statutory requirement, imposed by the legislature upon

executive officials. As such, they cover all executive officials under the legislative control of Congress; i. e., officials of the United States, of all its agencies, and of the District of Columbia.

The latter sections (2, 2A, and 2B) relate to persons or organizations borrowing or otherwise obtaining funds from the United States. These sections (2, 2A, and 2B) include the District of Columbia only insofar as the District is a borrower of money from the United States, in such transactions, for example, as the P. W. A. loan for the sewage plant, etc.

The point which you made in the Senate on Friday (Aug. 9) is absolutely correct insofar as it relates to sections 2, 2B, and 2C.

The lump sum appropriated annually by Congress from Federal funds toward the regular expenses of the District is not a loan or a grant; it is a payment, in lieu of taxes, made toward the upkeep of the seat of the National Government, to help to provide proper streets, police and fire protection, schools, water, sewers, etc., necessary for the officials and employees whose duties require their presence (and also their comfort) in the District. If the sole theory and purpose of this bill (S. 3055) were to impose conditions upon borrowers from, or grantees of, Federal funds, it should not be applicable to the District, except in respect to those transactions, such as the P. W. A. loan, in which the District is really a borrower or a grantee.

But, as I have already suggested, this bill is broader than its sections 2, 2A, and 2B. In sections 1 and 1A it imposes conditions upon the United States, all its agencies, and upon the District of Columbia. These conditions relate to all purchases and all contracts made by the United States, its agencies, and the District of Columbia. This is a sharply different conception and different provision from that contained in sections 2, 2A, and 2B. Congress has exclusive legislative power over the District. The question presented by sections 1 and 1A is whether Congress, as the legislative authority over the District, desires to impose these conditions upon District executive officials in respect to all purchases and other contracts made by them. It is just as though a separate bill relating to the District, and not referring in any way to borrowing or granting funds, were under consideration.

Mr. President, I submit that the Senator from Massachusetts ought not to insist in discriminating against the District of Columbia. I repeat when I say that in my opinion the officials of the District, if and when they borrow money from the Government as provided in sections 2 and 2A of the pending measure, will be willing to be subjected to similar terms as are applied to States, Territories, and municipalities.

The Commissioners of the District have broad powers in dealing with the government of the District and with its internal affairs. They have the authority to enter into contracts relating to improvements, the construction of schoolhouses, and the performance of those things which are common to and necessary in progressive municipalities. They have the authority to incorporate in any contracts which they enter into provisions respecting the hours of labor, minimum wages, child labor, and so forth, and it goes without saying that they will discharge the duties and responsibilities resting upon them in a manner that will meet all fair and just requirements, including provisions relating to the dealings between employers and employees and contractors and contractees. If they borrow money from the Federal Government to carry out projects, important and beneficial to the District, they will, of course, submit to the provisions and limitations as required in section 2 and section 2A.

Mr. President, I sincerely hope that the amendment which I have offered will be adopted.

Mr. WALSH. Mr. President, this bill is either a good bill or a bad bill. It is wise legislation or it is unwise legislation. If it is proper legislation to enact at all and make applicable to the Federal Government, it is proper legislation to enact and make applicable to the District of Columbia.

There is no legislative body in the District of Columbia. The Congress of the United States enacts laws for the District of Columbia. It has been a well- and long-established precedent to include the District of Columbia in the enactment of Federal labor legislation. I have before me two recent laws which were enacted containing labor provisions which were made applicable to the District of Columbia.

One is a law enacted December 8, 1926, relating to public buildings, property, and work, and hours of labor on public works. Section 321 provides that—

> The services and employment of all laborers and mechanics who are or may be employed by the Government of the United States or the District of Columbia or by any contractor or subcontractor—

And so forth. Those are exactly the same words that are employed in the bill now before us.

Again, the Bacon-Davis law provides:

> Rates of wages for laborers and mechanics. Every contract in excess of $5,000 in amount to which the United States or the District of Columbia is a party—

To which the United States or the District of Columbia is a party—

> which requires or involves the employment of laborers or mechanics—

And so forth. The District of Columbia has been embraced in all general enactments by Congress, so it seems to me there is no reason why the District of Columbia should be excluded from the provisions of this bill.

Anyone who favors this proposed legislation for the National Government should favor it for his own State and should favor its enactment by his own State legislature. We are the State legislature of the District of Columbia and, therefore, in urging the bill as a Federal law I contend that it ought to embrace the District of Columbia, as has become our precedent here.

While on my feet, I wish to answer some statements that have been made in opposition to the bill. I do not know of any better way of impressing upon the Senate the philosophy behind the bill than to read a very short editorial which by chance I found yesterday in a religious magazine. It, of course, makes no reference to this bill, and the writer probably did not know of this bill, but discusses very clearly the philosophy behind it. Let me read it:

> THE INVISIBLE ITEM
>
> The pastor and the architect are opening up the estimates for the new parish auditorium that is going to be built. Or it may be for the chapel that is to be redecorated, or for the new science building of a college. Carefully they go over each item and then compare the totals. They are delighted to see that So-and-so has by far the lowest figure. Once again they scrutinize the items. Everything seems to be there, and the decision is about to be made. The job is going to cost less than they thought, and they are very happy. But—one item is missing. What do these people pay their workmen?

That is not in the contract. The editorial very properly is entitled "The Invisible Item." This bill is a bill to put "the invisible item" into every contract written by the Government and by the District of Columbia.

Let me proceed with the editorial. It goes on to say:

> But—one item is missing. What do these people pay their workmen? Is that the reason why their figure is so much lower? Probably; in fact, almost certainly. Social justice costs money. It is the invisible item in every estimate. Contractors can't be priggish; they can't include "decent treatment of workmen" openly in their estimate. But they know that the church preaches social justice, and they take for granted that their prospective client is willing to practice it. It would be the first thing he would think of. Yet it is easy to preach. When the lesson comes home to us, we are too often blind to the invisible item. That is the reason why over and over again we hear complaints that it is the chiseling contractor who gets the job, because his price is lower, because he pays his workmen less. It is poor service to the church to economize at the cost of justice.

I do not know anything that better expresses the purpose of this bill, and I submit it to this body.

We are voting to put into our contracts "the invisible item", the forgotten item, the forgotten workman. That is all there is to this bill—to apply to the written provisions of the contracts the same care and scrutiny and study in trying to provide justice for the worker on the job as we do in determining the kind and the character of material and supplies the Government uses.

In view of the fact that we are the body which legislates for the District of Columbia, I call upon those who are in favor of this proposed legislation to apply this wholesome principle to the District of Columbia, just as each one of us who favors this proposed legislation would do if he were a member of the legislature of his own State; and, as a matter of fact, many of the States have many of the provisions of this bill incorporated in their laws.

Mr. KING. Mr. President——

Mr. WALSH. I yield to the Senator from Utah.

Mr. KING. The Senator will admit, will he not, that under the law the States, unless they borrow money, may make such contracts as they please?

Mr. WALSH. That is true. Will the Senator deny the fact that Congress is the legislative body for the District of Columbia?

Mr. KING. Yes and no. I was about to ask the Senator whether he does not know that the District Commissioners have the authority to make contracts, and do make contracts, and they are largely the distributors of the funds which are collected from the taxpayers of the District of Columbia.

Mr. WALSH. Is it the Senator's position that he would have every other State in the Union adopt legislation of this character, but that the District of Columbia should not do it? Congress is the body which enacts legislation for the District. Nobody else can do it. The District Commissioners cannot adopt this principle without action by the Congress.

Mr. KING. Will not the Senator admit that no State in the Union which is not borrowing money is bound by this bill?

Mr. WALSH. It is true that only those States for whose benefit money is taken from the Public Treasury, and loaned for contractual purposes, are bound by the provisions of the bill; and it is true that the District of Columbia would only be bound by contracts for purchases just as the Federal Government would be bound.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee, as amended.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the committee, as amended.

Mr. VANDENBERG. Mr. President, I desire to ask the Senator from Massachusetts for an interpretation. I may be a little dense about this matter.

To what extent will the original codes apply in determining the hours and wages under public contracting as a result of the enactment of this bill?

Mr. WALSH. I am very much pleased that the Senator has asked that question. It is one item of several which the President must take into consideration in determining, in the case of each contract, what shall be written in the specifications as to the maximum hours of labor and the minimum wages; and, for the Senator's information, I will say that I have on my desk a list of the codes. I have here a memorandum showing the number of codes which have been adopted and the number where the minimum hours have had to vary with each particular code, it being impossible to fix a permanent and definite maximum number of hours, and also a permanent and definite minimum wage. The President must take into consideration the codes, because it happens that so far as the codes relate to maximum hours and minimum wages those items in the different industries were fixed by joint action by the employers and employees. In addition, the President must consider the cost of living and the standards for the same class of labor or industry in the same locality and the standard and effect of such class of labor during the year 1934. These are the principal items to be considered.

Here is a table:

LENGTH OF WORK WEEK PRESCRIBED UNDER THE CODES

1 code provides for a 27-hour week.
2 codes and 1 supplement provide for a 32-hour week, and 1 supplement provides for a 34-hour week.
15 codes provide for a 35-hour week.
22 codes and 4 supplements provide for a 36-hour week.
4 codes provide for a 37½-hour week.
130 codes and 40 supplements provide for a 40-hour week.
106 codes and 20 supplements provide for a 40-hour week.
241 codes and 119 supplements provide for a 40-hour week.
1 code provides for a 42-hour week.
10 codes and 1 supplement provide for a 44-hour week.
2 codes provide for a 45-hour week.
19 codes and 3 supplements provide for a 48-hour week.
1 code provides for a 52-hour week.
3 codes provide for a 54-hour week, and 1 supplement provides for a 60-hour week.
16 codes and 4 supplements provide for miscellaneous hours. Hours vary with respect to work-week lengths, depending upon different factors or other special provisions.

Mr. VANDENBERG. Would it be fair to say that within the purview of the various factors which are listed in section 8, it finally becomes the exclusive power and authority of the President to fix wages and hours as he sees fit? Would that be a fair statement?

Mr. WALSH. It is a fact that the President, or such agency as he may designate, when they announce a written invitation for bids, must incorporate in such written invitation what are to be the maximum hours of labor, and what is to be the minimum wage; and of course those items will vary as they have done under the codes with different industries and in different occupations.

Mr. VANDENBERG. I understand that. The only point I wished to be certain about was that in the final analysis this is a delegation of power to the President to determine what the hours and the wages ought to be.

Mr. WALSH. Yes; and the reason——

The VICE PRESIDENT. The time of the Senator from Michigan has expired. The question is on agreeing to the amendment of the committee as amended.

The amendment, as amended, was agreed to.

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

PROTECTION OF PUBLIC GRAZING LANDS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 3019) to amend sections 1, 3, and 15 of "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PITTMAN, Mr. ADAMS, Mr. HATCH, Mr. NORBECK, and Mr. NYE conferees on the part of the Senate.

FEDERAL CONTROL OF ALCOHOLIC LIQUORS

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill (H. R. 8870) to further protect the revenue derived from distilled spirits, wine, and malt beverages, to regulate interstate and foreign commerce, and enforce the postal laws with respect thereto, to enforce the twenty-first amendment, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. GEORGE. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Finance was, in section 1, page 1, line 3, after the word "Alcohol", to strike out "Administration" and insert "Control", so as to make the section read:

That this act may be cited as the "Federal Alcohol Control Act."

Mr. GEORGE. Mr. President, the Finance Committee is in session. I express the hope that the leader of the majority may ask for an executive session and a recess at this time.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, the Finance Committee is holding a very important session. The Senator from Georgia is a member of the committee, and other members

of the committee desire to be present during the consideration of the bill by the Finance Committee.

With the approval of the Senator from Georgia, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Joseph A. Ziemba, of Chicago, Ill., to be collector of customs for customs collection district no. 39, with headquarters at Chicago, Ill., to fill an existing vacancy.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Sherman E. Johnson, of South Dakota, to be a regional director of the Resettlement Administration.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination on the Calendar.

GOVERNOR OF VIRGIN ISLANDS

The legislative clerk read the nomination of Lawrence W. Cramer, of New York, to be Governor of the Virgin Islands.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the remainder of the Calendar be disposed of before the Cramer nomination shall be taken up.

Mr. McNARY. Mr. President, I hope the Senator from Maryland will not press his desire to take up the Cramer nomination today. Some Members of the Senate are absent who would like to have a day set particularly for that purpose.

Mr. TYDINGS. Mr. President, if the Senator will permit me to interrupt him, I think the Members of the Senate he has in mind are now on the way to the Chamber. They asked me to notify them when the Cramer nomination was reached, and that was my reason for asking that the nomination be taken up after the others were disposed of. I refer to the Senator from Michigan [Mr. VANDENBERG] and the Senator from Rhode Island [Mr. METCALF]. If there are any other Senators interested, however, I should be glad to have the nomination go over.

Mr. McNARY. I suggest that the nomination go over for the day.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the nomination will be passed over for the day.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of Paul D. Shriver to be State administrator for Colorado.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. ROBINSON. I ask that the Army nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the Army nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk read the nomination of Charles Conard, to be Paymaster General and Chief of the Bureau of Supplies and Accounts, with the rank of rear admiral, for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations for promotions in the Marine Corps.

Mr. McKELLAR. I ask that the nominations in the Marine Corps be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

LEGISLATIVE SESSION

Mr. ROBINSON. I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed legislative session.

INCOME AND INHERITANCE TAXATION—REPORT OF FINANCE COMMITTEE

Mr. ROBINSON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to submit a report during the recess of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRISON subsequently, from the Committee on Finance, to which was referred the bill (H. R. 8974) to provide revenue, equalize taxation, and for other purposes, reported it with amendments and submitted a report (No. 1240) thereon.

DEATH OF REPRESENTATIVE TRUAX

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. CHARLES V. TRUAX, late a Representative from the State of Ohio, and transmitted the resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions (H. Res. 336) were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
August 12, 1935.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES V. TRUAX, a Representative from the State of Ohio.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. BULKLEY. Mr. President, I submit resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 183) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES V. TRUAX, late a Representative from the State of Ohio.

Resolved, That a committee of two Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT. The Chair appoints as the committee on the part of the Senate the senior Senator from Ohio [Mr. BULKLEY] and the junior Senator from Ohio [Mr. DONAHEY].

RECESS

Mr. BULKLEY. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate now take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 13, 1935, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 12 (legislative day of July 29), 1935

APPOINTMENTS AND PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy from the 30th day of June 1935:

Charles W. Crosse
Ralph C. Parker
George N. Barker

Comdr. John W. Rankin to be a captain in the Navy from the 1st day of July 1935.

Lt. Comdr. Richard L. Conolly to be a commander in the Navy from the 1st day of May 1935.

The following-named lieutenant commanders to be commanders in the Navy from the 30th day of June 1935:

Thomas J. Doyle, Jr.	Herbert J. Ray
Kemp C. Christian	Marion Y. Cohen
Raymond A. Deming	Harry J. Reuse
Frank P. Thomas	Lynde D. McCormick

Lt. Comdr. James M. Shoemaker to be a commander in the Navy from the 1st day of July 1935.

Lt. Comdr. Leon B. Scott to be a commander in the Navy from the 1st day of August 1935.

The following-named lieutenants to be lieutenant commanders in the Navy from the 30th day of June 1934:

William W. Behrens.
Roscoe H. Hillenkoetter.

Lt. Robert E. Robinson, Jr., to be a lieutenant commander in the Navy from the 1st day of May 1935.

The following-named lieutenants to be lieutenant commanders in the Navy from the 30th day of June 1935:

James H. Chadwick
Rockwell J. Townsend
Allen Hobbs

Lt. (Jr. Gr.) Burnice L. Rutt to be a lieutenant in the Navy, from the 30th day of June 1934.

Lt. (Jr. Gr.) Knowlton Williams to be a lieutenant in the Navy, from the 1st day of April 1935.

Lt. (Jr. Gr.) William J. O'Brien to be a lieutenant in the Navy, from the 6th day of June 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 30th day of June 1935:

Harry H. Henderson	Carl H. B. Morrison
Robert N. Allen	John F. Goodwin
George J. Dufek	

Lt. (Jr. Gr.) Linwood S. Howeth to be a lieutenant in the Navy from the 1st day of July 1935.

Ensign Karl E. Jung to be a lieutenant (junior grade) in the Navy from the 4th day of June 1934.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 2d day of June 1935:

Edward A. Ruckner	Charles M. Sugarman
Thomas K. Bowers	Thomas F. Williamson
William D. Kelly	Richard S. Craighill
Dale R. Frakes	Horace R. Brannon
David F. Kinert	Ed B. Billingsley
Fred L. Ruhlman	Daniel S. Gothie
John G. Spangler	Charles E. Phillips
Frank C. Acker	Charles W. Musgrave
Howard F. Stoner	Thomas J. Montgomery
John H. Kaufman	Ralph M. Humes
Milton F. Pavlic	Robert L. Baker
William R. Wilson	Thomas G. Hardie
Leon S. Kintberger	Thomas E. Chambers
Max Silverstein	Lawrence Smith
Albert D. Kaplan	Alexander B. Coxe, Jr.
Edgar G. Chase	William T. Vrooman

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 30th day of June 1935:

Frederick L. McDaniel	Martin L. Marquette
Frederick R. Hook	James F. Hooker
Harry S. Harding	Jack S. Terry
James W. Ellis	Edwin C. Ebert
John C. Adams	George A. Eckert
Earl Richison	Harold E. Ragle

The following-named citizens of the States indicated opposite their names to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the 5th day of August 1935:

William O'K. Fowler, a citizen of Massachusetts.
David R. Dodge, Jr., a citizen of California.
Theodore R. Austin, a citizen of Mississippi.
Dermot Lohr, a citizen of North Carolina.
Anton Zikmund, a citizen of Illinois.
James C. Flemming, a citizen of Pennsylvania.
Martin T. Macklin, a citizen of Pennsylvania.
Eldon C. Swanson, a citizen of Nebraska.
Robert B. Simons, a citizen of Colorado.
William N. New, a citizen of Oklahoma.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, from the 30th day of June 1935:

Louis F. Snyder	Hubert F. Delmore
George C. Fowler	Paul W. Yeisley
Errol W. Willett	Spry O. Claytor
DeWitt C. Emerson	Hubert J. Lehman
Lou C. Montgomery	John A. Walsh
Joseph A. Tartre	Howard R. McCleery
Robert S. Davis	

Naval Constructor Fred M. Earle to be a naval constructor in the Navy, with the rank of commander, from the 1st day of August 1934.

Naval Constructor John I. Hale to be a naval constructor in the Navy, with the rank of commander, from the 8th day of September 1934.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 30th day of June 1935:

Frederick W. Pennoyer, Jr.
Claude O. Kell

Naval Constructor Charles F. Osborn to be a naval constructor in the Navy, with the rank of commander, from the 1st day of August 1935.

The following-named civil engineers to be civil engineers in the Navy, with the rank of commander, from the 30th day of June 1935:

Edward L. Marshall
Lewis B. Combs

POSTMASTERS

ALABAMA

Leon M. Thomas to be postmaster at Alexander City, Ala., in place of T. S. Christian, removed.

Homer Wright to be postmaster at Auburn, Ala., in place of L. A. Knapp. Incumbent's commission expired January 13, 1935.

Jesse A. Harris to be postmaster at New Brockton, Ala., in place of W. B. Goodman, resigned.

CALIFORNIA

E. H. Cain to be postmaster at Westmoreland, Calif., in place of T. W. Cox. Incumbent's commission expired December 16, 1934.

COLORADO

Harold T. Hubbard to be postmaster at Glenwood Springs, Colo., in place of Olie Thorson. Incumbent's commission expired January 13, 1935.

CONNECTICUT

William H. Buggie to be postmaster at Cromwell, Conn., in place of E. B. Austin. Incumbent's commission expired December 18, 1934.

William J. Rankin to be postmaster at Hartford, Conn., in place of J. W. Gilson. Incumbent's commission expired December 8, 1934.

Edna M. Jenkins to be postmaster at Middlefield, Conn., in place of H. A. Schultz, not commissioned.

FLORIDA

Fred Ewing to be postmaster at Hialeah, Fla., in place of G. F. Dale, resigned.

Mabel Fast to be postmaster at Penney Farms, Fla., in place of R. S. Barnes, removed.

GEORGIA

Nathan J. Thompson to be postmaster at Hamilton, Ga., in place of H. I. Harris. Incumbent's commission expired March 2, 1935.

IDAHO

Albert H. Hartshorn to be postmaster at Jerome, Idaho, in place of G. I. Towle, removed.

John T. McMahon to be postmaster at Richfield, Idaho, in place of E. F. Draper. Incumbent's commission expired May 29, 1933.

ILLINOIS

Paul F. Reilly to be postmaster at Amboy, Ill., in place of E. E. Weber. Incumbent's commission expired January 22, 1935.

Omar W. Ashworth to be postmaster at Bellflower, Ill., in place of William Kitts, Jr. Incumbent's commission expired December 18, 1934.

George Charles Gaudino to be postmaster at Benld, Ill., in place of Thomas Turigliatto. Incumbent's commission expired February 25, 1935.

Herschel Victor Lynn to be postmaster at Byron, Ill., in place of M. C. Champion. Incumbent's commission expired January 22, 1935.

Esther C. Nelson to be postmaster at Capron, Ill., in place of R. B. Marshall. Incumbent's commission expired February 14, 1935.

John F. Donovan to be postmaster at Chatsworth, Ill., in place of S. J. Porterfield. Incumbent's commission expired February 4, 1935.

John E. Jontry to be postmaster at Chenoa, Ill., in place of H. N. Gillespie. Incumbent's commission expired January 22, 1935.

Leonora C. Rentschler to be postmaster at Chestnut, Ill., in place of L. J. Obery. Incumbent's commission expired December 18, 1934.

Daniel P. Bergin to be postmaster at Chicago Heights, Ill., in place of B. E. Cornilsen. Incumbent's commission expired February 4, 1935.

Henry W. Lorig to be postmaster at Colfax, Ill., in place of H. C. Van Alstyne. Incumbent's commission expired December 18, 1934.

Emil Rudolph Luebbe to be postmaster at Collinsville, Ill., in place of H. C. Voegtle. Incumbent's commission expired December 18, 1934.

Harry L. Armacost to be postmaster at Delavan, Ill., in place of S. H. Lawton. Incumbent's commission expired February 14, 1935.

William E. Wall to be postmaster at Divernon, Ill., in place of W. W. Taylor, deceased.

Mary Dillon-O'Brien to be postmaster at Flanagan, Ill., in place of T. E. Richardson, removed.

Harry O. Franklin to be postmaster at Forrest, Ill., in place of G. V. Robinson. Incumbent's commission expired December 18, 1934.

Ambrose Harth to be postmaster at Lostant, Ill., in place of M. G. Hartenbower. Incumbent's commission expired January 22, 1935.

Eugene Raymond McGee to be postmaster at McHenry, Ill., in place of Albert Krause. Incumbent's commission expired February 25, 1935.

Ruth F. Miller to be postmaster at Milford, Ill., in place of R. V. Nelson. Incumbent's commission expired February 25, 1935.

Fay Moyer to be postmaster at Mount Carmel, Ill., in place of A. M. Spaeth, removed.

Marie C. Plante to be postmaster at North Aurora, Ill., in place of Mary Smith. Incumbent's commission expired December 9, 1934.

Robert E. Tscheulin to be postmaster at Oak Forest, Ill., in place of F. S. Lyman. Incumbent's commission expired December 18, 1934.

Bona D. Sutter to be postmaster at Pearl, Ill., in place of R. M. Meisenbach. Incumbent's commission expired March 2, 1935.

Palmer Cecil Smith to be postmaster at Potomac, Ill., in place of D. S. Cossairt. Incumbent's commission expired February 14, 1935.

Loren H. Newby to be postmaster at Ridge Farm, Ill., in place of Ted Henderson, removed.

Rita O'Neil to be postmaster at Rutland, Ill., in place of V. M. Rowland. Incumbent's commission expired December 18, 1934.

John D. Lannon to be postmaster at Saunemin, Ill., in place of C. L. Tanner. Incumbent's commission expired January 22, 1935.

Margaret J. Brandt to be postmaster at Sibley, Ill., in place of W. E. Rudolph. Incumbent's commission expired June 24, 1934.

David E. Boddie to be postmaster at Tonica, Ill., in place of Elijah Williams, retired.

Agnes Clifford to be postmaster at Venice, Ill., in place of L. H. McCoid. Incumbent's commission expired December 18, 1934.

Emmett Pierre Marshall to be postmaster at Vermont, Ill., in place of W. C. Karr, removed.

INDIANA

Gordon E. Faupel to be postmaster at East Gary, Ind. Office became Presidential July 1, 1935.

Carl F. Bardonner to be postmaster at Reynolds, Ind., in place of F. W. Homan, resigned.

Hester B. Worden to be postmaster at Rolling Prairie, Ind., in place of C. E. Noble, resigned.

Henry P. Price to be postmaster at Sunman, Ind., in place of E. A. Wetzler. Incumbent's commission expired January 28, 1935.

IOWA

Anna L. Meyer to be postmaster at Everly, Iowa, in place of Elsie Sierck. Incumbent's commission expired December 9, 1934.

Otis T. Newgaard to be postmaster at Hubbard, Iowa, in place of G. A. Whitney. Incumbent's commission expired January 22, 1935.

Wallace W. Farmer to be postmaster at Kellerton, Iowa, in place of S. B. Hedges. Incumbent's commission expired January 22, 1935.

Nellie Burk to be postmaster at Milford, Iowa, in place of E. E. Heldridge. Incumbent's commission expired March 18, 1934.

Harry V. Brooks to be postmaster at St. Charles, Iowa, in place of G. L. Archer, deceased.

Augustus J. Oberg to be postmaster at Stockport, Iowa, in place of H. A. Coltrane, removed.

Donald H. Grimm to be postmaster at Zearing, Iowa, in place of J. C. Allen. Incumbent's commission expired February 14, 1935.

KANSAS

Arthur E. Biberstein to be postmaster at Attica, Kans., in place of F. C. Ferguson. Incumbent's commission expired March 2, 1935.

John H. Jessee to be postmaster at Axtell, Kans., in place of Louisa Thordsen. Incumbent's commission expired February 20, 1935.

George F. Heim, Jr., to be postmaster at Ellinwood, Kans., in place of J. B. Dick. Incumbent's commission expired January 13, 1935.

Dominic Brungardt to be postmaster at Grainfield, Kans., in place of J. M. Erp, removed.

John C. Patterson to be postmaster at Haddam, Kans., in place of F. H. Hanson. Incumbent's commission expired January 22, 1935.

Mary E. McCreery to be postmaster at Hugoton, Kans., in place of E. E. Townsdin. Incumbent's commission expired March 2, 1935.

Agnes L. O'Leary to be postmaster at Luray, Kans., in place of Elam Shaffstall, resigned.

Walter B. Ford to be postmaster at Oskaloosa, Kans., in place of R. H. Gibbs. Incumbent's commission expired March 2, 1935.

Thomas J. O'Brien to be postmaster at Plainville, Kans., in place of G. W. Connelly, removed.

Edward J. Neely to be postmaster at Pomona, Kans., in place of B. A. Likes. Incumbent's commission expired December 20, 1934.

KENTUCKY

Anna Vincent to be postmaster at Martin, Ky., in place of T. J. Fitzpatrick, removed.

Robert J. Walker to be postmaster at Paint Lick, Ky., in place of R. H. Ledford. Incumbent's commission expired April 22, 1934.

Everett T. Breen to be postmaster at Stamping Ground, Ky., in place of S. N. Sinkhorn, resigned.

MAINE

Opal F. Temple to be postmaster at Monticello, Maine, in place of A. R. Weed. Incumbent's commission expired February 25, 1935.

MARYLAND

John W. L. McAvoy to be postmaster at Boonsboro, Md., in place of H. V. Flook. Incumbent's commission expired January 22, 1935.

MICHIGAN

Walter W. Webber to be postmaster at Caspian, Mich., in place of J. M. Eusobio. Incumbent's commission expired December 18, 1934.

H. Marr Byington to be postmaster at Grand Ledge, Mich., in place of T. B. Townsend. Incumbent's commission expired December 8, 1934.

MINNESOTA

Lyman W. Rhoads to be postmaster at Barnum, Minn., in place of E. L. Barstow. Incumbent's commission expired April 2, 1934.

Henry G. Torgerson to be postmaster at Lake Park, Minn., in place of M. C. Bergeson. Incumbent's commission expired February 25, 1935.

Edward J. Larsen to be postmaster at Virginia, Minn., in place of H. S. Gillespie. Incumbent's commission expired February 25, 1935.

Elizabeth A. McCormick to be postmaster at Wilmont, Minn., in place of F. H. Densmore. Incumbent's commission expired May 7, 1934.

MISSISSIPPI

Daniel E. Laseter to be postmaster at Morton, Miss., in place of W. A. Bell. Incumbent's commission expired November 12, 1933.

Lellie M. Ferriss to be postmaster at Shaw, Miss., in place of W. J. Peel. Incumbent's commission expired December 16, 1934.

Augustus Ferdinand Fleck to be postmaster at Terry, Miss., in place of L. H. Riser. Incumbent's commission expired February 25, 1935.

MISSOURI

Frances J. Smith to be postmaster at Blue Springs, Mo., in place of H. E. Carel. Incumbent's commission expired February 4, 1935.

Bessie I. McCue to be postmaster at Jamesport, Mo., in place of R. E. McCue, deceased.

Arvella C. Bennett to be postmaster at Rockville, Mo., in place of H. F. Kleppinger, resigned.

MONTANA

Edgar L. Bowers to be postmaster at Culbertson, Mont., in place of I. L. Brooks, deceased.

NEBRASKA

Melvin A. Brinegar to be postmaster at Alexandria, Nebr., in place of B. I. Demaray, resigned.

Margaret E. Patterson to be postmaster at Gretna, Nebr., in place of J. M. Fox. Incumbent's commission expired February 5, 1935.

NEW HAMPSHIRE

Harleigh C. Brown to be postmaster at Belmont, N. H., in place of N. C. Chaplin. Incumbent's commission expired March 2, 1935.

Charles B. Weeks to be postmaster at Chocorua, N. H., in place of J. L. Pascoe. Incumbent's commission expired January 28, 1935.

Joseph P. Masse to be postmaster at Epping, N. H., in place of W. G. Holt. Incumbent's commission expired December 18, 1934.

David E. Stevens to be postmaster at Salem Depot, N. H., in place of A. M. Rolfe. Incumbent's commission expired March 22, 1934.

NEW JERSEY

Emma E. Hyland to be postmaster at Camden, N. J., in place of C. H. Ellis. Incumbent's commission expired April 8, 1934.

William H. D'Arcy to be postmaster at Cranford, N. J., in place of E. G. Houghton. Incumbent's commission expired February 25, 1935.

Charles C. Thompson to be postmaster at Lakewood, N. J., in place of H. T. Hagaman. Incumbent's commission expired April 2, 1934.

William T. Lyons to be postmaster at Mullica Hill, N. J., in place of Edward Iredell. Incumbent's commission expired April 8, 1934.

Martin F. Gettings to be postmaster at Rahway, N. J., in place of Harry Simmons. Incumbent's commission expired February 25, 1935.

Monroe H. Bea to be postmaster at Westville, N. J., in place of R. M. Crawford. Incumbent's commission expired December 19, 1933.

NEW YORK

John G. Winans to be postmaster at Leeds, N. Y., in place of H. C. Teich. Incumbent's commission expired December 20, 1934.

George S. Mackey to be postmaster at Locke, N. Y., in place of H. C. Stevens. Incumbent's commission expired February 20, 1935.

Olivette L. Johnson to be postmaster at Rensselaer, N. Y., in place of H. C. Windeknecht, removed.

NORTH CAROLINA

Sam H. Ingram to be postmaster at Burgaw, N. C., in place of J. H. Carlton. Incumbent's commission expired February 4, 1935.

NORTH DAKOTA

Peter J. Bott to be postmaster at Marmarth, N. Dak., in place of J. H. Cramer. Incumbent's commission expired February 4, 1935.

John P. Jungers to be postmaster at Regent, N. Dak., in place of Ruth Ellickson. Incumbent's commission expired February 21, 1935.

OHIO

Frank A. Loomis to be postmaster at Garrettsville, Ohio, in place of C. L. Meloy, removed.

Vanessa E. Campbell to be postmaster at Huron, Ohio, in place of G. M. Jenkins. Incumbent's commission expired December 18, 1934.

Isabel A. Downey to be postmaster at Somerset, Ohio, in place of N. S. Wilson. Incumbent's commission expired January 23, 1935.

OKLAHOMA

Alvin A. Powell to be postmaster at Ramona, Okla., in place of M. E. L. Allen, removed.

Roy Broaddus to be postmaster at Wynona, Okla., in place of J. S. Shanks. Incumbent's commission expired January 20, 1934.

OREGON

Earl B. Burch to be postmaster at Amity, Oreg., in place of A. B. Watt. Incumbent's commission expired February 14, 1935.

PENNSYLVANIA

Leila P. McGillick to be postmaster at Blairsville, Pa., in place of H. H. Wilson. Incumbent's commission expired February 14, 1935.

Cora B. Orr to be postmaster at Clarion, Pa., in place of H. H. Arnold. Incumbent's commission expired March 8, 1934.

Michael J. Musilek to be postmaster at Dunlo, Pa., in place of Vera Ritchey. Incumbent's commission expired January 9, 1935.

John J. Botts to be postmaster at Elizabethville, Pa., in place of J. H. Lyter, deceased.

James F. Donahue to be postmaster at Kennett Square, Pa., in place of J. H. Gawthrop. Incumbent's commission expired May 20, 1934.

Francis B. Bender to be postmaster at Lilly, Pa., in place of T. B. Conrad, deceased.

William L. Rothermel to be postmaster at Millersburg, Pa., in place of I. A. Mattis, deceased.

Charles C. Naginey to be postmaster at Milroy, Pa., in place of S. S. Aurand. Incumbent's commission expired February 25, 1935.

Lillie A. Parr to be postmaster at Nescopeck, Pa., in place of M. D. Hippensteel. Incumbent's commission expired February 25, 1935.

Lawrence Miles McCafferty to be postmaster at New Bethlehem, Pa., in place of B. L. Thomas, removed.

Charles A. Sieg to be postmaster at Newfoundland, Pa., in place of F. C. Krautter. Incumbent's commission expired February 20, 1935.

Guy S. Behler to be postmaster at Slatington, Pa., in place of H. C. Shenton, removed.

Edward Mackay Hirsch to be postmaster at Tamaqua, Pa., in place of Charles Nahf, transferred.

Percy W. Walker to be postmaster at Thompson, Pa., in place of A. E. Foster. Incumbent's commission expired January 22, 1935.

Francis W. McCartan to be postmaster at Yatesboro, Pa., in place of Mina Connell. Incumbent's commission expired January 22, 1934.

TENNESSEE

Harry B. Cunningham to be postmaster at Ethridge, Tenn., in place of C. E. Locke. Incumbent's commission expired January 28, 1935.

Chapman Anderson to be postmaster at Franklin, Tenn., in place of C. M. Mount, removed.

TEXAS

Marie W. Smith to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett, removed.

Floy Heaton to be postmaster at Gary, Tex., in place of Mabel Bird. Incumbent's commission expired February 4, 1935.

Ansley M. Winsett to be postmaster at Higgins, Tex., in place of S. E. St. Jacque. Incumbent's commission expired January 13, 1935.

UTAH

James H. Rampton to be postmaster at Bountiful, Utah, in place of J. A. Call. Incumbent's commission expired February 20, 1935.

William H. Case to be postmaster at Duchesne, Utah, in place of W. H. Fitzwater. Incumbent's commission expired February 20, 1935.

Marvin L. Nielson to be postmaster at Garland, Utah, in place of E. P. Jenson, removed.

S. Milton Webb to be postmaster at Richmond, Utah, in place of A. L. Harris. Incumbent's commission expired February 4, 1935.

John Austin Pack to be postmaster at Roosevelt, Utah, in place of Luke Clegg. Incumbent's commission expired February 20, 1935.

VIRGINIA

Harrison Waite, Jr. to be postmaster at Greenwood, Va., in place of J. W. Patterson. Incumbent's commission expired December 20, 1934.

Lawrence L. Jacobs to be postmaster at Hanover, Va., in place of L. L. Jacobs. Incumbent's commission expired February 14, 1935.

David E. Earhart to be postmaster at Nokesville, Va., in place of A. E. McMichael, removed.

WASHINGTON

Tollie Livingston to be postmaster at Bridgeport, Wash., in place of S. J. Slade. Incumbent's commission expired February 4, 1935.

Floyd L. Magill to be postmaster at Randle, Wash. Office became Presidential July 1, 1934.

WEST VIRGINIA

David J. Blackwood to be postmaster at Milton, W. Va., in place of O. A. Locke. Incumbent's commission expired February 6, 1935.

WISCONSIN

Alma M. Beggs to be postmaster at Dallas, Wis., in place of Joseph Wahl. Incumbent's commission expired December 20, 1934.

James F. Horan, Sr., to be postmaster at Friendship, Wis., in place of E. O. Barnes. Incumbent's commission expired February 4, 1935.

Oscar A. Peterson to be postmaster at Granton, Wis., in place of Edward Schroeder. Incumbent's commission expired February 25, 1935.

John Michael to be postmaster at Humbird, Wis., in place of A. F. Hahn. Incumbent's commission expired February 4, 1935.

Mabel A. Dunwiddie to be postmaster at Juda, Wis. Office became Presidential July 1, 1935.

Roy W. Hughes to be postmaster at Pardeeville, Wis., in place of O. O. Smith. Incumbent's commission expired January 22, 1935.

Joseph H. Biever to be postmaster at Port Washington, Wis., in place of John Bichler, deceased.

Clarence H. Mullendore to be postmaster at Viola, Wis., in place of F. J. Hurless. Incumbent's commission expired February 20, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 12 (legislative day of July 29), 1935

WORKS PROGRESS ADMINISTRATION

Paul D. Shriver to be State administrator for the Works Progress Administration for Colorado.

PROMOTIONS IN THE REGULAR ARMY

George Veazey Strong to be colonel, Infantry.
Charles School Blakely to be colonel, Field Artillery.
George Bowditch Hunter to be colonel, Cavalry.
Joseph Warren Stilwell to be colonel, Infantry.
Robert Melville Danford to be colonel, Field Artillery.
James Kerr Crain to be colonel, Ordnance Department.
Matthew Arthur Cross to be colonel, Coast Artillery Corps.
Edward Lorenzo Hooper to be colonel, Infantry.
Stanley Koch to be colonel, Cavalry.
Irving Joseph Phillipson to be colonel, Infantry.
Edmund Bristol Gregory to be colonel, Quartermaster Corps.
William Vaulx Carter to be colonel, Adjutant General's Department.
Oswald Hurtt Saunders to be lieutenant colonel, Infantry.
Spencer Ball Akin to be lieutenant colonel, Signal Corps.
Robert Gibson Sherrard to be lieutenant colonel, Infantry.
John Wesley Hyatt, to be lieutenant colonel, Infantry.
Raymond Waite Hardenbergh to be lieutenant colonel, Infantry.
Rigby Dewoody Valliant to be lieutenant colonel, Quartermaster Corps.

George Luberoff to be lieutenant colonel, Quartermaster Corps.
Arthur Brainard Hitchcock to be lieutenant colonel, Infantry.
Benjamin Lester Jacobson to be lieutenant colonel, Finance Department.
Edward Warden Turner to be lieutenant colonel, Coast Artillery Corps.
William Arthur Turnbull to be lieutenant colonel, Judge Advocate General's Department.
Chester Benjamin McCormick to be lieutenant colonel, Field Artillery.
William Alexander Smith to be lieutenant colonel, Infantry.
George Place Hill to be lieutenant colonel, Judge Advocate General's Department.
Jacob Herschel Lawrence to be major, Infantry.
Gwynne Conrad to be major, Quartermaster Corps.
Harry A. Vacquerie to be major, Quartermaster Corps.
Norris Peters Walsh to be major, Field Artillery.
Hans Ottzenn to be major, Quartermaster Corps.
Grover Cleveland Graham to be major, Infantry.
Edgar Joseph Tulley to be major, Infantry.
Oscar Kain to be major, Infantry.
Clyde Arthur Lundy to be major, Infantry.
Leland Warren Skaggs to be major, Infantry.
Wilbert Vernon Renner to be major, Quartermaster Corps.
Joseph Howard Rustemeyer to be major, Infantry.
Thomas Settle Voss to be major, Air Corps.
Harry Foster to be major, Cavalry.
Daniel Becker to be major, Cavalry.
Norman Norton Rogers to be major, Cavalry.
Theodore Maurice Roemer to be major, Cavalry.
James Carlyle Ward to be major, Cavalry.
Harvey Newton Christman to be major, Cavalry.
Henry John Dick Meyer to be captain, Field Artillery.
Elton Foster Hammond to be captain, Field Artillery.
Ernest Marion Brannon to be captain, Infantry.
John Wyville Sheehy to be captain, Infantry.
John Joseph Burns to be captain, Field Artillery.
Leslie Edgar Jacoby to be captain, Field Artillery.
John Raikes Vance to be captain, Infantry.
Clarence John Kanaga to be captain, Field Artillery.
Richard Powell Ovenshine to be captain, Infantry.
Edwin Virgil Kerr to be captain, Field Artillery.
Thomas McGregor to be captain, Field Artillery.
Harrison Howell Dodge Heiberg to be captain, Cavalry.
William Irwin Allen to be captain, Coast Artillery Corps.
James Edmund Parker to be captain, Air Corps.
William Wesson Jervey to be captain, Signal Corps.
George Raymond Burgess to be captain, Coast Artillery Corps.
Edward Lynde Strohbehn to be captain, Field Artillery.
Maurice Keyes Kurtz to be captain, Field Artillery.
William Holmes Wenstrom to be captain, Signal Corps.
Leo Clement Paquet to be captain, Infantry.
Thomas Maurice Crawford to be captain, Infantry.
Eugene McGinley to be captain, Field Artillery.
Hugh Brownrigg Waddell to be captain, Cavalry.
Lester DeLong Flory to be captain, Coast Artillery Corps.
Isaac Haiden Ritchie to be captain, Coast Artillery Corps.
Casper Perrin West to be first lieutenant, Air Corps.
William Leroy Kennedy to be first lieutenant, Air Corps.
Jesse Auton to be first lieutenant, Air Corps.
John Paul Ryan to be first lieutenant, Air Corps.
Albert Wynne Shepherd to be first lieutenant, Air Corps.
Robert Shuter Macrum to be first lieutenant, Air Corps.
Charles Lawrence Munroe, Jr., to be first lieutenant, Air Corps.
Llewellyn Owen Ryan to be first lieutenant, Air Corps.
William Richard Morgan to be first lieutenant, Air Corps.
Philo George Meisenholder to be first lieutenant, Air Corps.
John Waldron Egan to be first lieutenant, Air Corps.
Hanlon H. Van Auken to be first lieutenant, Air Corps.
Robert Oswald Cork to be first lieutenant, Air Corps.
William Courtney Mills to be first lieutenant, Air Corps.
Herbert Henry Tellman to be first lieutenant, Air Corps.
John Koshler Gerhart to be first lieutenant, Air Corps.
Harold Loring Mace to be first lieutenant, Air Corps.
Elder Patteson to be first lieutenant, Air Corps.
Francis Hopkinson Griswold to be first lieutenant, Air Corps.
Leon Ray Brownfield to be first lieutenant, Air Corps.
Robert Whitney Burns to be first lieutenant, Air Corps.
Daniel Webster Jenkins to be first lieutenant, Air Corps.
William Marshall Prince to be first lieutenant, Air Corps.
Clarence Frank Hegy to be first lieutenant, Air Corps.
James Presnall Newberry to be first lieutenant, Air Corps.
Stoyte Oglesby Ross to be first lieutenant, Air Corps.
Joseph Wiley Baylor to be first lieutenant, Air Corps.
William John Clinch, Jr., to be first lieutenant, Air Corps.
James McKinzie Thompson to be first lieutenant, Air Corps.
Gerald Hoyle to be first lieutenant, Air Corps.
Arthur Francis Merewether to be first lieutenant, Air Corps.
Jarred Vincent Crabb to be first lieutenant, Air Corps.
Tom William Scott to be first lieutenant, Air Corps.
Lawrence C. Westley to be first lieutenant, Air Corps.
John Hubert Davies to be first lieutenant, Air Corps.
Everett Collins to be lieutenant colonel, Ordnance Department.
Russell Peter Hartle to be lieutenant colonel, Infantry.
Frank James Keelty to be major, Finance Department.
Foster Joseph Tate to be captain, Field Artillery.
Carl Robinson to be captain, Infantry.
Richard Tobin Bennison to be captain, Field Artillery.
Edward Wharton Anderson to be first lieutenant, Air Corps.
John Coleman Covington to be first lieutenant, Air Corps.
Winslow Carrol Morse to be first lieutenant, Air Corps.

APPOINTMENT BY TRANSFER IN THE REGULAR ARMY

First Lt. George Frederick Conner to Quartermaster Corps.

APPOINTMENTS IN THE REGULAR ARMY

AIR CORPS

To be second lieutenants

Opal Ellis Henderson	Clayton Baxter Claassen
Daniel Ira Moler	William Thomas Hudnell, Jr.
Lawrence Owen Brown	Harold Lawrence Kreider
Henry Bishop Fisher	John Oman Neal
Eugene Brecht, Jr.	Watson Mitchell Frutchey

PROMOTION IN THE PHILIPPINE SCOUTS

Ray Eugene Quigley to be major, Philippine Scouts.

PROMOTIONS IN THE NAVY

Charles Conard to be Paymaster General and Chief of the Bureau of Supplies and Accounts, Department of the Navy, with the rank of rear admiral.

MARINE CORPS

To be colonel

Samuel M. Harrington

To be lieutenant colonels

Leo D. Hermle
Lemuel C. Shepherd, Jr.
Robert Blake

To be majors

William M. Marshall	Richard Livingston
Eugene F. C. Collier	Fred S. Robillard
Lee H. Brown	

To be captains

Leslie H. Wellman	Albert D. Cooley
William C. Lemly	Theodore A. Holdahl
Charles W. Kail	Robert O. Bare
James E. Kerr	Charles L. Fike
William G. Manley	

To be first lieutenants

Thomas J. Colley
Marion A. Fawcett
Robert O. Bisson

POSTMASTERS

ALABAMA

Robert L. Gordy, Chatom.

FLORIDA

Frederic C. Frierson, New Port Richey.

ILLINOIS

Arthur L. Knable, Abingdon.
Glenn G. Smith, Manito.
Lewis H. Coleman, Oneida.

INDIANA

Edna Shanline, Avilla.
Frederick J. Berg, Cedar Lake.
Harvey E. Hull, Cromwell.
George Andrew Raub, Jr., Logansport.
Justina E. Meyer, Monroeville.
Perry H. McCormick, North Judson.
Sarah I. Crews, West Terre Haute.

IOWA

Dorothy E. Wagner, Bagley.
Elbert R. Adams, Blockton.
Myrtle A. Barnes, Delhi.
Glendon R. Streepy, Menlo.
Carroll E. Caslow, Yale.

MISSISSIPPI

Annie S. Langston, Clinton.
Josie P. Bullock, Drew.

MONTANA

Carl Ottis Haun, Winifred.

NEW HAMPSHIRE

Earl X. Cutter, Antrim.
Leon A. Warren, Groveton.
Sidney F. Downing, Lincoln.
Arthur L. Prince, Manchester.

NEW MEXICO

James G. Lanier, Aztec.
Wisdom E. Bilbrey, Fort Bayard.
Robert W. Cumpsten, Hagerman.
Katherine Hall, Hatch.

NEW YORK

Grace L. Sullivan, Canton.

OREGON

M. Eleanor Reed, Aurora.
Marvin O. Hawkins, Coquille.
Frank J. Dooher, Cornelius.
Edna M. Jamieson, Port Orford.

SOUTH CAROLINA

James M. Riley, Allendale.
Arthur M. Parker, Lake City.

TEXAS

Lee M. McDaniel, Floresville.
Barbara H. Smith, Floydada.
Wiley Monroe Brister, Jr., Peacock.

VERMONT

Forrest E. Allen, Bradford.
Frederick H. Horsford, Charlotte.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 12, 1935

The House met at 12 o'clock noon.

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

The works of the Lord are great; His work is honorable and glorious and His righteousness endureth forever. He hath made his works to be remembered. The Lord is gracious and full of compassion. The works of His hands are verity and judgment, all His commandments are sure; they stand fast forever and are done in truth and uprightness; the fear of the Lord is the beginning of wisdom.

Almighty God our Father, the sands of life run swiftly. We know not when the silver cord shall be loosed, the golden bowl be broken.

Let not your heart be troubled; ye believe in God, believe also in Me. In My Father's house are many mansions; if it were not so, I would have told you.

O may these words be the comfort and hope of the bereaved wife and children of the deceased Member in whose memory we tarry. In the name of our Savior. Amen.

The Journal of the proceedings of Friday, August 9, 1935, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on August 9, 1935, the President approved and signed bills and a joint resolution of the House of the following titles:

H. R. 1073. An act for the relief of John F. Hatfield;

H. R. 2421. An act for the relief of John R. Allgood;

H. R. 3641. An act to amend section 559 of title 20 of the Code of the District of Columbia as to restriction on residence of members of the fire department;

H. R. 3642. An act to amend section 483 of title 20 of the Code of the District of Columbia as to residence of members of the police department;

H. R. 4853. An act for the relief of Charles H. Holtzman, former collector of customs, Baltimore, Md.; George D. Hubbard, former collector of customs, Seattle, Wash.; and William L. Thibadeau, former customs agent;

H. R. 7447. An act to amend an act to provide for a Union Railroad Station in the District of Columbia and for other purposes; and

H. J. Res. 258. Joint resolution to provide for certain State allotments under the Cotton Control Act.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2034) entitled "An act to prevent the fouling of the atmosphere in the District of Columbia by smoke and other foreign substances, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7260) entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 405) entitled "An act for the suppression of prostitution in the District of Columbia."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5159) entitled "An act to authorize the Postmaster General to contract for air-mail service in Alaska."

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., August 12, 1935.

Hon. JOSEPH W. BYRNS,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: The certificate of election in due form of law of Representative-elect FRANK W. BOYKIN to the Seventy-