8641. Also, petition of the general subcommittee of the Switchmen's Union of North America, representing the employees of the New York Central Railroad, lines west, by John W. Wolf, general chairman, asking for support for an early passage of House Joint Resolution 219, which provides for an extension of the Emergency Railroad Transportation Act, which expires on June 16, 1935; to the Committee on Interstate and Foreign Commerce.

8642. Also, petition of 50 Alameda County clubs, 6,000 members, Oakland, Calif., by Glen J. Hudson, asking favorable action on the McGroarty bill (Townsend plan); to the Committee on Ways and Means.

8643. Also, petition of Massillon Trades and Labor Assembly, Massillon, Ohio, by their corresponding secretary, Robert J. Siffrin, asking assistance in a move to prevent the building of the proposed Beaver Mahoning Canal, as they are opposed to the building of this canal as they believe it will eventually mean the removal of the steel mills from the Massillon-Canton district, and requesting a favorable vote for the Wagner-Connery bill; to the Committee on Labor.

8644. By the SPEAKER: Petition of the board of governors of the Washington State Bar Association and the board of trustees of the Seattle Bar Association, requesting that there be constructed a new judicial building at Seattle, Wash.; to the Committee on Public Buildings and Grounds.

SENATE

TUESDAY, MAY 28, 1935

(Legislative day of Monday, May 13, 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 Monday, May 27, 1935, was dispensed with, and the Journal was approved.

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

Mr. LEWIS. I announce the absence of the Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. LONG], and the Senator from Nevada [Mr. MCCARRAN], who are unavoidably detained from the Senate.

I also announce the absence of the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Wisconsin [Mr. DUFFY], and the Senator from North Carolina [Mr. REYNOLDS], in attendance at West Point as members on the part of the Senate of the Board of Visitors to the United States Military Academy.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is unavoidably absent, and that the Senator from Pennsylvania [Mr. DAVIS] is absent because of illness.

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

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 the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 3641. An act to amend section 559 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 the Code of the District of Columbia as to residence of members of the police department;

H. R. 6510. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 6623. An act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want;

H. R. 6656. An act to authorize the Pennsylvania Railroad Co., by means of an overhead bridge, to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial side tracks, and for other purposes;

H. R. 7167. An act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes;

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;

H. R. 7781. An act to define the election procedure under the act of June 18, 1934, and for other purposes;

H. R. 7874. An act to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia;

H. J. Res. 201. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Seventieth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of September 1936, and for other purposes, incident to said encampment; and

H. J. Res. 280. Joint resolution for the designation of a street or avenue in the Mall to be known as "Maine Avenue."

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1522. An act to provide funds for cooperation with public-school districts in Glacier County, Mont., in the improvement and extension of school buildings to be available to both Indian and white children;

S. 1523. An act to provide funds for cooperation with the public-school board at Wolf Point, Mont., in the construction or improvement of a public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont.;

S. 1524. An act to provide funds for cooperation with school district no. 23, Polson, Mont., in the improvement and extension of school buildings to be available to both Indian and white children;

S. 1525. An act to provide funds for cooperation with joint school district no. 28, Lake and Missoula Counties, Mont., for extension of public-school buildings to be available to Indian children of the Flathead Indian Reservation;

S. 1526. An act to provide funds for cooperation with the school board at Brockton, Mont., in the extension of the public-school building at that place to be available to Indian children of the Fort Peck Indian Reservation;

S. 1528. An act for expenditure of funds for cooperation with the public-school board at Poplar, Mont., in the construction or improvement of public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont.;

S. 1530. An act to authorize appropriations for the completion of the public high school at Frazer, Mont.;

S. 1533. An act to provide funds for cooperation with Marysville School District, No. 325, Snohomish County,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Wash., for extension of public-school buildings to be available for Indian children;

S. 1534. An act to provide funds for cooperation with the school board at Queets, Wash., in the construction of a public-school building to be available to Indian children of the village of Queets, Jefferson County, Wash.;

S. 1535. An act to provide funds for cooperation with White Swan School District, No. 88, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation;

S. 1536. An act to provide funds for cooperation with the public-school board at Covelo, Calif., in the construction of public-school buildings to be available to Indian children of the Round Valley Reservation, Calif.;

S. 1537. An act to provide funds for cooperation with the School Board of Shannon County, S. Dak., in the construction of a consolidated high-school building to be available to both white and Indian children; and

S. 2105. An act to provide for an additional number of cadets at the United States Military Academy, and for other purposes.

THE CALENDAR

The VICE PRESIDENT. Under the special order of the Senate unobjected bills on the calendar are now to be considered. The clerk will call the first bill on the calendar.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 944) to amend section 5 of the Federal Trade Commission Act was announced as first in order.

Mr. McKELLAR. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 213) to amend section 113 of the Criminal Code of March 4, 1909 (35 Stat. 1109; U. S. C., title 18, sec. 203), and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1506) to change the name of the Pickwick Landing Dam to Quin Dam was announced as next in order.

Mr. BACHMAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1878) conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Mack Copper Co. was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 574) relative to Members of Congress acting as attorneys in matters where the United States has an interest was announced as next in order.

Mr. McKELLAR and Mr. BARBOUR asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 35) authorizing the Committee on the Judiciary to investigate certain phases of the National Recovery Act was announced as next in order.

Mr. KING. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 875) for the relief of Michael F. Calnan was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMOS D. CARVER ET AL.

The bill (S. 2119) for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, and/or the widows of such of them as may be deceased was announced as next in order.

Mr. KING. Mr. President, I have heretofore objected to this bill, but upon examination of the report and an investigation of the case I find that the claim has merit and I withdraw my objection.

Mr. ROBINSON. I note that the Senator from Alabama [Mr. BLACK] reported the bill. Is the Senator prepared to give a brief explanation concerning it?

Mr. BLACK. Mr. President, this is identical with the bill which I reported from the Committee on Claims about 2 years ago. The claim involves a great deal more than the amount the Senate committee recommends be paid. As a matter of fact, after careful and painstaking investigation extending over weeks in connection with the evidence, we reached the conclusion that it would be to the interest of the Government to make the settlement provided in this bill rather than send the claim to the Court of Claims, where it was our opinion the Government would have a judgment rendered against it for a great deal more than the settlement agreed on in the Claims Committee. That was my opinion after careful consideration of the measure, and the committee agreed to it.

Mr. ROBINSON. Having in mind the statement just made by the Senator from Alabama, I make no objection to the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 2, line 10, after the date "April 5, 1918", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, jointly to Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, owners of the schooner *Betsy Ross* and/or to the widows of any of said owners as may be deceased at the time of payment, each to receive of the amount hereby appropriated the portion thereof to which her husband would be entitled if living, the sum of $35,916.68, in full and final settlement of all claims against the United States for loss or losses which they may have suffered by reason of the interference with, the delays to, the enforced cancelation of the private charter of, and the appropriation of the use of, the schooner *Betsy Ross* by the United States Shipping Board or other governmental agencies at the port of Melbourne, Australia, on or about April 5, 1918: *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. McKELLAR. Mr. President, I should like to ask the Senator from Alabama if the claimants are willing to accept this measure, or are they going to put in future claims?

Mr. BLACK. The claimants agreed to accept it, and there will be found in the report the statement that it is to be accepted in full settlement of the claim.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 1162) to regulate the business of making small loans in the District of Columbia, and to amend an act to regulate the business of loaning money, etc., approved February 4, 1913, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 509) to prevent the use of Federal offices or patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. McKELLAR. I also ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 164) for the relief of Donald L. Bruner was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1452) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1453) to create a board of shorthand reporting and for other purposes was announced as next in order.

Mr. KING. Mr. President, it is understood that there is to be an amendment offered to that bill.

Mr. McKELLAR. Let the bill go over today.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5) to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics, and for other purposes, was announced as next in order.

Mr. SMITH. I ask that the bill go over.

Mr. COPELAND. Mr. President, I hope the Senator will withhold his objection for a moment. This bill has been reprinted according to the instructions given the other day, and I think we can dispose of it in 10 minutes if there are no serious objections to any particular amendment.

Mr. SMITH. Mr. President, let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 87) to prevent the shipment in interstate commerce of certain articles and commodities, in connection with which persons are employed more than 5 days per week or 6 hours per day, and prescribing certain conditions with respect to purchases and loans by the United States, and codes, agreements, and licenses under the National Industrial Recovery Act was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1589) authorizing the purchase of the United States Supreme Court Decisions and Digest was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5599) to regulate the strength and distribution of the line of the Navy, and for other purposes, was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

NAVAJO INDIAN RESERVATION, N. MEX.

The bill (S. 2213) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, I understood the Senator from Utah [Mr. KING] to desire that the bill go over. Am I in error?

Mr. KING. Mr. President, I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2213) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes.

The VICE PRESIDENT. When the bill was previously under consideration the amendment was agreed to.

Mr. HATCH. Mr. President, I desire to suggest several amendments to the amendment of the committee involving correction of typographical errors.

The VICE PRESIDENT. It will be necessary first to reconsider the vote by which the amendment was agreed to heretofore.

Mr. HATCH. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to is reconsidered. The clerk will state the amendments offered by the Senator from New Mexico to the amendment.

The amendments to the amendment were, on page 11, line 17, before the word "thence", to insert "to the southeast corner of township 22 north, range 12 west"; on page 13, line 10, after the words "to the", to strike out "southeast" and insert "southwest"; in line 11, before the word "thence", to insert "thence north 1 mile to the northwest corner said section 29; thence east one-half mile to the north quarter corner said section 29; thence north 1 mile to the north quarter corner section 20, said township 2 north, range 5 west; thence east one-half mile to the northeast corner said section 20"; on the same page, line 12, after the word "north", to strike out "four" and insert "two"; on page 14, line 9, after the word "corner", to strike out "hereof" and insert "thereof"; on page 15, line 1, before the word "All", to insert:

Provided as to the area described: Beginning at the intersection of the west boundary of the Fort Wingate Military Reservation on the north line of section 3, township 13 north, range 17 west; thence east to the east boundary line of said military reservation; thence north along said boundary line 6 miles; thence west 3 miles; thence south 3 miles; thence west to intersection of the west boundary of said military reservation on the north line of section 22, township 14 north, range 17 west; thence south 3 miles to point of beginning; that to afford opportunity to terminate existing grazing use without unreasonable hardship to forest grazing permittees, said elimination from the Cibola National Forest and inclusion in the Navajo Indian Reservation shall not be effective until 5 years from the date hereof or such earlier date as may be fixed by Executive order: *And provided further*, That nothing herein shall in anywise affect the validity or the carrying out of the provisions of a certain timber-sale agreement executed by Arlo D. Squires on the 3d day of May 1933 and approved by the acting regional forester at Albuquerque, N. Mex., on the 12th day of May 1933, and that the administration of said timber sale shall continue to be handled by the United States Forest Service and the proceeds from said sale deposited in accordance with the provisions of said contract during the lifetime of the contract or its extension under the provisions contained therein.

And on page 18, line 6, after the word "and", to insert "the", so as to read:

That the exterior boundaries of the Navajo Indian Reservation in New Mexico be, and they are hereby, defined as follows:

Beginning at a point common to the States of New Mexico, Arizona, Colorado, and Utah; thence south along the Arizona-New Mexico State boundary line to the southwest corner of fractional section 15, township 11 north, range 21 west, New Mexico principal meridian, New Mexico; thence east to the southeast corner of section 13, township 11 north, range 20 west; thence north 15 miles to the northwest corner of section 6, township 13 north, range 19 west; thence east 6 miles; thence south 12 miles; thence east 6 miles; thence north 6 miles; thence east 6 miles; thence north to the south boundary of the Fort Wingate Military Reservation; thence west to the southwest corner of Fort Wingate Military Reservation; thence north along the west boundary of the said military reservation to the township line between townships 13 and 14 north; thence east to the intersection of the township line between townships 13 and 14 north with the east boundary of the said military reservation; thence north 9 miles along said boundary line; thence east to the range line between ranges 14 and 15 west; thence south to the north right-of-way of the Atchison, Topeka & Santa Fe Railroad; thence eastward following said north right-of-way line to its intersection with the township line between townships 13 and 14 north; thence east along that township line to the northeast corner of section 4, township 13 north, range 11 west; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 2 miles; thence east 3 miles; thence north 24 miles along a line bisecting townships 13, 14, 15, and 16 north, range 10 west; thence west to the southeast corner of township 17 north, range 11 west; thence north 6 miles; thence west 6 miles; thence north 3 miles; thence east 1 mile; thence north 1 mile; thence west 1 mile; thence north along the range line between ranges 11 and 12 west; to the southeast corner of township 22 north, range 12 west; thence east 6 miles; thence north 6 miles; thence west 6 miles; thence north 2 miles; thence west 9 miles; thence north 2 miles; thence west 3 miles; thence north along the east boundary of Navajo Indian Reservation to the San Juan River; thence down said river to where it crosses the east line of the Navajo Reservation as established by the treaty of June 1, 1868; thence north to the crest of Hogback Ridge; thence in a northeasterly direction, following the crest of Hogback Ridge to its intersection with range line between ranges 15 and 16 west; thence north to the northwest corner of township 30 north, range 15 west, New Mexico principal meridian; thence west to the east boundary of the treaty reservation; thence north along said treaty east boundary line to its intersection with the New Mexico-Colorado State line; thence west along the New Mexico-Colorado State line to the point of beginning; also the following:

Beginning at the corner of townships 20 and 21 north ranges 8 and 9 west, New Mexico principal meridian; thence south 6 miles;

thence west 3 miles; thence south 6 miles; thence west 1 mile; thence south 6 miles; thence east 16 miles; thence south 6 miles; thence east 18 miles; thence north 6 miles; thence east 1 mile; thence north 12 miles; thence west 22 miles; thence north 6 miles; thence west 9 miles to the place of beginning; and beginning at the township corner of townships 10 and 11 north, ranges 15 and 16 west, New Mexico principal meridian; thence east to the northeast corner of township 10 north, range 15 west; thence south to the northwest corner of section 19, township 9 north, range 14 west; thence east 6 miles; thence south to the southeast corner of township 6 north, range 14 west; thence west to the southwest corner of said township; thence north 3 miles; thence west 6 miles; thence north to the northeast corner of township 6 north, range 16 west; thence west to the southwest corner of township 7 north, range 16 west; thence north 6 miles; thence east 3 miles; thence north 8 miles; thence west 1 mile; thence north 7 miles along the east boundary of the Zuni Indian Reservation to the northwest corner of section 21, township 10 north, range 16 west; thence east 1 mile; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east 2 miles; thence north to the point of beginning; also beginning at the southwest corner of section 30, township 2 north, range 6 west; thence east to the southwest corner of section 29, township 2 north, range 5 west; thence north 1 mile to the northwest corner said section 29; thence east one-half mile to the north quarter corner said section 29; thence north 1 mile to the north quarter corner section 20, said township 2 north, range 5 west; thence east one-half mile to the northeast corner said section 20; thence north 2 miles; thence west 1 mile; thence north 1 mile; thence west to the corner of townships 2 and 3 north, ranges 5 and 6 west; thence north 4 miles; thence west 6 miles; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 3 miles; thence south 7 miles; thence east 2 miles; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south to place of beginning; also beginning at the southwest corner of section 6, township 9 north, range 3 west; thence east to southeast corner of section 1, township 9 north, range 2 west; thence north to the northeast corner of township 10 north, range 2 west; thence west to the southwest corner of section 35, township 11 north, range 3 west; thence north to the intersection of the south boundary of the Canada de los Alamos Grant; thence west to the southwest corner of the said Canada de los Alamos Grant; thence north along the west boundary of the said Canada de los Alamos Grant to its intersection with the township line between townships 11 and 12 north; thence west along the line between townships 11 and 12 north to its intersection with the east boundary of the Ceboletta Grant; thence south to the southeast corner of said grant; thence east along the north boundary of the Paguate Purchase to the northeast corner thereof; thence south along the east boundary of said purchase to the southeast corner thereof; thence west along the south boundary of the Paguate Purchase to its intersection with the range line between ranges 3 and 4 west; thence south along said range line to the place of beginning; also the east half northwest quarter northeast quarter and the west half northeast quarter northeast quarter section 33, township 26 north, range 11 west: *Provided*, That all vacant, unreserved, and unappropriated public lands within the boundaries above defined, except township 15 and the south half of township 16 north, range 18 west and township 15 and the south half of township 16 north, range 19 west, New Mexico principal meridian, New Mexico, are hereby permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo Tribe of Indians. All lands of the Cibola National Forest within the above defined boundaries are also hereby eliminated from said forest and permanently added to the Navajo Reservation: Provided as to the area described: Beginning at the intersection of the west boundary of the Fort Wingate Military Reservation on the north line of section 3, township 13 north, range 17 west; thence east to the east boundary line of said military reservation; thence north along said boundary line 6 miles; thence west 3 miles; thence south 3 miles; thence west to intersection of the west boundary of said military reservation on the north line of section 22, township 14 north, range 17 west; thence south 3 miles to point of beginning; that to afford opportunity to terminate existing grazing use without unreasonable hardship to forest-grazing permittees, said elimination from the Cibola National Forest and inclusion in the Navajo Indian Reservation shall not be effective until 5 years from the date hereof or such earlier date as may be fixed by Executive order, and: *Provided further*, That nothing herein shall in anywise affect the validity or the carrying out of the provisions of a certain timber sale agreement executed by Arlo D. Squires on the 3d day of May 1933, and approved by the acting regional forester at Albuquerque, N. Mex., on the 12th day of May 1933, and that the administration of said timber sale shall continue to be handled by the United States Forest Service and the proceeds from said sale deposited in accordance with the provisions of said contract during the lifetime of the contract or its extension under the provisions contained therein. All valid rights and claims of individuals initiated prior to approval hereof under the public-land laws or by purchase involving any lands within said boundaries shall not be affected by this act.

SEC. 2. The State of New Mexico may relinquish to the United States in favor of the Navajo Indians such tracts of school or other State-owned lands, surveyed or unsurveyed, within the reservation boundary defined by section 1 of this act as it may see fit, reserving, however, to said State such rights as it may now possess to any and all minerals underlying State lands so relinquished; and said State shall have the right to make selections in lieu thereof equal in value to those relinquished from the vacant, unreserved, nonmineral public lands contiguously or noncontiguously located within the State of New Mexico. Such lieu selections shall be made in the same manner as is provided for in the Enabling Act pertaining to said State, except as to the payment of fees or commissions, which are hereby waived.

SEC. 3. The provisions in the act of March 3, 1921 (41 Stat. 1225–1239), authorizing the acceptance of relinquishments by the Secretary of the Interior, including Indian allotment selections for the purpose of effecting exchanges and consolidations of privately owned lands within San Juan, McKinley, and Valencia Counties, N. Mex., be, and the same is hereby, amended so as to apply to lands within Socorro, Bernalillo, and Sandoval Counties, N. Mex.: *Provided*, That in determining the values and areas of lieu lands to which private landowners and the State of New Mexico are entitled under the said act of March 3, 1921, as hereby amended, the value of improvements privately owned or owned by the State on lands to be conveyed or relinquished to the United States for Indian benefit shall be taken into consideration and, in the discretion of the Secretary of the Interior, full credit in the form of lands may be allowed therefor. All areas within the above-defined reservation boundaries heretofore and hereafter consolidated in the Government under the provisions of the act of March 3, 1921, as hereby amended, shall be held for the exclusive tribal use and benefit of the Navajo Indians.

In consideration of the foregoing reservation additions, no applications made by Navajo Indians for allotments on the public domain under section 4 of the act of February 8, 1887 (24 Stat. 388; U. S. C., title 25, sec. 334), or Indian homesteads under the act of July 4, 1884 (23 Stat. 96; U. S. C., title 43, sec. 190), shall be allowed for lands in the above-mentioned counties, unless filed prior to July 8, 1931.

SEC. 4. For the purpose of purchasing privately owned lands, together with the improvements thereon, within or without the boundaries above defined, and also within the areas in San Juan County, Utah, added to the Navajo Indian Reservation by the act of March 1, 1933 (47 Stat. 1418), there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, the sum of $482,136.22, which sum shall be reimbursable from funds accruing to the Navajo tribal funds, as and when such funds accrue, and shall remain available until expended: *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: *Provided further*, That said funds may be used in purchasing improvements of lessees on leased State school land within the said boundaries, provided the State of New Mexico agrees to the assignment of said leases to the Navajo Tribe of Indians on a renewable and preferential basis, and provided the legislature of said State enacts such laws as may be necessary to avail itself of the exchange provisions contained in section 2 of this act, and disclaims any right, title, or interest in and to any improvements on said lands. The title to all lands acquired under this section is hereby declared to be in the United States in trust for the benefit of the Indians of the Navajo Tribe.

SEC. 5. Individuals owning lands and improvements within the above boundary extension shall be compensated for their holdings and improvements at a just figure. In the event an agreement as to values cannot be amicably reached by interested parties, then an appraising committee shall be appointed, consisting of 3 men, 1 representing the Department of the Interior, 1 representing the owner of the property, these 2 representatives selecting a third member. However, in the event that the Interior Department and the property owner representatives cannot agree on the third member, such third member shall be appointed by the county commissioners of the respective counties involved and the report of the committee so created shall be final. Also the non-Indian owners of land and improvements within the extension shall, after they are paid for their land and improvements, have 3 months within which to vacate.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations to restrict the number of livestock grazed on the entire Navajo Indian Reservation to the safe carrying capacity of the ranges, and to promulgate such other rules and regulations as may be necessary to protect the ranges from deterioration, to check the erosion of the soil, and to make possible the restoration of vegetative cover on the ranges.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

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

Mr. HATCH subsequently said: Mr. President, a few moments ago the Senate passed a bill (S. 2213) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes. The junior Senator from New Mexico [Mr. CHAVEZ] was not in the Chamber at the time. He desires an opportunity to familiarize himself with the bill. Therefore I ask unanimous consent that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed may be reconsidered, that the bill may be restored to the calendar, and may be passed over.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

INCLUSION OF HOPS UNDER AGRICULTURAL ADJUSTMENT ACT

The Senate proceeded to consider the bill (S. 626) to amend the Agricultural Adjustment Act so as to include hops as a basic agricultural commodity, which had been reported from the Committee on Agriculture and Forestry without amendment.

Mr. McNARY. Mr. President, I desire to offer an amendment to perfect the bill, and then I shall ask that it go over.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert a new section, as follows:

SEC. 2. Subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following: "In the case of hops the rate of the processing tax shall not exceed 2 cents per pound, and no processing tax shall be imposed except with respect to hops harvested during the marketing years 1935 and 1936."

The amendment was agreed to.

The VICE PRESIDENT. The bill will be passed over at the request of the Senator from Oregon.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2481) to stabilize the bituminous coal mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a drawback under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous-coal resources of the United States and to establish a national bituminous-coal reserve; to provide for the general welfare; and for other purposes, was announced as next in order.

Mr. BYRD. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. J. Res. 38) for the adjustment and settlement of losses sustained by the cooperative marketing associations, was announced as next in order.

Mr. McKELLAR. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1460) to fix standards for till baskets, climax baskets, round-stave baskets, market baskets, drums, hampers, cartons, crates, boxes, barrels, and other containers for fruits or vegetables, to consolidate existing laws on this subject, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

INCLUSION OF POULTRY UNDER PACKERS AND STOCKYARDS ACT

The Senate proceeded to consider the bill (S. 12) to amend the Packers and Stockyards Act, which was read, as follows:

Be it enacted, etc., That the act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921 (U. S. C., title 7, secs. 181–229), is hereby amended by the addition of the following title:

"TITLE V. LIVE POULTRY DEALERS AND HANDLERS

"SECTION 501. The handling of the great volume of live poultry required as an article of food for the inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers. Such practices and devices are an undue restraint and unjust burden upon interstate commerce and are a matter of such grave concern to the industry and to the public as to make it imperative that steps be taken to free such commerce from such burden and restraint and to protect producers and consumers against such practices and devices.

"SEC. 502. (a) The Secretary of Agriculture is authorized and directed to ascertain from time to time and to designate the cities where such practices and devices exist to the extent stated in the preceding section and the markets and places in or near such cities where live poultry is received, sold, and handled in sufficient quantity to constitute an important influence on the supply and price of live poultry and poultry products. On and after the effective date of such designation, which shall be publicly announced by the Secretary by publication in one or more trade journals or in the daily press or in such other manner as he may determine to be adequate for the purpose approximately 30 days prior to such date, no person other than packers as defined in title II of said act and railroads shall engage in, furnish, or conduct any service or facility in any such designated city, place, or market in connection with the receiving, buying, or selling, on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling in commerce of live poultry without a license from the Secretary of Agriculture as herein authorized valid and effective at such time. Any person who violates any provision of this subsection shall be subject to a fine of not more than $500 or imprisonment of not more than 6 months, or both.

"(b) Any person desiring a license shall make application to the Secretary, who may by regulation prescribe the information to be contained in such application. The Secretary shall issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within 2 years prior to his application engaged in any practice of the character prohibited by this act or because he is financially unable to fulfill the obligations that he would incur as a licensee.

"SEC. 503. Sections 202, 401, 402, 403, and 404 of said act are amended by the addition of the words 'or any live poultry dealer or handler' after the word 'packer' wherever it occurs in said sections. The term 'live poultry dealer' means any person engaged in the business of buying or selling live poultry in commerce for purposes of slaughter either on his own account or as the employee or agent of the vendor or purchaser.

"SEC. 504. The provisions of sections 305 to 316, both inclusive, 401, 402, 403, and 404 of said act shall be applicable to licensees with respect to services and facilities covered by this title and the rates, charges, and rentals therefor except that the schedules of rates, charges, and rentals shall be posted in the place of business of the licensee as prescribed in regulations made by the Secretary.

"SEC. 505. Whenever the Secretary determines, after opportunity for a hearing, that any licensee has violated or is violating any of the provisions of this title, he may publish the facts and circumstances of such violation and by order suspend the license of such offender for a period not to exceed 90 days and if the violation is flagrant or repeated he may by order revoke the license of the offender."

Mr. ROBINSON. Mr. President, there should be an explanation of the bill.

Mr. COPELAND. Mr. President, the bill has not anything to do with the poultry business as we heard of it yesterday. The bill is merely to change the Packers and Stockyards Act to include poultry as that act now includes cattle, sheep, and other livestock, and to do away with certain evils which exist in cities such as New York and Jersey City, where poultry is received in one city and by certain devices interference is interposed to the passage of the poultry across the line into New York. That practice brings about a very material increase in the cost of poultry. It costs $350 to get a carload of poultry from the West to Jersey City, taking 5 days. It costs $560 to get that same car across the river in 5 hours to New York City. The purpose of the bill is to give the Government the same supervision over poultry and its shipment that it now has over sheep, cattle, and other animals.

Mr. ROBINSON. On that statement I should like to see the bill passed, but there should be an explanation of the provisions of the bill.

Mr. COPELAND. It seems to be a long bill, but, as a matter of fact, that is because the entire existing law had to be repeated in order to include poultry at various places in the act where other animals are included.

Mr. ROBINSON. The only effect of the bill is to place poultry in the same situation as cattle, sheep, and so forth?

Mr. COPELAND. That is correct.

Mr. KING. Mr. President, undoubtedly the Senator is advised of the effect as well as the necessary interpretation of the important measure passed on by the Supreme Court yesterday.

Mr. COPELAND. It has no effect on this measure whatever. This is purely interstate business and has nothing to do with poultry after it gets within a State. It has to do largely with poultry crossing the Hudson River between New Jersey and New York. It has been thought by all those who have investigated the situation that it would do away with many of the evils which now exist, which go so far as murder, in connection with the transportation of poultry across the Hudson River at New York City.

Mr. McKELLAR. Mr. President, I notice that it provides for a system of licensing. Is it the same system as is applied to cattle and other products of that kind?

Mr. COPELAND. That is correct. It simply includes poultry within the act as other animal products are now included.

Mr. KING. Mr. President, I am so much opposed to the bureaucratic methods of many of the departments that I am very much afraid this is an attempt to usurp the authority which belongs to the State and should remain within the State.

Mr. COPELAND. I shall be very glad to have the Senator further consider the matter, and if he shall conclude that we should reconsider the action by which the bill is passed, I shall be willing to have that done.

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

COMPENSATION OF REGISTERS OF DISTRICT LAND OFFICES

The Senate proceeded to consider the bill (S. 2361) to fix the compensation of registers of district land offices, which had been reported from the Committee on Public Lands and Surveys without amendment, as follows:

Be it enacted, etc., That the act entitled "An act to fix the compensation of registers of local land offices, and for other purposes", approved May 21, 1928 (45 Stat. L., ch. 661, p. 684), is hereby amended to read as follows: "That from and after the 1st day of the month following the approval of this act the compensation of registers of district land offices shall be a salary of $2,000 per annum each, and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed $3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum."

Mr. ROBINSON. Mr. President, I think the bill should be discussed. It appears that it provides for an increase in the salaries of registers of district land offices. I think there should be an explanation why it is proposed to increase all those salaries.

Mr. O'MAHONEY. Mr. President, the bill merely increases the minimum salary which is paid to registers of land offices. Under the present law the salaries of registers are derived chiefly from fees for the filing of applications arising out of claims upon the public domain. A minimum salary of $1,000, however, is fixed. By reason of the withdrawal of public lands from entry and by reason of the passage of the Taylor Grazing Act, the fees have been practically cut off. This bill merely means a guarantee of $2,000 instead of $1,000 to approximately nine officials, so it does not involve any great amount of money at all.

Mr. ROBINSON. Does the Senator find any difficulty in securing officers to hold these positions?

Mr. O'MAHONEY. Of course, these officers were appointed before the Executive withdrawals and before the passage of the Taylor Grazing Act.

Mr. ROBINSON. What will be the total cost of the increase?

Mr. ADAMS. Mr. President, may I say that the total increase in cost will be practically nothing. Registers of land offices are having imposed upon them under the Taylor Grazing Act many additional duties for which they will receive no compensation. The performance of all duties heretofore was paid for. There will be no increase, with the possible exception of a few land offices where the fees were not sufficient heretofore to reach the $2,000 point. I think there is an aggregate increase of probably $4,000 to all the land offices.

Mr. ROBINSON. It is difficult to understand why it is necessary to raise the minimum salary of registers from $1,000 to $2,000 and then to limit their total compensation to $3,600.

Mr. HATCH. Mr. President, that is the limitation in the present law.

Mr. ROBINSON. If the total effect of the increase is to cost the Government only about $4,000, I shall not object.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1227) to authorize the issuance and sale to the United States of certain bonds of municipal governments in Puerto Rico, and for other purposes, was announced as next in order.

Mr. VANDENBERG and Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2228) to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges and agricultural experiment stations was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1689) for the relief of Frank Fisher was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1861) to incorporate the National Association of State Libraries was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1807) to amend the Agricultural Adjustment Act, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill, being the unfinished business, will be passed over.

The bill (S. 2644) for the relief of the estate of Harry F. Stern was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

The PRESIDENT pro tempore. The Senator from Utah asks for an explanation of the bill.

Mr. McKELLAR. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

CUSTODY OF FEDERAL DOCUMENTS

The bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof was considered, ordered to a third reading, read the third time, and passed.

Mr. BARKLEY subsequently said: Mr. President, I desire to inquire what disposition was made of House bill 6323, Calendar No. 576?

The PRESIDENT pro tempore. The bill was passed.

Mr. BARKLEY. I ask unanimous consent to reconsider the votes by which that bill was ordered to a third reading and passed, and that it be left on the calendar. One of the departments has made a suggestion about an amendment which I do not happen to have at my desk. I therefore ask that the bill be restored to the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILL PASSED OVER

The bill (S. 166) for the relief of Jack Doyle was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAYMENT OF NON-INDIAN CLAIMANTS UNDER ACT OF JUNE 7, 1924

The Senate proceeded to consider the bill (S. 2608) to authorize an appropriation to pay non-Indian claimants whose claims have been extinguished under the act of June 7, 1924, but who have been found entitled to awards under said act as supplemented by the act of May 31, 1933, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum to compensate white settlers or non-Indian claimants whose claims have been extinguished under the act of June 7, 1924 (43 Stat. L. 636), but who have been found by the Secretary of the Interior, in conformity with the proviso to section 3

of the act of May 31, 1933 (48 Stat. L. 108, 109), to be entitled to increased compensation by reason of errors in the amount of award previously allowed, or entitled to original awards by reason of errors in the omission of legitimate claimants. The non-Indian claimants, or their successors, as found and reported by the Secretary of the Interior, to be compensated out of said appropriation to be disbursed under the direction of the Secretary of the Interior in the amounts found to be due them, as follows:

Within the pueblo of Isleta, $1,876.72; within the pueblo of San Ildefonso, $9,371.52; within the pueblo of San Juan, $23,122.83; within the pueblo of Santa Clara, $2,810.69; within the pueblo of Pojoaque, $2,474.13; within the pueblo of Nambe, $1,985; within the pueblo of Sandia, $368.90; within the pueblo of Picuris, $278.64; within the pueblo of Cochiti, $1,088.90; within the pueblo of Jemez, $2,000; in all, $45,377.33.

Mr. McKELLAR. May we have an explanation of that bill?

Mr. HATCH. Mr. President, I can best explain the bill by reading a letter from the Acting Secretary of the Interior, which is printed in the report.

Mr. McKELLAR. Is the bill in accordance with the recommendation of the Department?

Mr. HATCH. It is. The matter was thoroughly gone into, and the Department recommends the passage of the bill.

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

ELECTION PROCEDURE UNDER ACT OF JUNE 18, 1934

The bill (S. 2655) to define the election procedure under the act of June 18, 1934, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, I shall ask the senior Senator from Oklahoma [Mr. THOMAS] to explain this bill.

Mr. THOMAS of Oklahoma. Mr. President, the last Congress passed what is known as the "Wheeler-Howard Act" for the benefit of Indians throughout the United States. That act provided a method for holding elections. The method is not clear so far as counting is concerned. It has been construed by some that a majority of the Indians on the entire reservation must vote a certain way in order to do anything; so this bill is intended to clarify the election provision of the so-called "Wheeler-Howard Act." It provides that all that is necessary is a majority of 30 percent voting. Thirty percent must vote; then a majority of that percentage can act under the Wheeler-Howard Act.

Yesterday the House passed a similar bill with a slight amendment. The amendment attached to the bill by the House provides that no treaty rights shall be abrogated by the passage of the bill. There is no objection to the bill, and I ask that the House bill be substituted for the Senate bill.

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

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. I notice that a recommendation is made by the Interior Department for various amendments. Have those amendments been incorporated in the bill now before us?

Mr. THOMAS of Oklahoma. There probably are other amendments pending before the committee; but this bill deals only with the matter of holding elections, the votes to be cast for and against proposals affecting the Indians themselves.

Mr. KING. One further question: Does the Senator think it is fair to impose upon a tribe the control which might be exercised by 30 percent only of the voters?

Mr. ROBINSON. Mr. President, I point out to the Senator from Utah, and also to the Senator from Oklahoma, that under this bill 15 percent plus one Indian will exercise control. The total number who must vote is 30 percent of the number of members of the tribe; and of that number a majority, which would be 15 percent plus one Indian, would have the power to control the policy of the tribe.

Mr. THOMAS of Oklahoma. That is about the percentage that controls in our general elections.

Mr. KING. May I say to the Senator that I think it is a little more than that. My recollection is that in one Presidential year which is not very remote the proportion was 48 or 49 percent.

Mr. THOMAS of Oklahoma. I will say to the Senator from Utah that that was an unusually large number.

Mr. KING. From the plentitude of the Senator's experience, and having lived in a State where there are a large number of Indians, does he think it is just and fair to permit 15 percent plus one, as indicated by the able Senator from Arkansas [Mr. ROBINSON], to dominate the tribe and control the financial and other policies of the tribe?

Mr. THOMAS of Oklahoma. Let me say to the Senator that the bill does not apply to my State. My State does not have reservation Indians. The Indians of my State are all allotted Indians. We have no reservations left. The bill applies only to the Western States where there are vast reservations. The Senator from Montana [Mr. WHEELER] is the author of the bill, and I therefore defer to him in that respect.

Mr. ROBINSON. May I ask the Senator a question in that connection? Under existing law, I understand that a majority of the members of the tribe must vote.

Mr. THOMAS of Oklahoma. Under existing law the attorneys have held that if a proposal was put before the Indians, unless a majority of the Indians went to the polls and voted against the proposal it should be declared adopted. Of course, that was not in accordance with any sort of good government, in the opinion of the committee, so we changed the procedure and provided that 30 percent must go to the polls. Then a majority of the 30 percent voting in favor of the proposal would carry it.

Mr. ROBINSON. Under the existing statute and practice, does every Indian eligible to vote have the opportunity of voting, and is he notified of the election, and how is he notified?

Mr. THOMAS of Oklahoma. Yes, Mr. President. The Secretary is presumed to give notice of the elections. As I understand, during the next few months there are to be a large number of elections throughout the Western States, and the Department is very much interested in having this bill passed to clarify the question of voting before the elections are called. The bill is a departmental measure. Of course, if the Senate should think that 30 percent is too small, it is entirely within the prerogative of the Senate to increase the percentage; but that is about the percentage that the Secretary thinks usually vote in general elections throughout the country.

Mr. ROBINSON. It does not seem to me that one who has not studied the subject matter would be in a position to have a very definite opinion as to what the provision should be in regard to the number of Indians that must vote. I content myself with pointing out the fact that 15 percent plus one would be able to impose on the tribe any policy that was involved in the election, and it does seem to me that that is rather a small number.

Mr. THOMAS of Oklahoma. As chairman of the committee, I shall be glad to consent to a motion to strike out 30 percent and substitute a larger percentage.

Mr. ROBINSON. Let the bill go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LEWIS. Does the rule as to 5 minutes' discussion prevail on the bills before the Senate at this time?

The PRESIDENT pro tempore. It does.

Mr. LEWIS. And the limitation of 5 minutes applies to each bill? Senators have only 5 minutes on each bill?

The PRESIDENT pro tempore. Five minutes is allowed to each Senator on each question pending.

BILLS PASSED OVER

The bill (S. 1697) providing old-age pensions for Indian citizens of the United States was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. NORBECK. Mr. President, do I understand that this bill is objected to?

Mr. McKELLAR. It has gone over on my objection.

Mr. NORBECK. I should to like to make a statement about the bill.

Mr. McKELLAR. I shall be glad to withhold the objection until the Senator can make a statement. I desire, how-

ever, to call the Senator's attention to the following statement in the report of the Secretary, which interested me:

If the economic security bill now pending becomes law and it is found feasible to bring the Indians under the provision of that legislation, appropriate recommendations can be made at a later date. I do not believe it feasible, however, to extend the provisions of that legislation to the Indians until further studies have been made and more definite information is available as to the number of beneficiaries involved.

For that reason I made the objection, and asked that the bill go over.

Mr. NORBECK. Exactly so. The Secretary says he does not believe it feasible to bring Indians under the provisions of the security bill; therefore, this bill. That is it exactly.

Are Indians included in the security bill, or are they omitted from it?

Mr. McKELLAR. I do not know.

Mr. NORBECK. I am told that they are omitted, and, therefore, this bill.

Mr. McKELLAR. But the Secretary says:

I do not believe it feasible, however, to extend the provisions of that legislation to the Indians——

Mr. NORBECK. That legislation, the security bill; yes.

Mr. McKELLAR (continuing):

until further studies have been made and more definite information is available as to the number of beneficiaries involved.

Mr. NORBECK. I agree absolutely with the Secretary. It is difficult to bring the Indian question under the provisions of the security bill; therefore, this bill. Read what the Secretary says:

Enactment of S. 1697 will insure the minimum care for numerous individuals not eligible for participation in relief provided by county and State agencies and now inadequately provided through annual Federal appropriations.

Mr. McKELLAR. Yes; but following that he says:

The Acting Director of the Bureau of the Budget, on April 12, advised that—

"Since the pending economic security bill would apply to Indian as well as other citizens of the United States, it is not believed that, pending action on that bill, this bill, S. 1697, should be considered as in accord with the financial program of the President."

It seems to me the bill ought to go over until we ascertain what should be done.

Mr. NORBECK. May I ask if there would be any objection to offering this bill as an amendment to the security bill, in order that we may be treating all persons alike?

Mr. McKELLAR. I have no objection.

Mr. ROBINSON. I think the Senator would be entitled to offer the bill as an amendment to the security bill, if he should find it necessary to do so; but it would be essential to give more time to the consideration of a bill of this important nature than is available under the rule under which we are now proceeding.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

PROCEDURE AND PRACTICE IN CONDEMNATION PROCEEDINGS

The Senate proceeded to consider the bill (S. 1943) to prescribe the procedure and practice in condemnation proceedings brought by the United States of America, including acquisition of title and the taking of possession under declarations of taking, which had been reported from the Committee on the Judiciary with an amendment.

COMMENT UPON DECISION OF SUPREME COURT ON N. R. A.

Mr. LEWIS. Mr. President, I depart from the subject before the Senate to address myself briefly to another topic, and I ask indulgence for not to exceed the 5 minutes limited under the rule.

Public information directs us to the fact that the Supreme Court of the United States on yesterday issued its decision, of rather sweeping character, condemning as unconstitutional a large volume of the legislation which has been inaugurated by Congress to the object of reforming and reconstructing the Republic under the theory of the present administration as commanded by the necessities as judged by the President and officers of the Government.

The opinion of the Supreme Court does much wholly to destroy one of the essential bases upon which the legislation is predicated. This fact is generally conceded. It is conceded that the necessity arises to reform much of that which was the repudiated standard. It is now we are to rebuild on a new foundation under the Constitution.

I rise at this moment to invite the attention of the Senate to the deplorable truth that but a short while ago there were those busy in this Nation accusing the legislative bodies, the President, and his aids of being in some combination to destroy the Constitution, to assert a dictatorship, and to achieve it by preparing to pack the Supreme Court with chosen judges. It was charged that Congress, under orders from the Executive, was to ignore all forms in the fundamental processes of the Republic for the maintenance of the Union and that which is constructed and preserved for freedom and justice to the citizen.

These accusations went all over the world. They would have deprived the Republic of all respect of intelligent mankind should they have been adopted and believed. They terrorized and frightened those who had not paused to note the prejudice that incited the impeachment. They could not see nor realize the injury borne in the slanders.

The opinions of the Supreme Court have now been delivered with such potency as wholly to destroy, surely to shatter, all the basis of that which was erected upon the theory of being at the time necessary to the welfare of the Republic and to the salvation of the citizenry of America.

I invite attention, sirs, to the present situation. There has come no condemnation or threat from anyone in this Government, neither from this honorable Senate, of either side of its politics, nor from any official source has there been expressed one single protest against the Supreme Court as having authority or privilege under the Constitution and laws to declare against the legislation of Congress. Not one voice of dissent has been raised as to the right of the Court to render the decision. Note, sirs, the absence from all sources of one single utterance intimating a disobedience to the opinion or an unwillingness to follow it.

I call the attention of the country to the fact that the distinguished President of the United States, who, within the time that has elapsed, has had full opportunity to express, if there was such an attitude of mind ever possessing him, any revolt against the Court, or any protest against its decision, has shown no wish to do so or desire to disobey the mandate. To the contrary, rather than an ignoring of the mandate of the Court, the President ordered immediate obedience.

In the Senate never from any Member, of any politics, came a murmur of disrespect to the Court. There was not heard one expression that could weaken respect for its jurisdiction, nor the threat of any Member of this body in opposition to the authority of the Court. In all and wholly, there are expressions of complete obedience on the part of this honorable body, words of great respect for the judges from every official, including the President of the United States and the officers of the Government under the President, every one and all proclaiming the Constitution with respect.

Here, again, in all conduct we affirm that this is a constitutional republic. The Constitution is not destroyed. It lives in the hearts of our countrymen, in the respect of the officials of the Government, in the obedience of the legislators; and before the country we present this Republic as a constitutional republic, maintained by its officials and officers in the true doctrine and spirit of the founders, the fathers and the sons, proclaiming America ever as the land of liberty, a country of justice under President and Congress of any politics, a people who ever live and serve for God and country.

I thank the Senate.

Mr. ROBINSON. Mr. President, there can be no question that the decisions of the Supreme Court in the Schechter cases, involving the National Industrial Recovery Act, are important and far-reaching.

The decisions rest upon two conclusions: First, that the rule or standard fixed in the act for the government of the

Executive, charged with the enforcement of the statute, is not sufficiently definite, and that it constitutes an attempt to delegate legislative authority. Second, that in the particular case the acts questioned related to intrastate commerce, to transactions which did not directly affect or injure interstate commerce, and for that additional reason the statute in its application in that case was held invalid.

The effect of the decision is to impair and embarrass the administration of the act, but not to destroy the act. It is entirely practicable to revise the statute so as to conform to the decision.

It should be remarked, in this connection, that the speaker now addressing the Senate does not see how maximum hours or minimum wages relating to workers engaged in purely intrastate transactions can be regulated or controlled by the Congress under the power to regulate interstate commerce.

Mr. BLACK. Mr. President, I regret taking up any time from the consideration of the calendar for even 5 minutes on the subject which has just been discussed. However, having read the opinion of the Supreme Court very carefully, I believe that it is impossible to revive or resuscitate the National Recovery Act in the form in which it has heretofore been presented, and do so within constitutional limitations as set out by the Supreme Court.

It is my belief that the Court has very clearly said that not only was the enactment of the National Industrial Recovery Act an attempt to delegate legislative power, but the Court has clearly demonstrated in its opinion that it is impossible to set limitations and bounds within which any code authority composed of business men can legislate in accordance with the ideas heretofore carried out by the N. R. A.

I believe, however, as I believed 2 years ago, and as I expressed myself in the argument I made upon this floor, that the Congress has the right to protect the workers of this country, who are included in the bill which I have offered, against the imposition of more than maximum hours declared by the Congress with reference to the businesses included in the bill. I believed at the time I offered that bill that it was within constitutional limitations. I believe so yet.

In my judgment, there is absolutely not one sentence and not one word in the opinion written by the Supreme Court, and which was handed down yesterday, which stands as an obstacle against the enactment of the 30-hour-a-week bill, or a bill of similar nature, fixing any hours the Congress may see fit to fix.

Mr. President, that measure invokes constitutional powers which are well recognized. It does not attempt indirectly to do that which could not be done directly. Where the Constitution gives to Congress the power to perform an act, it has been uniformly decided that the mere fact that the exercise of that power may accomplish other purposes incidentally will not deprive the Congress of the right of exercising the power given it by the Constitution.

It is not my intention at this time to discuss this question at length, and, of course, I could not do so, but I simply wished to state that, in my judgment, Congress has the right to legislate along the lines set forth in the bill known as the "30-hour-a-week bill", and that the bill invokes constitutional powers which are well recognized.

It is my further belief that if some action of a constitutional nature is not taken, and taken quickly, there will be several million men and women thrown out of employment in this country. Therefore I believe that Congress at the earliest possible time, recognizing the supremacy of the opinion rendered by the Supreme Court under the Constitution, should proceed to legislate in a direction in which it does have the power, along lines such as those provided in the bill which was favorably reported by the Committee on the Judiciary, and which is pending here today.

It will be my intention to insist, therefore, not that we attempt to do a vain and futile thing and turn over to business to do something voluntarily which we know it cannot do, but to exercise the powers of the Congress if we attempt to regulate hours, as I believe we should, and to do it in a constitutional manner.

Mr. HASTINGS. Mr. President, I merely wish to state that, in my judgment, the bill referred to by the distinguished Senator from Alabama [Mr. BLACK] is very much more clearly unconstitutional than the act which was declared to be so by the Supreme Court on yesterday.

In response to what was said by the distinguished Senator from Arkansas [Mr. ROBINSON], I desire to read to the Senate a memorandum presented to the Committee on Finance by the legal department of the N. R. A. shortly before the resolution introduced by the distinguished Senator from Missouri [Mr. CLARK] was reported to the Senate. The memorandum is as follows:

> The following language of the joint resolution, "(2) no code of fair competition shall be applicable to any person whose business is wholly intrastate," means that no industry in the United States can be subjected to regulation by code. It is unquestionably unconstitutional for lack of due process to require one member of an industry to meet certain standards while his competitor in the same industry, selling the same goods on the same basis to the same potential customers, is left free of those requirements. The above language would mean that within each trade those competitors who cared to organize their business by States could compete with the other competitors free of any limitations or requirements of fair competition. Irrespective of illegality, it would be the most absurdly impossible injustice to require any interstate person to meet fixed requirements in competition with any person whose business is wholly intrastate, the latter being subject to no such requirements.
>
> All competing members of an industry must be regulated or none. The power of Congress to do this is perfectly clear—see, for example, the Shreveport cases.
>
> The above is cited merely as an example of the faults of the proposed resolution, but since it is a vital example it was thought necessary to point it out irrespective of other considerations.

Mr. President, my judgment is that we must return once more to the American principle and permit industries which desire codes of fair competition to be permitted to enter into such codes with the approval of the Federal Government, but, in my opinion, in doing that we cannot compel any single minority member to come into it. The majority, or the three-fourths, or the 80 percent, or the 90 percent of the industries which desire to enter into codes of fair competition approved by the Government must in the end carry the load of the 10 percent chiselers that will always exist in the country. That is a part of America, and we cannot get rid of it, and the Supreme Court has made it very definite to every thinking person.

Mr. KING. Mr. President, I am sure Senators were gratified at the remarks just made by my friend from Illinois, Mr. LEWIS, to the effect that the decisions of the Supreme Court handed down yesterday would be respected and followed not only by the executive and legislative departments but generally by the people of the United States.

The founders of this Republic gave to the New World a form of government superior to any that the world had ever had, and which, it was hoped and believed, would result in the establishment of an enduring Federal Republic dedicated to the cause of liberty and justice. The authority of the three governmental departments was circumscribed, and the functions of each clearly marked out. They knew that the executive branch of most governments had not infrequently exercised autocratic power, and that legislative departments of governments had too often been indifferent to the rights and liberties of the people. They set up the judicial department and conferred upon the Supreme Court of the United States the authority to weigh the acts of the executive and legislative branches, and to restrain them within legitimate and constitutional limits.

The N. R. A. was regarded by many American citizens as an encroachment upon the rights of States and an infringement upon the rights of individuals. Others looked upon its activities and the codes which were formulated, and the methods of their enforcement, as unwarranted efforts to regiment industry and the people of the United States and to compel a course of conduct which would menace our form of government and prove injurious to industrial development and to labor.

I have believed that the act creating N. R. A. would not stand the test of judicial opinion, and I was constrained to believe that it would arrest the forces making for progress and business and financial recuperation. I have believed that when cases were brought to the Supreme Court which squarely presented the question of the constitutionality of the law, the decision would be adverse to those who were contending that it was constitutional.

It is known that when the act was under consideration large industrial interests favored it because they regarded with disfavor the Federal antitrust laws. They saw in the proposed N. R. A. a modification, if not a repeal, of these salutary and imperatively needed laws, which denounced monopolies and monopolistic practices in restraint of trade and commerce. Many selfish interests regarded our antitrust laws as obstacles to their monopolistic control of industry, and therefore they were not adverse to, and, indeed, many of them welcomed, the N. R. A. with the codes which they were permitted to write and enforce.

That big business has been enabled to increase its monopolistic control of industry, I think must be admitted, and it is certain that in every part of the United States the small business man has felt the oppressive and powerful hand of monopoly resulting in severe mortality in many of the fields of trade and industry.

Unfortunately, Mr. President, there have been too many "brain trusters", many of whom have been selected from clever, subtle, and legalistic groups, indifferent to constitutional limitations and to the rights of sovereign States. Certain it is that policies have been favored and measures prepared which tended to aggrandize the power of the Federal Government at the expense of States, of local self-government, and of individual rights.

Reference has too frequently been made to legislation and policies of other countries in which there were not written constitutions and dual forms of government. There have been those whose influence has been exerted to compound the States into one powerful national government, whose authority was to be unrestricted. There have been apostles who urged socialism, and also voices raised in behalf of a centralized government whose authority was not to be challenged.

Mr. President, the American people should be thankful that we have a written Constitution; that the authority of the Federal Government is limited, and that it may exercise only the powers written into the Constitution. We should rejoice that the Constitution expressly declares that there are "reserved to the States respectively, or to the people", all the powers (which includes all the authority) not delegated to the United States by the Constitution nor prohibited by it to the States.

Mr. President, it is quite likely that the decision of the Supreme Court may bring some temporary disappointments and industrial uncertainties; but the American people under the Constitution—and not by regimentation or unauthorized Federal control—developed the strongest Nation in the world—one which has brought wealth and happiness to the American people and advanced high the standard of justice and civilization. The Constitution still lives, thank God, and our republican form of government will be maintained.

Mr. BORAH. Mr. President, I understood the Senator from Delaware [Mr. HASTINGS] to read an opinion from some legal authority connected with the N. R. A. to the effect that codes could not be imposed upon those engaged in interstate commerce unless at the same time codes were imposed upon those engaged in intrastate commerce, because it would be an arbitrary and capricious classification in contravention to certain well-established principles.

I do not think that is a sound position at all. Other things being equal, and complying with the rules which the Supreme Court has laid down, if that is practicable, I think codes may be imposed upon those engaged in interstate commerce, leaving out those who are engaged in intrastate business, because it would be absurd to say that the Congress was discriminating when it was leaving out that with which under the Constitution it had no power to deal.

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

Mr. BORAH. I yield.

Mr. ROBINSON. I agree with the Senator from Idaho, and cite the reference in the Supreme Court's decision of yesterday to the fact that heretofore in other cases the Court has held that when the action of those engaged in intrastate commerce is of such a nature as directly to affect interstate commerce or interfere with it or injure it, their conduct comes within the power of Congress to regulate. In other words, the position taken by the Senator from Delaware is that those engaged in intrastate commerce may do anything they please, and they cannot be reached by national action. The Court has never gone that far. It has never held if intrastate industry undertakes to racketeer with respect to interstate commerce that those so operating cannot be reached.

Mr. BORAH. As I understood the opinion which the Senator from Delaware was reading, it was to the effect that if interstate business was dealt with, as contradistinguished from intrastate business upon a different line, it would be arbitrary and capricious, and therefore subject to certain opinions which the Supreme Court has rendered; but it could not be arbitrary and capricious when we were making the discrimination which the Constitution itself makes.

The Constitution gives to Congress the power to do one thing. It takes away from Congress the power to do another thing. If the Congress passes its control over the principle which is embodied in the Constitution, it could in no sense be considered as capricious or arbitrary; in other words, making a classification based entirely upon an arbitrary and capricious principle.

Mr. ROBINSON. Mr. President, will the Senator permit one more interruption?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator might cite the fact that for many years Congress in the exercise of its power to regulate interstate commerce, with respect to transportation, has recognized the principle of the decision in the N. R. A. case, and that has not resulted in the destruction of those who were engaged in interstate transportation.

Mr. BORAH. Mr. President, I think the difficulty which we have to encounter comes from a different source than that of separating intrastate and interstate business. That difficulty is very great. I should like to offer some views on that feature of the decisions.

What time have I left, Mr. President?

The PRESIDENT pro tempore. About a minute.

Mr. BORAH. I shall wait for another opportunity to conclude my remarks on this subject. Manifestly I cannot discuss the subject in the time now remaining.

Mr. GEORGE. Mr. President, in view of the fact that the decision of the Supreme Court has been brought before the Senate I wish to say that I see nothing in the decision which has not been well-recognized law from the beginning. It lays down absolutely no new principle. It is simply a straight-forward, clear-cut application of existing law to an act of the Congress.

The difficulty has been, Mr. President, that we have tried to circumvent in too many instances the very clear application of well-decided constitutional principles, and that has led us into some difficulty.

I do not think this is an hour for great excitement. The striking down of the N. R. A. in its entirety will not destroy America, nor will it greatly disturb the business of this country. After a few days I am not at all sure that the country will not breathe easier.

There is no difficulty in allowing business to function in the sphere of business. The difficulty has been upon the part of those who wish to stretch the plain provisions of the Constitution and to nullify the plain principles and implications of decided cases, so that the hand of the Federal authority might reach into the remotest hamlet and so disturb the citizen until he could not know what to expect tomorrow morning.

I am not condemning the N. R. A. in its purpose or in its objective. It accomplished good—I may say great good.

However, my judgment is that the act has spent itself substantially, and any effort upon the part of Congress to renew it, unless within clearly defined constitutional limitations, will be a great mistake, because the backbone of this depression, Mr. President, is broken; it is over, and the American people are ready to govern themselves without any attempt upon the part of the Congress to circumvent the plain and salutary and necessary provisions of our Constitution.

Mr. President, undoubtedly the N. R. A. can be renewed, but it can only be renewed by the Congress itself writing the code or writing the formula which will be definite enough to meet the test laid down by the Supreme Court, and it must be applied only to interstate commerce. That is all the Supreme Court has said. The Congress has not the power to go beyond that declaration. It may limit its codes if made by the Congress or made under a formula actually prescribed by the Congress, to interstate commerce and to interstate commerce alone. We have juggled language and talked about currents of commerce and something affecting commerce. All that the Supreme Court has held is that, in the exercise of power to regulate foreign and interstate commerce, when anything within intrastate commerce stood in the way, it could be stricken down as an undue hindrance, and beyond that Congress cannot go. That is all that is meant by the direct effect of any intrastate action on interstate commerce so far as the power of Congress to control interstate commerce is concerned. When we juggle words and manipulate language and try to write saving clauses in legislation, the decision of the Court means only one thing, and that is that we can regulate interstate commerce and we can strike down intrastate commerce when it is an undue impediment, an undue burden on interstate commerce, when it prevents Congress from exercising its powers. That is what the Supreme Court held yesterday, and that is exactly what the Supreme Court has held from the beginning.

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

Mr. GEORGE. I yield.

Mr. BARKLEY. The Supreme Court in its decision yesterday emphasized the facts in the case.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired. The Chair recognizes the Senator from Kentucky.

Mr. McNARY. Regular order.

Mr. BARKLEY. Mr. President, in my time, I will ask the Senator a question. In the decision yesterday the Supreme Court emphasized the facts in a particular case and held that if they affected interstate commerce at all they only affected it in such an indirect way as to make it impossible for Congress to take jurisdiction over it, leaving a plain implication that if a case should be presented where some form of intrastate commerce affected interstate commerce directly the decision of the Court might be different. On the basis of the Shreveport case, where they held, as the Senator so well knows, which holding has been carried out in the Transportation Act, that Congress has the power to nullify the regulations of State commissions or intrastate carriers where they operated as an undue hindrance on interstate carriers, can the Senator visualize any situation, in view of the decision yesterday, pertaining to intrastate business or interstate commerce that would bring itself within the rule laid down somewhat broadly in the Shreveport case which was hinted at yesterday in the decision of the Supreme Court?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. BARKLEY. I yield first to the Senator from Georgia to answer the question.

Mr. GEORGE. I think the Shreveport case is simply an application of well-recognized principles and states the definite limitation as laid down in the Wisconsin case, and the Wisconsin case, in my opinion, is in line with the decision of the Court in the case decided yesterday. Wherever State regulation or law or intrastate commerce so burdens interstate commerce as to interfere with the congressional power——

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. I think we are all interested in this discussion and the argument, but most of us, I think, are familiar with the decision and its implications. This is the morning hour, and we are considering the calendar for unobjected bills, of which there are a large number. I think the rule plainly provides that such a debate as is now going on can only be had by unanimous consent; and I appeal to Senators to let us finish the calendar, and if they want to start at 2 o'clock and consume the rest of the day in discussing the decision of the Court, it will meet with my approval.

Mr. BARKLEY. Of course, I am not seeking to delay measures on the calendar, but I wanted to inquire of the Senator from Georgia his reaction, in view of the discussion in which he was already engaged when I came into the Chamber after being temporarily absent.

Mr. GEORGE. If I may finish my sentence, I do so by simply adding, interstate commerce is affected thereby.

Mr. McNARY. Mr. President, if the Senator will pardon me, I submit again that the debate is out of order.

Mr. GEORGE. I appeal to the Senator to let me finish my sentence.

Mr. McNARY. I invoke the rule that a Senator may speak only once and not longer than 5 minutes.

Mr. GEORGE. I was answering a question in the time of the Senator from Kentucky.

Mr. BARKLEY. I yielded to the Senator from Georgia to answer a question, which he probably would have answered before this time if the Senator from Oregon had not interrupted.

The PRESIDENT pro tempore. The Senator from Georgia has spoken once on this question.

Mr. AUSTIN. Mr. President, I feel compelled to make a brief statement, which will not take, at most, more than a moment, in connection with the remarks regarding the application of the decision of the Supreme Court yesterday to the 30-hour bill.

I quote from the opinion:

> 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.

I quote further the following as bearing upon what is intrastate commerce.

> In the case last cited—

That is the case of *Levering & Garrigues Co.* v. *Morrin* (289 U. S. 103)—

> 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 decision 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 is mining, manufacturing, or growing crops."

And so forth. All I wish to say at this time is when and if the 30-hour bill comes up for consideration, I shall take a view that is contrary to that of the learned Senator from Alabama, for I believe that it is well settled, as reiterated in the opinion of the Court yesterday, that manufacturing and mining and all such pursuits are local and intrastate, and any effort by the Federal Congress to regulate hours and wages in such enterprises is without constitutional authority.

PROCEDURE AND PRACTICE IN CONDEMNATION PROCEEDINGS

The Senate resumed the consideration of the bill (S. 1943) to prescribe the procedure and practice in condemnation proceedings brought by the United States of America, including acquisition of title and the taking of possession under declarations of taking.

The PRESIDENT pro tempore. The amendment reported by the committee will be stated.

The amendment of the Committee on the Judiciary was, in section 2, page 3, line 8, after the word "the", to strike out "officer or agent of the United States charged with the administration of the law authorizing the project or purpose

for which such property is desired may deem sufficient" and insert "court before which such proceedings are pending may deem sufficient", so as to make the section read:

SEC. 2. Whenever any corporation, municipal or private, or any State, or any reclamation, flood-control, or drainage district, or any other public agency, created by any State or by the United States, shall desire to acquire any lands or any easements or other interest therein, in connection with, or for the furtherance of, any project or purpose authorized by Congress, or for the purpose of conveying such land or other property to the United States, and the officer or agent of the United States charged with the administration of the law authorizing the project or purpose for which such property is desired, shall, upon investigation, determine the acquisition of such property by the United States to be necessary or desirable in connection with, or for the furtherance of, any purpose or project authorized by Congress for public use, and shall so certify to the Attorney General with a request that proceedings be instituted for the acquisition of such property, the Attorney General shall cause such proceedings in condemnation to be instituted in the District Court of the United States for the district wherein such property, or any part thereof, is situate, in the name of the United States of America, to acquire title to and possession of such land, easement, or other property therein: *Provided*, That any court costs and expense of said proceedings and any award that may be made thereunder shall be paid by the corporation or agency requesting the condemnation, and that, before any such proceedings are commenced, the payment of such costs and expense shall be secured in such manner and amount as the court before which such proceedings are pending may deem sufficient.

The amendment was agreed to.

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

AMERICAN NATIONAL THEATER AND ACADEMY

The bill (S. 2642) to incorporate the American National Theater and Academy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Leopold Stokowski, of Philadelphia, Pa.; Evelyn Price (Mrs. Eli Kirk Price), of Philadelphia, Pa.; George W. Norris, of Philadelphia, Pa.; Samuel S. Fleisher, of Philadelphia, Pa.; Amory Hare Hutchinson, of Philadelphia, Pa.; Ellen D. Cleveland (Mrs. Richard F. Cleveland), of Baltimore, Md.; Otto T. Mallery, of Philadelphia, Pa.; Roland S. Morris, of Philadelphia, Pa.; Mrs. George H. Lorimer, of Philadelphia, Pa.; Hugh Hampton Young, of Baltimore, Md.; Richard F. Cleveland, of Baltimore, Md.; J. Howard Reber, of Philadelphia, Pa.; Mary Stewart French, of Philadelphia, Pa.; Clara R. Mason, of Philadelphia, Pa.; Katharine Dexter McCormick (Mrs. Stanley McCormick), of Chicago, Ill.; Evangeline Stokowski (Mrs. Leopold Stokowski), of New York, N. Y.; Elsie Jenkins Symington (Mrs. Donald Symington), of Baltimore, Md.; B. Howell Griswold, of Baltimore, Md.; Ann Morgan, of New York, N. Y.; John Hay Whitney, of New York, N. Y.; Otto H. Kahn, of New York, N. Y.; Harriet Barnes Pratt (Mrs. Harold I. Pratt), of New York, N. Y.; Mrs. W. Murray Crane, of New York, N. Y.; A. Conger Goodyear, of New York, N. Y.; Alice Garrett (Mrs. John W. Garrett), of Baltimore, Md.; John W. Garrett, of Baltimore, Md.; Joy Montgomery Higgins, of New York, N. Y.; Arthur Woods, of New York, N. Y.; Helen Woods (Mrs. Arthur Woods), of New York, N. Y.; C. Lawton Campbell, of New York, N. Y.; John H. Finley, of New York, N. Y.; Cass Canfield, of New York, N. Y.; Katharine E. Canfield (Mrs. Cass Canfield), of New York, N. Y.; William Rhinelander Stewart, of New York, N. Y.; Dorothea Blagden (Mrs. Linzee Blagden), of New York, N. Y.; John W. Davis, of New York, N. Y.; Francis Anita Crane, of New York, N. Y.; Frank L. Polk, of New York, N. Y.; Edward M. M. Warburg, of New York, N. Y.; William Green, of Washington, D. C.; Mary Chichester du Pont (Mrs. Felix du Pont), of Wilmington, Del.; Betty Hawley, of New York, N. Y.; Isabelle Anderson (Mrs. Larz Anderson), of Washington, D. C.; Mabel Boardman, of Washington, D. C.; Huibertje Lansing Pryn Hamlin (Mrs. Charles Hamlin), of Washington, D. C.; their associates and successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate. The name of this corporation shall be "The American National Theater and Academy."

SEC. 2. The corporation shall be nonprofit and without capital stock. Its purposes shall embrace:

(a) The presentation of theatrical productions of the highest type;

(b) The stimulation of public interest in the drama as an art belonging both to the theater and to literature and thereby to be enjoyed both on the stage and in the study;

(c) The advancement of interest in the drama throughout the United States of America by furthering in the production of the best plays, interpreted by the best actors at a minimum cost;

(d) The further development of the study of drama of the present and past in our universities, colleges, schools, and elsewhere;

(e) The sponsoring, encouraging, and developing of the art and technique of the theater through a school within the National Academy.

SEC. 3. That the corporation created by this act shall have the following powers:

To have perpetual succession with power to sue and to be sued in the courts of law and equity; to receive, hold, own, use, mortgage, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, bylaws, and regulations to carry out its purposes not inconsistent with the laws of the United States or any States; to establish and maintain offices and buildings for the conduct of its business; to establish State and Territorial organizations and local branches; and generally to do all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

SEC. 4. That the organization shall be nonpolitical, nonsectarian, as an organization shall not promote the candidacy of any persons seeking public office. There shall be no honorary members.

SEC. 5. That said corporation and its State and local branches and subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The American National Theater and Academy."

SEC. 6. That said corporation be, and is hereby, authorized to have its headquarters and hold its meetings at such places within or without the District of Columbia as it from time to time may deem best.

SEC. 7. The corporation is hereby authorized and empowered to receive by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust and to invest, reinvest, and manage the same in accordance with the provisions of its constitution and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of its donors.

SEC. 8. That said corporation shall on or before the 1st day of January in each year make and transmit to Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however*, That said report shall not be printed as a public document. ment.

SEC. 9. That as a condition precedent to the exercise of any power or privilege herein granted or conferred, the American National Theater and Academy shall file in the office of the Secretary or the properly designated officer of each State or Territory or the District of Columbia in which is located either its headquarters or branches or subdivisions thereof the name and post-office address of an authorized agent upon whom legal process or demand against the American National Theater and Academy may be served.

SEC. 10. That the right to repeal, alter, or amend this act is hereby expressly reserved.

BILLS PASSED OVER

The bill (S. 2027) to regulate commerce in petroleum and for other purposes was announced as next in order.

Mr. McKELLAR. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2652) to authorize the President to attach certain possession of the United States to internal-revenue collection districts for the purpose of collecting processing taxes was announced as next in order.

Mr. McKELLAR. May we have an explanation of that bill?

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BOARD OF SHORTHAND REPORTING

Mr. CONNALLY. Mr. President, I ask unanimous consent to recur to Calendar No. 354, being the bill (S. 1453) to create a Board of Shorthand Reporting, and for other purposes. I may say that the Senator from Texas was not in the Chamber when the bill was reached on the calendar. I am confident it will take only a moment or two to act upon it.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, I inquire what is the request?

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent to recur to the consideration of Calendar No. 354, being Senate bill 1453.

Mr. CONNALLY. Let me say to the Senator from Oregon that the Senator from Texas was not present when the bill was reached earlier and was objected to. I have assurance that it will probably not be objected to at this time.

Mr. McKELLAR. Will the Senator explain what the bill proposes?

Mr. CONNALLY. Mr. President, this bill involves no expenditure on the part of the Treasury or the Government. It is simply a bill to provide for a board to examine and certify expert court reporters who practice before the Fed-

eral departments and bureaus of the Government. The fees for the examination will pay all the expenses of the board, and I hope the Senator will allow the bill to pass.

Mr. KING. Mr. President, I understood that an amendment was to be offered cutting down the fee from $40 to $10.

Mr. CONNALLY. The bill now provides for a fee of $25, and it is proposed to cut it to $15. I shall not object to such an amendment.

Mr. ROBINSON. Mr. President, may I ask the Senator from Texas whether the bill forbids the employment in Federal departments or bureaus of persons who have not stood the test provided by the board?

Mr. CONNALLY. Section 9 provides:

> On and after January 1, 1936, no person shall be employed for shorthand reporting in the judicial or executive branch of the Government—

And so forth.

Mr. ROBINSON. May I ask the Senator why the bill is made applicable to the judicial and executive departments and not to the legislative department? I would not be willing to consent that the stenographers in my office be required to come under the provisions of the bill.

Mr. CONNALLY. Mr. President, this is not a stenographer's bill; it is a court reporter's bill. It has to do with the reporters who take the hearings before the committees. It does not refer to stenographers at all; it refers only to court reporters who take hearings before the committees and before the Interstate Commerce Commission and other public bodies. It has no reference whatever to stenographers.

Mr. ROBINSON. What would be the advantages of the bill if it should be passed?

Mr. CONNALLY. I will say to the Senator that a number of the Interstate Commerce Commission members particularly are in favor of some act of this kind, because, under the present law, they have to let out by contract their reporting work, and the result is that firms get it that are not efficient but are incompetent. Under this measure no one could be so employed unless he had a certificate of efficiency. It does not in any wise affect compensation; it does not require the payment of any particular rate. It simply sets up an agency for determining the competency and efficiency of those who engage in shorthand reporting before the departments.

Mr. McKELLAR. Would not the effect be rather to create a monopoly in the shorthand reporting business?

Mr. CONNALLY. It would, in a way, but no more so than in the case of other professions. Lawyers are licensed; doctors are licensed; chiropractors are licensed; even corn doctors are licensed.

Mr. ROBINSON. The provision of section 9, which the Senator cites, is, in full, as follows:

> On and after January 1, 1936, no person shall be employed for shorthand reporting in the judicial or executive branch of the Government unless said person is the holder of a certificate provided for in this act.

My interpretation of that language would be that the President, the executive departments and bureaus, and the judicial departments could not employ a stenographer unless that stenographer had a certificate from the proposed board. I know that the language "shorthand reporting" is used, but it does not seem to me that that language would limit to judicial proceedings or quasijudicial proceedings the provisions of the bill.

Mr. CONNALLY. Shorthand reporting is defined in another section of the bill, I will say to the Senator.

Mr. ROBINSON. Yes. That provision reads as follows:

> When used in this act the term "shorthand reporting" means the making, by use of symbols or abbreviations of a verbatim record of any oral statement or deposition, proceeding of any court, commission, coroner's inquest, grand jury, master, referee, convention, deliberative assembly, or proceedings of like character.

Undoubtedly that language does somewhat limit the term "shorthand reporting."

Mr. CONNALLY. It limits it absolutely and does not include ordinary stenographers such as are employed in our offices.

Mr. ROBINSON. I wish to say to the Senator from Texas that in more than 30 years' experience in the two Houses of Congress I have never found inefficiency in the shorthand reporters who have reported the proceedings of the bodies in whose work I have participated. I doubt the necessity for the proposed legislation.

Mr. KING. Mr. President, I should like to ask the Senator from Texas a question. In the Judiciary Committee a few days ago we approved a bill which permits, as it ought to, the Federal Government, through the Department of Justice, to take depositions and to permit dependents to take depositions in the various States. Under the terms of the pending bill, if I understand its implications, if the Attorney General or an Assistant Attorney General sent someone to California to take the deposition of an important witness for use in the trial of a case he would have to find some stenographer who had a certificate from the proposed board before he could proceed to take the deposition.

We know there are hundreds of roving commissions, and I do not use the term opprobriously, sent from bureaus and boards of the United States, such as the Interstate Commerce Commission, to take testimony. Obviously, in many of the districts to which they go they could not find stenographers who had the certificate which is to be required under the terms of this bill. The result is that in the past they have taken stenographers with them or have relied upon getting efficient stenograpers, State court reporters, or others in the district to which they went. They did not fail, so far as I know, to obtain competent stenographers.

It seems to me the bill is a proposal to superimpose upon the Government additional expense. We are going to interrupt some of its activities and the functions of some of its agencies in their attempts to discharge their duties. I shall vote against the bill, though I shall not object to its present consideration.

Mr. McKELLAR. Mr. President, if it is a good bill as applied to the executive and judicial branches of the Government, why not apply it to the legislative branch? Manifestly it would work quite a hardship upon the legislative branch, as I believe it will upon the executive and judicial branches of the Government. I hope the Senator will let it go over.

Mr. CONNALLY. Of course, the Senator from Texas has no control as to the bill going over if the Senator from Tennessee objects to its present consideration.

Mr. McKELLAR. I do not want to let it proceed further at this time. I should like to have further opportunity to look into it.

Mr. CONNALLY. The Senator from Texas has had the bill up on three different occasions, and it has gone over to enable Senators to look into it. If Senators are not in favor of the bill I do not care to press it at this time.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed for a third reading, read the third time, and passed?

The motion was not agreed to.

Mr. CONNALLY. Mr. President, I ask unanimous consent that the vote by which the bill was rejected may be reconsidered and that the bill may be restored to the calendar.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the vote by which the bill was rejected may be reconsidered, and that the bill may be restored to the calendar.

Mr. McNARY. To what bill does the Senator refer?

The PRESIDENT pro tempore. Calendar No. 354, the bill (S. 1453) to create a board of shorthand reporting, and for other purposes. Is there objection to the request of the Senator from Texas? The Chair hears none, and the bill will be again placed on the calendar.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 212) to liquidate and refinance agricultural indebtedness at a reduced rate of interest by establishing an efficient credit system, through the use of the Farm

Credit Administration, the Federal Reserve Banking System, and creating a Board of Agriculture to supervise the same was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1476) to provide for unemployment relief through development of mineral resources, to assist the development of privately owned mineral claims, to provide for the development of emergency and deficiency minerals, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 112) extending the effective period of the Emergency Railroad Transportation Act, 1933, was announced as next in order.

Mr. LOGAN. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

FARM-PRICE AMENDMENT TO AGRICULTURAL ADJUSTMENT ACT

The bill (S. 2313) to amend the Agricultural Adjustment Act, as amended, with respect to farm prices was announced as next in order.

Mr. SHIPSTEAD. Mr. President, this is the subject matter which was involved in the amendment which was discussed yesterday.

Mr. McKELLAR. Mr. President, let the bill go over and be considered at the time the Agricultural Adjustment Act comes before the Senate for amendment.

Mr. SHIPSTEAD. Yes; it should not be passed now. However, I desire to invite the attention of Senators to the fact that when this amendment was discussed yesterday it was discussed as a part of the House bill. I should like to know whether or not it is intended to pass that bill before it passes the House, if we are going to pass it at all. This bill was passed by both Houses of Congress last year; and because it passed the Senate first, it was vetoed. I could not understand how a House bill could appear before the Senate without having first passed the House. I understand since the debate yesterday that the House bill had not passed the House, and yet it is being considered by the Senate. Is it the intention to pass the House bill before it passes the House?

Mr. ROBINSON. Mr. President, the Senator from South Carolina [Mr. SMITH] is absent at this moment. In view of the decision of the Supreme Court in the National Industrial Recovery Act case and its application to some features of the A. A. A. Act and the amendments thereto which are pending, it is expected, when the call of the calendar shall have been completed under the order now in progress, that a motion will be made to recommit that bill to the Committee on Agriculture and Forestry.

In explanation, however, of how it is that the House amendments are pending in the Senate, let me state that the Senator from South Carolina [Mr. SMITH] offered the bill reported by the House committee as an amendment to the Senate bill in the nature of a substitute for the Senate bill. The bill which he offered as a substitute has not passed the House of Representatives, but it was thought that the substitution proposed would facilitate the disposition of the legislation and bring the two Houses closer together, because the House committee had reported the amendments which the Senator from South Carolina has offered in the form of a substitute for the Senate committee bill.

However, the entire matter of revision of the Agricultural Adjustment Act will be abated for the present, so as to afford an opportunity for the Senate Committee on Agriculture and Forestry to consider a revision of the pending amendments to make them conform to the decision of the Supreme Court in the National Industrial Recovery Act case. It will probably require several days to accomplish that purpose. It is not intended that the bill shall be abandoned, but that it shall be proceeded with when the Committee on Agriculture and Forestry of the Senate shall have had an opportunity to consider the necessary amendments and submit its report to the Senate.

Mr. SHIPSTEAD. Does the Senator consider the bill to be a tax bill?

Mr. ROBINSON. The bill which the Senate considered yesterday?

Mr. SHIPSTEAD. Yes.

Mr. ROBINSON. It may have some relation to the processing tax, but I think it is not a tax bill within the constitutional limitation providing that revenue bills must originate in the House. In any event, however, the question is academic since, for the time being at least, it is expected that the issue pertaining to the A. A. A. amendments will be abated pending further study and revision of the amendments.

COAST GUARD STATION, HOG ISLAND, VA.

The bill (H. R. 65) to provide for the establishment of a Coast Guard station on the coast of Virginia, at or near the north end of Hog Island, Northampton County, was considered, ordered to a third reading, read the third time, and passed.

COAST GUARD STATION, CAPE COD CANAL, MASS.

The bill (H. R. 2015) for a Coast Guard station at the eastern entrance to Cape Cod Canal, Mass., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I ask unanimous consent to revert to House bill 2015, to which objection was made by the Senator from Utah [Mr. KING].

Mr. KING. Mr. President, I have no objection to returning to the bill; but unless an adequate explanation is made I shall object to its passage.

The PRESIDENT pro tempore. Without objection, the Senate will return to House bill 2015.

Mr. KING. I may state to the Senator that a large appropriation was made for the acquisition of the so-called "Cape Cod Canal." I voted against it. I thought it was an improper appropriation of the public money. It seems now that this is merely an additional burden that the Government has assumed in the acquisition of the canal. I should like to know the reason why it is important that there should be a Coast Guard station there when there are now a number on the Massachusetts coast.

Mr. COPELAND. The answer is that, of course, we did take over the Cape Cod Canal; and the report of the Senate Committee on Commerce, following the report of the House committee, is that—

> It is highly essential that the present auxiliary boat and apparatus house be designated a full Coast Guard station and enlarged to meet the demands upon it which will inevitably result from the increase in shipping which will pass through the Cape Cod Canal in the immediate future.

And, of course, the purpose of the station is not to relieve any private interest, but to give protection to American citizens and others who make use of the canal.

I may say that usually the Treasury Department reports against all such measures; but in this case, as the Senator will see on page 2 of the report, the Secretary of the Treasury recommends the passage of the bill.

Mr. KING. Let me ask the Senator whether there is any substantial trade there now?

Mr. COPELAND. Oh, yes; there is an increasing trade through the canal, but the waters there are dangerous, and it is important that there should be safety for the persons who use them.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7205) to amend the Ship Mortgage Act, 1920, otherwise known as "section 30" of the Merchant

Marine Act, 1920, approved June 5, 1920, to allow the benefits of said act to be enjoyed by owners of certain vessels of the United States of less than 200 gross tons was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND subsequently said: I ask unanimous consent to return to House bill 7205, Calendar No. 624, in order that I may say a word about it.

The PRESIDENT pro tempore. Is there objection?

Mr. BLACK. I object, Mr. President. I shall not object after we get a little further along with the calendar.

Mr. COPELAND. Very well.

The PRESIDENT pro tempore. Objection is made at the present time.

CONSTRUCTION OF BUILDINGS IN THE PHILIPPINE ISLANDS

The bill (S. 2278) authorizing the construction of buildings for the United States High Commissioner to the Government of the Commonwealth of the Philippine Islands was announced as next in order.

SEVERAL SENATORS. Let that bill go over.

Mr. TYDINGS. Mr. President, I should like to make a very brief explanation of this bill. The bill has more importance than perhaps Senators are wont to ascribe to it.

I desire to state, first of all, that the Philippines are our eighth best customer—not our fifteenth or twentieth, but our eighth best customer. Our trade with them aggregate about $200,000,000 a year. We have embassies in many countries which rank fifteenth or sixteenth in trade.

When the new Commonwealth Government takes over the Philippines in November of this year there will be no place for the high commissioner to live, because he is now living in Philippine property—a palace or a castle or a fortress, whatever it may be called, at Malacanan—and he will have to move. Options have been taken on ground there at a very reasonable figure; and it is proposed to erect a building so that there will be some place in which to house the administration for the next 10 years. After that our minister or ambassador to the Philippines will need a place in which to conduct business. In my judgment it would be unwise to have the American high commissioner, charged as he is with representing the United States in the islands, live in some temporary quarters and have his offices in some temporary place in the Philippines.

I therefore ask that this bill be not delayed, because if we are to have embassies and ministries over the world I believe our trade relations with the Philippines at present, and as contemplated, will more than justify the construction of this proposed building.

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

Mr. TYDINGS. Yes; I yield to the Senator.

Mr. VANDENBERG. In the law providing for the transfer of property from the American Government to the Commonwealth is there no provision for the retention of any land there which is owned by the United States?

Mr. TYDINGS. There is. I may say to the Senator that places such as Corregidor will be dismantled, in all probability, and much of the war material removed. I do not know that, but that is my supposition. The camps we have in the islands can likewise be torn down. As the Senator knows, many of the camps are but temporary buildings, judged by the standard adopted in colder climates, and I doubt whether it would be feasible to do other than to sell them to the highest possible bidder on the ground, and to realize as much money as possible from such procedure.

Mr. VANDENBERG. Who owns the Governor's Palace at Baguio?

Mr. TYDINGS. The Governor's Palace at Baguio, according to my understanding, is owned by the Philippine government.

Mr. VANDENBERG. Has the Senator any idea of the total value of the land which the American Government is presenting to the government of the commonwealth in connection with the transfer of sovereignty?

Mr. TYDINGS. I did have the figures; but it is my impression that the total value of the land is not nearly so large as most of us had in mind at the time we discussed the Philippine-independence bill. I inquired about it while I was in the Philippines, but at the moment I have not the figures available.

Mr. VANDENBERG. If the Senator will permit the bill to go over for one more calendar day, I think they can be obtained.

Mr. FLETCHER. Mr. President, I desire to call attention to the fact that the bill does not provide for acquiring land.

Mr. VANDENBERG. Oh, yes, it does. I beg the Senator's pardon. There is an estimate along with the bill for the purchase of land. I asked about the matter the last time the calendar was called, and $150,000 of this money is to buy land after we have presented the commonwealth of the Philippines with millions upon millions of dollars' worth of land.

Mr. FLETCHER. I was not looking at the body of the bill, but the title of it is—

A bill authorizing the construction of buildings—

And so forth.

Mr. VANDENBERG. Regardless of the title, the Senator will find that the report contemplates the purchase of land, which is rather a shocking thing to me.

Mr. TYDINGS. In order to clear up that point, I will state that we could locate a building in the Philippines on much cheaper land, but I am familiar with this site proposed to be acquired, and in my judgment, it is about as finely located as it is possible to obtain, and certainly I do not want the United States Government to have a building on some back street. If we are to do this, I think it would be good economy to put this building where it would really be in line with the dignity of our country.

Mr. VANDENBERG. I agree with the Senator's analysis of the situation.

Mr. ROBINSON. Mr. President——

Mr. TYDINGS. I yield to the Senator from Arkansas.

Mr. ROBINSON. I thought the Senator had concluded.

Mr. TYDINGS. I do not desire to delay the Senator from Arkansas, but the Senator from Tennessee [Mr. McKELLAR] rose to ask me a question, and I should like to dispose of as many objections as I can in the short time that is available today.

The PRESIDENT pro tempore. The 5 minutes of the Senator from Maryland have expired. The Senator from Arkansas is recognized.

Mr. ROBINSON. Mr. President, as I understand, the bill is to go over. My suggestion to the Senator from Maryland is that as many as possible of the objections which are likely to be made be disposed of now, so that they will not arise when the bill shall again be taken up.

Mr. President, I rise for the purpose of making a brief statement in response to inquiries which have been made by a number of Senators.

Yesterday, at my request, the following agreement was entered into:

Ordered, That immediately following the convening of the Senate on Tuesday, May 28, 1935, it proceed to the consideration of unobjected bills on the calendar.

There was no adjournment. A recess was taken. Consequently, there has been no morning hour; and my construction of the agreement is that the Senate should proceed with the present order until the conclusion of the call of the calendar for unobjected bills, when necessarily the unfinished business will be laid before the Senate.

I make the statement now because I am compelled, in order to fulfill an engagement pertaining to the public business, to leave the Senate for a time.

The PRESIDENT pro tempore. There being no objection, Senate bill 2278 will be passed over.

REGISTRATION AND REGULATION OF LOBBYISTS

The Senate proceeded to consider the bill (S. 2512) to define lobbyists, to require registration of lobbyists, and provide regulation thereof, which had been reported from the Com-

mittee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That any person who shall engage himself for pay, or for any consideration, to attempt to influence legislation, or to prevent legislation, by the National Congress, or to influence any Federal bureau, agency, or Government official, or Government employee, to make, modify, alter, or cancel any contract with the United States Government, or any United States bureau, agency, or official, as such official, or to influence any such bureau, agency, or official in the administration of any governmental duty, so as to give any benefit or advantage to any private corporation or individual, shall before entering into and engaging in such practice with reference to legislation as herein set out register with the Clerk of the House of Representatives and the Secretary of the Senate, and shall give to those officers his name, address, the person, association, or corporation, one or more, by whom he is employed, and in whose interest he appears or works as aforesaid. He shall likewise state how much he has been paid, and is to receive, and by whom he is paid, or is to be paid, and how much he is to be paid for expenses, and what expenses are to be included, and set out his contract in full.

SEC. 2. Any person, before he shall enter into and engage in such practices as heretofore set forth, in connection with Federal bureaus, agencies, governmental officials, or employees, shall register with the Federal Trade Commission, giving to the Federal Trade Commission the same information as that required to be given to the Clerk of the House and Secretary of the Senate in section 1 of this act.

SEC. 3. At the end of each month each person engaged in such practices as aforesaid shall file, either with the Federal Trade Commission or the Clerk of the House or the Secretary of the Senate, as required herein, a detailed report of all moneys received and expended by him during such month in carrying on his work as aforesaid, to whom paid, and for what purpose, and the names of any papers, periodicals, or magazines in which he has caused any articles or editorials to be published.

SEC. 4. All reports required under this bill shall be made under oath before an officer authorized by law to administer oaths.

SEC. 5. Any person who may engage in the practices heretofore set out without first complying with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or imprisoned for not more than 12 months, or by both such fine and imprisonment.

SEC. 6. Any person who shall make a false affidavit, where an affidavit is required in this act, shall be guilty of perjury, and upon conviction shall be punished by imprisonment for not more than 2 years.

SEC. 7. A new registration shall be required each calendar year on or before January 15.

Mr. O'MAHONEY. Mr. President, may I ask that a statement be made as to the effect this bill would have upon the ordinary practice of law before the departments?

Mr. BLACK. The bill would have no effect in the world on the practice of law or the practice of any other profession. It prohibits nothing. It simply requires those who receive compensation for services in order to influence legislation, or to influence the making of contracts, or action by the departments, to register. The bill imposes no prohibition of any kind or type.

Mr. O'MAHONEY. I have in mind the fact that in the public-land States numerous claims are constantly coming before the Interior Department particularly having to do with homesteads, with oil and gas prospecting permits, with leases, and the like. Residents of these Western States necessarily are dependent to a considerable extent upon the services of attorneys in Washington, for which only moderate fees are paid. Such attorneys are not engaged in influencing legislation, but they are engaged in representing their clients before the departments in the making of contracts. Do I understand that they would be governed by this bill?

Mr. BLACK. The Senator is absolutely correct. I will give him an example of what would be covered.

Some time ago a controversy came up in the Shipping Board over the purchase of some ships. A lawyer was employed, and received a fee of $100,000 for aiding in having those ships sold to his client. During the time of his employment he engaged in services both with the Department and with the executive branch of the Government, writing letters even to the President. Lawyers are constantly in Washington engaged in influencing contracts. Of course, if we exempted lawyers it would simply give them a monopoly on lobbying, which I am sure no one would want to do.

Mr. O'MAHONEY. I quite agree with the Senator. No monopoly should be extended to any class.

Mr. BLACK. I see no injury that could come to any lawyer anywhere in the United States.

Mr. O'MAHONEY. Does not the Senator believe that the provision in section 3 that every person affected by the bill shall make a report at the end of each month of all moneys received and expended would be a little onerous on those lawyers who are not engaged in lobbying and who are merely handling routine law business?

Mr. BLACK. It refers to one who makes money for the purposes specified. If no money were made along those lines, the man would not have to make any report. It is simply intended to impose upon the man who is engaged in influencing contracts, in influencing legislation, and activities of that kind, the necessity of making a report showing what pay he has received.

I may say to the Senator that investigation has shown that frequently men receive thousands and thousands of dollars in fees. For instance, a man came here from the State of Ohio and stayed 3 days, according to the record, and received $3,000 for services, supposedly as a lawyer. The record showed, when we finally obtained the facts, that he had been employed to expedite the passage of the air mail bill. He was a lawyer, and if he had been representing the particular firm down through the months he would have had to make a monthly report of his expenses, but he would not have had to make any monthly report of receipts from his ordinary practice of the legal profession.

Mr. O'MAHONEY. Of course we all are familiar with examples of the kind to which the Senator alludes; but there are also a great many lawyers who are not lobbyists whose practice is altogether beyond criticism, and I am a bit fearful that by this provision they would be subjected to undue restrictions. Therefore, I ask the Senator whether he does not believe that a report every 6 months would cover all that he desires, and at the same time perhaps protect other lawyers who do not try to influence legislation and who are not engaged in any reprehensible practice at all.

The PRESIDING OFFICER (Mr. POPE in the chair). The time of the Senator from Wyoming has expired.

Mr. BLACK. In my own time, then, I may say to the Senator that I do not call all of that business reprehensible at all. It is perfectly legitimate for a lawyer or anyone else to represent someone in connection with legislation. Under the Constitution the right of petition is made secure, and this bill is not intended to deprive anyone of that right.

So far as the feature to which the Senator calls attention is concerned, personally I think it is a mere matter of detail. It had never occurred to me that there would be anything wrong in having a report made monthly. It was not suggested in the committee. The Senator from New Mexico is a member of the Senate committee which considered the measure, and he will bear me out that no one ever made a suggestion as to a change of the kind suggested.

Mr. O'MAHONEY. Mr. President, may I make inquiry as to whether or not the Senator would accept such an amendment?

Mr. BLACK. If the Senator thinks once a month would be too frequent for reports, I suggest that he offer an amendment making the time 3 months, which would accomplish the purpose desired, and I shall not object to it. I am interested in the bill from its major and broader standpoint, and I will accept an amendment to make it 3 months, in line with the Senator's suggestion.

Mr. O'MAHONEY. I offer the amendment to the committee, on page 5, line 14, after the word "each", to strike out the word "month" and to insert the words "3-month period."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, in my own time I ask the Senator from Alabama whether cases of the character to which I shall refer would come within the terms of the bill.

We have appropriated $4,000,000,000 for public works. There are coming to Washington from every State in the Union mayors of cities, representatives of school districts,

representatives of irrigation districts, and representatives of the various corporations and organizations which would be entitled to make application for and to receive a part of the $4,000,000,000. Would this measure require them to register, though they are paid for coming here, though we invite them to come and make a presentation of the claims of their respective organizations? Would they come within the terms of the bill and have to file reports and make the statement that they are lobbyists whether they are representatives of the city of Butte, or of the city of Boise, or of some municipality in Alabama?

Mr. BLACK. I may state to the Senator that we discussed that matter in the committee, as the Senator will recall.

Mr. KING. I was away most of the time, and I did not know it had been discussed.

Mr. BLACK. The Senator was there for a time and raised the question, and it was our judgment that the bill would not require the mayor or the representatives of a city to file a report.

Mr. KING. Suppose it were the attorney for a city, or the attorney for some school district, a man who was employed to come for that purpose. Would he have to register?

Mr. BLACK. Anyone who is employed for such a purpose would be required to register, but the bill would not require the mayor or the regular city attorney or other official of a city to register. It simply is intended to bring about a registration of those who serve for pay in an effort to influence legislation or contracts or things of that character.

Mr. BORAH. Mr. President, would the bill include such gentlemen as those who appeared here a few days ago purporting to represent industry, those who were on the pay roll of the N. R. A. who appeared here for the purpose of seeking an extension of the N. R. A.? Would the bill include them?

Mr. KING. I hope so.

Mr. BLACK. It would include anyone receiving pay for the purpose of influencing legislation or contracts.

Mr. BORAH. They were receiving pay, and they were here to see that their pay continued. They were advocating the extension of the N. R. A. and they were receiving compensation. I think they would come within the terms of the bill. If it would not cover them, it ought to.

Mr. BLACK. As the Senator well knows, so far as I am concerned, I would have been glad to have a far broader bill not only in the connection the Senator mentions but in many other directions. But in order to initiate the legislation we have worked this measure out in committee, seeking to meet the objections of various Senators.

Mr. BORAH. I am not objecting to the bill at this time. I only say that in my opinion it would include those gentlemen, and it ought to.

Mr. McKELLAR. It is certainly a step in the right direction.

Mr. BLACK. I may say to the Senator that I shall not be pained if it does include them.

Mr. BORAH. I shall be fearfully pained if it does not.

The PRESIDING OFFICER. The Chair calls attention to the fact that an amendment similar to that offered by the Senator from Wyoming [Mr. O'MAHONEY] should be inserted in the bill on page 5, line 18.

Mr. BLACK. That is all right. I will accept an amendment at that place.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 5, line 18, after the word "such", it is proposed to strike out the word "month" and to insert the words "3-month period."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

The title was amended so as to read: "A bill to require registration of persons engaged in influencing legislation or Government contracts and activities."

FARMERS' HOME CORPORATION

The bill (S. 2367) to create the Farmers' Home Corporation, to promote more secure occupancy of farms and farm homes, to correct the economic instability resulting from some present forms of farm tenancy, to engage in rural rehabilitation, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. BANKHEAD. Mr. President, if the Senator will withhold his objection for a moment, I desire to say that I have had numerous requests from Members of the Senate and from other sources seeking information as to when this bill would be again considered by the Senate.

It will be recalled that when the bill was recommitted to the Committee on Agriculture and Forestry the Senate ordered that the bill be reported back by May 14, and that action clearly implied that it was the purpose of the Senate again to consider the bill.

I understand that the Copeland pure-food bill and the Wheeler utility bill will probably be taken up. I do not wish to resist in any way the program of the leadership of the Senate, but I desire to give notice that after those two bills shall have been disposed of I intend to move that the Senate take this bill up for action, unless, of course, the leader of the Senate objects.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

ART METAL CONSTRUCTION CO.

The bill (S. 1138) for the relief of Art Metal Construction Co., with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. COPELAND. Mr. President——

Mr. KING. I withhold the objection, but would like to have an explanation.

Mr. COPELAND. This is a bill which would give the Art Metal Construction Co. the right to present its claim to the Court of Claims.

Any Senator who is interested will find on page 2 of the report that there has been no lack of diligence on the part of the corporation involved to have its day in court. The case was tried in the United States District Court for the Western District of New York, and on September 24, 1929, judgment was rendered by the court in favor of the plaintiff for the recovery of the overpayment. The Government appealed the case, and the plaintiff lost on review of the case by the United States circuit court of appeals. Immediately after that several cases with identical issues were brought before the Supreme Court and the issues sustained; so, on the strength of the later decisions, the Art Metal Co. applied for a writ of certiorari. I think—and it was the feeling in the House when a similar bill was previously passed there, and of the Senate committee when it was given further consideration—that this company should have the opportunity to go to the Court of Claims.

Mr. KING. Mr. President, may I ask the Senator upon what ground the relief was denied? I understand from the Senator from New York that appeal was taken to the courts; after, I assume, a fair trial, the court decided adversely to the plaintiff.

Mr. COPELAND. On appeal to the Supreme Court the case was decided adversely to the plaintiff; and then later, in identical cases, in cases involving precisely the same question—namely, whether a timely claim for refund in general terms could be amended—this language appears in the middle of page 2 of the report the Supreme Court granted that right in those other cases; and the feeling of this company was that for some reason or other there was a failure to recognize the merits of the case, which was identical with the other ones.

Mr. KING. May I ask the Senator whether the Treasury Department has recommended favorable or unfavorable action on the bill?

Mr. COPELAND. The Secretary of the Treasury said that he saw no reason why any special treatment should be accorded this taxpayer. He said in his letter:

If, without regard to whether a timely claim may be amended, the claim filed in this case was not a claim in praesenti, as held by the Court, but one which was to become effective as such at some future date, there is no more reason for making an exception to the statute of limitations in this case than there is in numerous other cases.

However, the contention of my constituents is that the courts did, in cases which were identical with this case, grant the same relief asked for in their case, and therefore they feel that they are entitled to it.

Mr. KING. What is the amount involved?

Mr. COPELAND. I am sorry I cannot answer that question off-hand. The amount is indefinite; the amount of $1, or such greater amount as may be refunded.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1138) for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period, which had been reported from the Committee on Claims with an amendment, on page 2, line 13, after the word "overpayment", to strike out "with interest at 6 percent per annum from the date of payment", so as to make the bill read:

Be it enacted, etc., That the time within which suits may be instituted by Art Metal Construction Co., a corporation organized under the laws of Massachusetts, having its principal place of business in Jamestown, N. Y., against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for said period be, and the same is hereby, extended to October 1, 1935, and jurisdiction is hereby conferred upon the Court of Claims of the United States, and it is hereby authorized and directed to hear and determine on the merits any suit commenced therein against the United States prior to October 1, 1935, for the recovery of any overpayment of such taxes, any finding, determination, judgment, rule of law, or statute to the contrary notwithstanding.

And if it shall be found in any such suit that such tax has been overpaid, the court shall render final judgment against the United States and in favor of said taxpayer for the amount of such overpayment, such judgment to be subject to review by the Supreme Court of the United States as in other cases.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

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

BILL PASSED OVER

The bill (S. 738) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof was announced as next in order.

Mr. AUSTIN. Mr. President, at the request of the Senator from Wyoming [Mr. CAREY], I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

PUBLIC-SCHOOL BUILDING, WORLEY, IDAHO

The bill (S. 2462) to provide funds for cooperation with the school board at Worley, Idaho, in the construction of a public-school building to be available to Indian children in the town of Worley and county of Kootenai, Idaho, was announced as next in order.

Mr. KING. May I ask the Senator from Idaho [Mr. BORAH] whether the bill will take Indian children from Indian schools and give them an opportunity to attend public schools?

Mr. BORAH. The bill is designed to cooperate with the school board in building a school building in which Indian children may attend school. At the present time the school facilities are insufficient to accommodate both the white children and the Indian children, and this bill is designed to erect a structure which will accommodate all.

Mr. KING. Are a number of Indian children involved?

Mr. BORAH. The white children are considerably in excess of the Indian children, but the amount of taxable property is about the same.

Mr. KING. Will the building cost more than $101,000?

Mr. BORAH. Yes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $101,000 for the purpose of cooperating with the public-school board of district no. 57, Kootenai County, Idaho, for the construction and equipment of a public-school building at Worley, Idaho: *Provided*, That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by said school district in the said building shall be available to all Indian children of the town of Worley and county of Kootenai, Idaho, on the same terms, except as to payment of tuition, as other school children of said districts: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

LEASING OF UNALLOTTED INDIAN LANDS FOR MINING PURPOSES

The Senate proceeded to consider the bill (S. 2638) to amend the law governing the leasing of unallotted Indian lands for mining purposes, which was read, as follows:

Be it enacted, etc., That hereafter unallotted lands within any Indian reservation or lands owned by any tribe, troupe, or band of Indians under Federal jurisdiction may be leased by authority of the tribal council speaking for such Indians for not to exceed 10 years for mining purposes, subject to approval of the Secretary of the Interior and under such rules and regulations as he may prescribe: *Provided*, That such unallotted Indian lands, other than lands of any of the Five Civilized Tribes and the Osage Reservation, subject to lease under the provisions hereof, may be leased at public auction by the Secretary of the Interior with the consent of the tribal council speaking for such Indians, for oil and/or gas mining purposes for a period not to exceed 10 years and as much longer thereafter as oil and/or gas shall be found in paying quantities, under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That the foregoing provisions shall not be construed to restrict the power of tribes, organized and incorporated under sections 16 and 17 of the act of June 18, 1934 (48 Stat. 984), to lease lands for mining purposes for the terms provided in this act and in accordance with the provisions of any constitution and charter adopted under the act of June 18, 1934.

SEC. 2. That section 26 of the act of June 30, 1919 (41 Stat. 31), as amended by the act of March 3, 1921 (41 Stat. 1231), and December 16, 1926 (44 Stat. 922–923), and any other acts inconsistent herewith, are hereby repealed.

Mr. McKELLAR. May we have an explanation of that bill, Mr. President?

Mr. THOMAS of Oklahoma. Mr. President, this bill is intended to give the Secretary of the Interior power to lease unallotted Indian lands for different purposes, such as developing deposits of building stone, sand, gravel, coal, iron ore, and so forth. Under the law, the Secretary must formally open the lands for prospecting, and so forth, before the lands may be developed. That is held to be a hindrance to the leasing of these lands, whereby the Indians are deprived of vast sums of revenue which they might secure if the inhibitions were removed.

Mr. McKELLAR. Is the bill recommended by the Department?

Mr. THOMAS of Oklahoma. Yes; this is a departmental bill.

Mr. HAYDEN. Mr. President, the second section of the bill repeals the act of June 30, 1919, of which I happen to be the author, authorizing mining for metalliferous minerals on Indian reservations. That act was passed in response to a very wide-spread demand based on the idea that there were supposed to be valuable mineral deposits on a number of Indian reservations which it was desired to open to development. Whenever any mineral land is reserved, it is almost invariably assumed to be valuable. When such lands are opened up there is actually little or no development. I suspect there will be no real advancement of the mining industry under this bill, in spite of the departmental belief that the Indians are to receive great benefits from it.

However, I do desire to submit an amendment to this measure which will exempt the Papago Indian Reservation in Arizona from its provisions. That reservation differs from all others in the United States in that at the time of its creation the general mining laws remained applicable, and title to the minerals in the land did not pass to the Indians.

I offer the amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2638) to amend the law governing the leasing of unallotted Indian lands for mining purposes.

The VICE PRESIDENT. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. On page 2, after line 2, it is proposed to insert as a new section the following:

SEC. 3. That this act shall not apply to the Papago Indian Reservation in Arizona.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, the trouble about this bill is that the time is bad for Indians to lease their land, is it not, with the price of oil as low as it is? Would they not be peculiarly inclined, at this time of depression, to lease their lands for less than they are worth?

Mr. THOMAS of Oklahoma. Mr. President, the oil business has been very bad for years, but now it is much better. In my State, however, this bill would not apply, because the reservations that have oil upon them are controlled by Federal laws. The Osage Reservation is not included in the bill. Unless legislation such as that proposed in the bill shall be enacted, there will be no chance at any time in the future for the Secretary to lease lands, unless when conditions return to normal we shall pass such bills. So, in order that the Secretary may have the necessary legislation to enable him to act, the passage of the bill is requested at this time.

Mr. McKELLAR. Mr. President, I realize that, after all, action depends upon the Secretary of the Interior; and I take it that he will certainly look after the interests of the Indians. If he does not, he ought to do it, because it is very important that the Indians shall not be allowed to fritter away their valuable oil lands.

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

CONCESSIONS, ETC., IN CONNECTION WITH INDIAN PROJECTS

The bill (S. 2656) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Indian irrigation projects and to lease the lands in such reserves for agricultural, grazing, or other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with irrigation projects constructed or being constructed or operated and maintained for the benefit of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules and regulations as he may prescribe, for such considerations and for such periods of time as he may deem proper, the term of no concession to exceed a period of 10 years: *Provided further*, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: *Provided further*, That the tribal lands of any Indian tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 984), shall not be subject to lease or concession except with the consent of the proper tribal authorities, as provided in the said section.

BILL PASSED OVER

The bill (S. 2796) to provide for the control and elimination of public utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

MEASUREMENT OF VESSELS USING PANAMA CANAL

The bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, was announced as next in order.

Mr. COPELAND. I wish to object to the consideration of this bill, but at the same time to state why I object.

A bill similar to this was before the Senate several years ago. I happened to be serving on the subcommittee of the Commerce Committee which, together with the Committee on Interoceanic Canals, considered the bill. When the bill was presented by the Chairman of the Committee on Interoceanic Canals, it was sent to his committee. I protested, because it was a matter having to do with the merchant marine; but it was finally agreed that a subcommittee of the Commerce Committee should meet with the Committee on Interoceanic Canals. The combined committee did meet. Members of the Commerce Committee are not in harmony with this bill, and it is our purpose to file from the Committee on Commerce minority views in opposition to the bill. Therefore, I am objecting to the consideration of the bill today. I do so, not with the thought of seeking to delay action but to have the attitude of the Committee on Commerce presented.

Mr. McKELLAR. I see minority views have already been filed. Under those circumstances it seems to me it would be better for the bill to go over.

Mr. COPELAND. By all means.

Mr. McKELLAR. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 4760) to increase the statutory limit of expenditure for repairs or changes to naval vessels was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

KENNESAW MOUNTAIN MEMORIAL PARK

The bill (H. R. 59) to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

Mr. RUSSELL. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. I will.

Mr. RUSSELL. This bill has been pending in Congress for a number of years, and on one or two occasions much more comprehensive bills have passed the Senate heretofore.

The bill provides for the creation of a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia. As the Senator from Utah is well advised, the engagement at Kennesaw Mountain was the major engagement of the Sherman-Johnston campaign. Over 150,000 men were engaged in that battle. It lasted from June 10 to July 3. It was a battle in which 25,000 men were killed or wounded. Within the confines of this area is a national cemetery in which are interred the remains of 10,000 Union soldiers.

The bill also provides for marking the route of the Sherman-Johnston campaign from Chattanooga to Atlanta. The committee has adopted an amendment to the measure which deprives the Secretary of the Interior of the right of purchasing the land, and makes its acquisition dependent on donations. The bill is recommended by the Secretary of the Treasury.

I hope the Senator from Utah will withdraw his objection.

Mr. KING. Mr. President, I did not know of the proposed amendment. That eliminates the objection I have. Will that amendment be offered?

Mr. RUSSELL. The committee amendment is printed with the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 59) to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, in section 2, page 2, line 11, after the word "Interior", to strike out "*Provided*, That under such funds available therefor he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said national battlefield park as may be necessary for the completion thereof", so as to make the section read:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said national battlefield park as determined and fixed hereunder, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior.

The amendment was agreed to.

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

The bill was read the third time and passed.

INDIAN RESERVATION ROADS

The joint resolution (S. J. Res. 130) making immediately available the appropriation for the fiscal year 1936 for the construction, repair, and maintenance of Indian-reservation roads was announced as next in order, and was read, as follows:

Resolved, etc., That the appropriation of $4,000,000 for the construction, repair, and maintenance of Indian reservation roads, contained in the Interior Department Appropriation Act for the fiscal year ending June 30, 1936, is hereby made immediately available.

Mr. McKELLAR. Mr. President, as I remember, there is an appropriation of $4,000,000 for this purpose in the Interior Department bill, which has already been passed.

Mr. FRAZIER. This has to do with the same appropriation, but the pending bill provides that the appropriation shall be immediately available. Under the regular appropriation bill it will not become available until the 1st of July.

Mr. McKELLAR. Then this bill does not provide an additional appropriation?

Mr. FRAZIER. No.

Mr. McKELLAR. It is merely to make the regular appropriation immediately available?

Mr. FRAZIER. Yes.

Mr. KING. Mr. President, I was advised that the appropriations which were made at the last session of Congress for roads upon Indian reservations have not been exhausted; so that there is no necessity for making the appropriation immediately available.

Mr. FRAZIER. On some reservations the money is exhausted. It was allotted to various reservations and in the case of a number of them, especially in the northern part of the United States, the money has been exhausted.

Mr. McKELLAR. Is this action made necessary by the drought?

Mr. FRAZIER. The money is needed now so that the work may be continued and the Indians may be given labor in order that they may be furnished with meal tickets.

Mr. McKELLAR. With the understanding that the bill does not appropriate any additional sum, I shall not object.

Mr. FRAZIER. No additional money at all is involved.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LOANS TO FISHING VESSELS

Mr. COPELAND. Mr. President, I renew the request I made a few moments ago to return to Order of Business 624, being House bill 7205. The bill went over under objection of the Senator from Alabama.

The purpose of this bill is to permit the R. F. C. to make loans to small fishing vessels. The Congress passed an act providing for the granting of loans of this character because of the distressed condition of the fisheries, but it has been found that in order to extend credit to the fishing industry there must be authorization for loans to vessels of smaller tonnage, and provision is made in this bill for that purpose.

Mr. KING. Mr. President, may I ask the Senator whether there are appropriate safeguards for any loans which may be made by the Government?

Mr. COPELAND. The purpose of the bill is to permit the use as collateral of mortgages upon these fishing boats and such other collateral as may be determined to be necessary. My experience with the R. F. C. is such that if I wanted to borrow any money I would go to a bank and have a better chance of getting it than from the R. F. C.

Mr. KING. Why do not the fishing vessels go to the banks?

Mr. COPELAND. Fishing boats can hardly do that.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 2, at the beginning of line 25, to insert "and for the purposes of this act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this act, be deemed a citizen of the United States", so as to make the bill read:

Be it enacted, etc., That section 30, subsection D, subdivision (a), of the act of June 5, 1920, known as the "Ship Mortgage Act, 1920", be amended by striking out the words "of 200 gross tons and upwards", and adding immediately following the words "vessel of the United States" the following: "(other than towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than 200 gross tons)", and as so amended be reenacted so as to read as follows:

"A valid mortgage which, at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than 200 gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of subsection M, if—

"(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

"(2) The mortgage is recorded as provided in subsection C, together with the time and date when the mortgage is so endorsed;

"(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

"(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

"(5) The mortgagee is a citizen of the United States and for the purposes of this act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this act, be deemed a citizen of the United States."

The amendment was agreed to.

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

The bill was read the third time and passed.

PROCEDURE IN IMPEACHMENT TRIALS

The resolution (S. Res. 18) submitted by Mr. ASHURST January 7, 1935, and reported by the Committee on the Judiciary May 20, 1935, was considered and agreed to, as follows:

Resolved, That in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of 12 Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate,

respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

BILL PASSED OVER

The 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, dependent and crippled children, maternal and child welfare, public health, and administration of their unemployment-compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill may not be considered under the 5-minute rule, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

CAMP EAGLE PASS, TEX.

The Senate proceeded to consider the bill (S. 2326) authorizing the Secretary of War to lease or sell certain lands and buildings known as "Camp Eagle Pass, Tex." to the Eagle Pass & Piedras Negras Bridge Co., which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to sell and convey to the Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, on terms and conditions to be prescribed by the Secretary of War the right, title, and interest of the United States in that portion of the Eagle Pass Military Reservation, Tex., occupied by said company on which its improvements are located.

SEC. 2. That the Secretary of War is hereby further authorized to dispose of the remainder of said reservation in accordance with and under the applicable provisions and conditions of the act approved March 12, 1926 (44 Stat. 203), and may also include in such disposition that portion of the reservation covered by section 1 of this act, if the Eagle Pass & Piedras Negras Bridge Co. shall not elect to acquire said portion or, having made such election, shall not consummate the purchase or accept tender of the deed and pay the consideration within such time as may be fixed by the Secretary of War.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of War to sell to the Eagle Pass & Piedras Negras Bridge Co. a portion of the Eagle Pass Military Reservation, Tex., and for other purposes."

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 86) authorizing an annual appropriation of $10,000 to enable the United States to become a member of the Pan American Institute of Geography and History; authorizing the President to invite the institute to hold its second general assembly in the United States in 1935; and authorizing appropriation of $10,000 for expenses of such meeting was announced as next in order.

Mr. KING. Mr. President, I have no objection to the appropriation proposed by this measure for the next meeting or for the current year, but I object to making the appropriation annual. Therefore, unless the bill can be amended——

Mr. McKELLAR. Let the joint resolution go over for the present.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2762) to exempt from taxation, under certain conditions, on the basis of reciprocity, official compensation of a consular officer, nondiplomatic representative, or employee of a foreign country was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. McNARY. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6453) to amend the act of May 13, 1924, entitled "An act providing for a study regarding the equitable use of the waters of the Rio Grande", etc., as amended by public resolution of March 3, 1927, was announced as next in order.

Mr. WHEELER. I ask that the bill go over.

Mr. KING. Mr. President, I think that bill had better go over. We have had an International Boundary Commission for years, and I should like to know what is the result of their activities.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM FRANK LIPPS

The bill (S. 272) for the relief of William Frank Lipps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Frank Lipps, who was a member of Troop D, Fifteenth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 29th day of January 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

THE NATIONAL GUARD—AMENDMENT TO NATIONAL DEFENSE ACT

The bill (S. 2710) to amend the National Defense Act of June 3, 1916, as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. SCHWELLENBACH. Mr. President, this bill was introduced at the request of officers of the National Guard. It provides for seven amendments to the National Guard Act which was adopted 2 years ago. Amendments 1 and 7 simply provide that the President may send a member of a National Guard unit into active service rather than the entire unit. The ruling at the present time under the present law is that the President is able only to call into service an entire unit. It was never intended that the law should mean that, and that amendment is purely for the purpose of clearing up that situation.

Mr. McKELLAR. The bill has not the approval of the War Department, has it?

Mr. SCHWELLENBACH. It has the approval of the War Department, though the Department feels that it should have a little more experience with the operation of the present act before amending it. However, the Department has no objection to the amendment. Referring to the last sentence of the letter of the Secretary of War, he says:

However, if the Congress desires to act immediately on this measure, I will interpose no special objection to it.

The War Department has no objection to the measure at all.

Mr. McKELLAR. It is specifically pointed out, however, that the bill is not a War Department measure. I will ask the Senator to let it go over for the day, and I will examine it.

Mr. SCHWELLENBACH. Very well.

The VICE PRESIDENT. The bill will be passed over.

SPANISH-AMERICAN WAR MEMORIAL AT TAMPA, FLA.

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, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. TRAMMELL. Mr. President, I should like to make a very brief explanation. This is the first effort toward erecting a memorial to the Spanish-American War veterans. For some years the Spanish-American organization nationally were investigating the question of having a monument erected somewhere dedicated to the memory and the deeds of the Spanish-American War soldiers. After some years they selected Tampa, Fla., as a suitable location, that being the place where the greater number of soldiers were mobilized and stationed until they were sent to Cuba.

After that recommendation was made the city proposed to donate to the Government for that purpose a park which they already have, something like 40 or 50 acres. Then the park commission made an investigation and recommended that it was a suitable site; and the Interior Department also submitted a similar recommendation.

This movement is in the interest of a memorial to the Spanish-American War veterans. We have none anywhere in the country at the present time. I do not believe anyone questions that Tampa, Fla., is the most appropriate and ideal place, considering the circumstances, and I hope the Senator will not object to the bill.

Mr. FLETCHER. Mr. President, may I say, in addition to what my colleague has said, that the land is all to be donated by the city and the bill authorizes its acceptance by the secretary of the Interior?

Mr. KING. May I ask the Senator why $500,000 is required if the land is to be granted by the city without cost?

Mr. FLETCHER. The $500,000 is authorized for the purpose of erecting a suitable monument. The proposal has been passed upon by the National Commission of Fine Arts.

The bill further authorizes organizations themselves to erect on the same site certain monuments which must be appropriate and also be passed upon by the Commission. The bill contemplates the erection of a suitable monument in this park which is called the Spanish War Memorial Park. As I have said, the land is all donated.

Mr. KING. I received sometime ago a communication from a number of persons who went to the Philippines and who participated in the Spanish-American War—and, as the Senator knows, the military activities in the Philippine Islands were perhaps more serious, I would not say more important, than the military activities in Cuba—and they insisted that if there was to be erected a memorial commemorating the services of the American soldiers in the Spanish-American War, it ought to be erected on the Pacific coast.

I shall be very glad to support a measure to show our appreciation of the valor of our soldiers in the Spanish-American War, but I am not quite satisfied that the memorial ought to be erected in Florida.

Mr. FLETCHER. Mr. President, the veterans themselves wish it located there; it is their action; they favor it. The Senator will remember that our forces were largely mobilized and concentrated in Tampa. Colonel Roosevelt was there; he went from there to Cuba; and the veterans themselves have selected this location. I hope the Senator will not object.

Mr. KING. Mr. President, I will not object.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That when title to such lands located on Davis Island in the city of Tampa, Fla., as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said area shall be set apart as The Spanish War Memorial Park, for the benefit and inspiration of the people: *Provided*, That said lands shall be donated without cost to the United States by the city of Tampa, Fla., and the Secretary of the Interior is authorized to accept such conveyance of lands.

SEC. 2. That there is hereby authorized to be located and constructed within said memorial park a suitable monument or memorial to commemorate the patriotic services of the American forces in the War with Spain, which, with landscape treatment of the grounds, sidewalks, and suitable approaches, shall not exceed the cost of $500,000; and the Secretary is for that purpose further authorized and empowered to determine upon a suitable location, plan, and design for said monument or memorial, by and with the advice of the National Commission of Fine Arts.

SEC. 3. In the discharge of his duties hereunder, the Secretary of the Interior, through the National Park Service, is authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions without reference to civil-service requirements or to the Classification Act of 1923, as amended, and that expenditures for such employment shall be construed to be included in any appropriations hereafter authorized for any work under the objectives of this act.

SEC. 4. The Secretary of the Interior is further authorized, by and with the advice of the National Commission of Fine Arts, to authorize and permit the erection in said memorial park of suitable memorials in harmony with the monument and/or memorial herein authorized that may be desired to be constructed by Spanish War organizations, States, and/or foreign governments: *Provided*, That the design and location of such memorials must be approved by the Secretary of the Interior, by and with the advice of the National Commission of Fine Arts, before construction is undertaken.

SEC. 5. The administration, protection, and development of the aforesaid Spanish War Memorial Park, including any and all memorials that may hereafter be erected thereon, shall be exercised under the direction of the Secretary of the Interior by the National Park Service.

WAIVER OF PROSECUTION BY INDICTMENT

The bill (S. 1313) providing for waiver of prosecution by indictment in certain criminal proceedings was announced as next in order.

Mr. WHEELER. I ask that the bill go over.

Mr. KING. Mr. President, will the Senator withhold the objection for just a moment?

Mr. WHEELER. I withhold it.

Mr. KING. Mr. President, there were brought to the attention of the Judiciary Committee, of which I am a member, many cases where persons arrested, in some instances, for misdemeanors and in other for offenses where the punishment was not very great, 1 or 2 years, were indicted; the court, perhaps, would not be held for 3 months or 6 months, and in the meantime they were compelled to remain in jail. They were anxious to plead guilty and enter immediately upon the service of their sentence. This bill merely permits them to plead guilty, to waive trial, and begin their sentence.

Mr. WHEELER. I should like, for the present, to have the bill go over, and I will examine into it in the meantime.

Mr. KING. Very well.

The VICE PRESIDENT. The bill will be passed over.

PROMOTION OF CIVIL-SERVICE EMPLOYEES

The bill (S. 476) relating to promotion of civil-service employees was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. BLACK. Mr. President, before the Senator asks that the bill go over, I should like to explain what it is.

Mr. KING. I may say to the Senator that a number of Senators have spoken to me about it, and I have received several letters concerning it.

Mr. BLACK. I cannot imagine the Senator having received any letters from the civil-service employees, that is if the civil-service employees are sincere in their statements that they want a civil service free from political influence. Of course, if the civil-service employees want the kind of a civil service in which the way to obtain promotion is through congressional and political committee action, they will be against this proposed amendment to the law. It is now against the law for civil-service employees to seek political influence in order to obtain promotions, and yet all the time every Senator has employees coming to him and complaining that they must, in order to secure a civil-service promotion, have congressional aid because someone else gets congressional aid. The bill proposes to carry out the law as it already is written, and provides a method of enforcement. Today, every time a civil-service employee of this country seeks political influence, he does so contrary to law.

What this amendment to the law would do would be to provide that when he obtains a promotion he shall swear that he did not seek political endorsement. If then he gets his promotion, the affidavit goes into the files. When the affidavit gets into the files, if it shall be found that he has made a false statement, he can be punished for having made a false statement, after trial by the Civil Service Board upon due notice.

Mr. KING. Mr. President, the letters to which I have referred relate to a different measure than the one the Senator is discussing. I have no objection to the present consideration of the bill.

Mr. BARKLEY. Mr. President, I think the bill ought to go over so we may look into it further.

Mr. BLACK. Let me continue my explanation until my time has expired.

Mr. BARKLEY. Very well.

Mr. BLACK. It narrows down simply to this: The law now provides there shall be no political influence, and yet every Member of the Senate and most people elsewhere know that the law is flagrantly and willfully and deliberately violated from day to day.

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

Mr. BLACK. I yield.

Mr. CONNALLY. Is there any law to punish the man who yields to political influence and is affected thereby?

Mr. BLACK. I shall be very glad, indeed, to have the Senator offer an amendment to provide that such a man shall be punished.

Mr. CONNALLY. Is there anything in the law to that effect now?

Mr. BLACK. No.

Mr. CONNALLY. I think those are the culpable ones.

Mr. BLACK. If the Senator will offer an amendment to that effect, I shall support it.

I am in favor of doing one of two things: First, I am in favor of abolishing the civil service and having people appointed wholly and completely on political influence, recognizing the old idea that to the victor belongs the spoils; or, secondly, I am in favor of amending the law so as to have real, genuine, honest civil service under which people are promoted on merit alone and not upon political recommendation.

Mr. CONNALLY. The worst form of political influence is the influence within the departments themselves. If the Senator can find some way to punish people for that, I think it ought to be included.

Mr. BARKLEY. The worst form of injustice is some little bureau head with a pet or some pets in his bureau, who never permits anybody to be promoted except those pets unless the others have some political influence to help them get a promotion.

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

Mr. BLACK. My time has about expired, but I yield to the Senator from Tennessee.

Mr. McKELLAR. Prior to 1913 an employee of the Government did not have the right to write a letter to his Representative or Senator about any matter. We enacted a law then authorizing employees to take up matters of importance to them with their Representatives and Senators. I think it is proper that they should be permitted to do that. I do not think they ought to be precluded and prohibited by the head of a bureau or department from taking up matters which concern them with their Representative or Senator. I do not believe that should be prohibited at all.

Mr. BLACK. The Senator will, perhaps, remember that I took up that matter with him.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. McKELLAR obtained the floor.

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

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BLACK. I talked to the Senator from Tennessee about this particular measure and asked him about it before I even prepared the bill.

Mr. McKELLAR. I do not recall that at the present time.

Mr. BLACK. I talked to quite a number of Senators, the Senator being one of the first, because I thought he was a member of the Civil Service Committee.

Mr. McKELLAR. I am.

Mr. BLACK. Up until this time I have never heard any objection to the proposal. Senators talk about pets in the departments. I have heard and every other Senator has heard about pets in the departments. Why should the person we are employing under the civil service have to depend for his promotion upon the tenacity, the continuous action, the plugging, or the political influence or political activity of his Senator or Representative? I deny that such a method is fair to the employees, fair to the Government, or fair to the public.

Of course, if the best way to do it is to continue to have civil-service employees promoted on the basis of how active their Senator is or how active their Representative is, or how active some committeeman is in the Democratic or Republican Party, then the bill ought to be defeated. But when it is defeated we ought to go the whole way and abolish the civil service and stop having the pretense that we have civil service.

Mr. McKELLAR. Mr. President, will the Senator yield to me in my own time?

Mr. BLACK. Yes; I yield to the Senator from Tennessee in his time.

Mr. McKELLAR. I received a letter the other day enclosing a circular. The circular was signed by a man by the name of Donald Clark, from the State of Maine, as I am informed, but at present carpetbagging in Tennessee, being at the head of the C. C. C. camp in my State. The circular said that it had come to the notice of this bureaucrat that certain of his employees had written letters to Representatives and Senators and that they had received letters from Representatives and Senators. He issued an order, and his order required that thereafter any member of the C. C. C. organization in that locality or in that district who received a letter from a Senator or Representative should at once refer it to this bureaucrat for reply. I think that order is the very essence of impudence. It was issued in the C. C. C. camp. As a Senator from Tennessee, I resented the order. I think the man ought to be removed from office and then prosecuted under the act of 1912. However, I cannot even see his superior here, Mr. Silcox, as that gentleman is too high and mighty to confer with a Senator. Later on I shall give to the Senate the facts more fully about the matter. It is just another case of two men clothed with a little brief authority which has gone to their heads.

The VICE PRESIDENT. On objection, the bill will be passed over.

FUNERAL EXPENSES OF THE LATE SENATOR CUTTING

The resolution (S. Res. 137) to pay certain funeral expenses of the late Senator Bronson Cutting was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Bronson Cutting, late a Senator from the State of New Mexico, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

INVESTIGATION OF LABOR CONDITIONS, PANAMA CANAL ZONE

The resolution (S. Res. 122) for an investigation of the labor conditions in the Panama Canal Zone was announced as next in order.

Mr. KING. Mr. President, I ask an explanation of the resolution before I consent to its present consideration.

Mr. SHEPPARD. Mr. President, a bill was introduced by me and referred to the Committee on Military Affairs providing that only American citizens be employed in, on, or about the locks, docks, coaling plant, drydocks, and other plants under the jurisdiction of the War Department, the Navy Department, the Panama Canal, or the Panama Railway Steamship Line on the Canal Zone. My bill also provides that only American citizens shall be employed in offices and activities, other than those mentioned, if any such occupations be of a nature which would permit an alien to aid, comfort, or support an enemy in the event of our involvement in war. It is my information that 75 or 80 percent of the employees in the Zone are aliens. The committee on Military Affairs wishes to have personal knowledge of the situation, and has provided through the pending resolution, also introduced by me, that a subcommittee may be sent to the Canal Zone to investigate and report.

Mr. KING. Mr. President, I have been in the Canal Zone. We have a military government there, quasi-civil with a military commander. The Canal is under control of a military organization. It seems to me there is sufficient authority, both military and civil, to obtain the information without adopting such a resolution.

Mr. SHEPPARD. We would like to make the investigation on our own authority. We would feel better satisfied and I think the Senate would feel better satisfied if we would send some of the members of our committee there to make the investigation.

Mr. KING. If members of the Military Affairs Committee want to take a trip to the Canal Zone, let them do so.

Mr. SHEPPARD. There is no desire on the part of any member of the committee to make a trip to the Canal Zone merely for the sake of the trip. It has been a matter of extreme difficulty to find members of the committee who will agree to go. We have not yet been able to secure more than one member for that service. We hope we can prevail on other members to go.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That the Committee on Military Affairs, or any duly authorized subcommittee thereof, is authorized and directed to investigate the labor conditions in the Panama Canal Zone with a view to determining the advisability of enacting S. 1819, Seventy-fourth Congress, first session. The committee shall report to the Senate, as soon as practicable, the result of its investigation, together with its recommendations.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fourth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable.. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $1,500, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

EXTENSION OF CLASSIFIED SERVICE

The bill (S. 1952) extending the classified executive civil service of the United States was announced as next in order.

Mr. McKELLAR. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. McKELLAR. Mr. President, I want to ask the junior Senator from Kentucky [Mr. LOGAN] a question. Will he refer to the bill which was just passed over at my request?

I invite the attention of the Senator from Kentucky to the third and fourth lines where it is provided "with the exception of such positions as the President may exempt by Executive order." Does the Senator think, in view of the decision of yesterday by the Supreme Court, that is a constitutional provision?

Mr. LOGAN. Mr. President, I think so. In other words, that has been the law so long that I think it would still stand. However, when it comes to determining what is constitutional and what is unconstitutional, everybody except myself seems to know all about it.

Mr. McKELLAR. I do not know anything about it and that is why I inquired of the Senator from Kentucky.

NATIONAL ZOOLOGICAL PARK

The bill (S. 1929) to clarify the status of the National Zoological Park, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the National Zoological Park shall be operated and maintained, under the direction of the Regents of the Smithsonian Institution, as an establishment of the Government of the United States.

TEXAS CENTENNIAL EXPOSITION

The Senate proceeded to consider the joint resolution (S. J. Res. 131) 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, which had been reported from the Committee on the Library with an amendment, on page 5, line 2, after the word "exposition" to insert the words "or the commission of control for Texas Centennials celebrations", so as to make the joint resolution read:

Whereas there is to be held in the State of Texas during the years 1935 and 1936 an exposition and celebrations commemorating the historic period of Texas history and celebrating a century of independence and progress; and

Whereas the State of Texas, the city of Dallas, Tex., and the Texas Centennial Central Exposition, a corporation, are making $9,000,000 available for such exposition through appropriations and bond issues; and

Whereas such exposition is commemorative of a heroic and successful struggle to establish the independence of a Republic, and this accomplishment resulted from the efforts of patriotic Americans of all sections of our country and led to the acquisition of territory extending far beyond the borders of Texas; and

Whereas the Republic of Texas continued for 9 years after the establishment of its independence and prior to its admission to the Union as a State and foreign governments sent their diplomatic representatives to the Republic of Texas; and

Whereas such exposition and celebrations are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such expositions and celebrations in the past: Therefore be it

Resolved, etc., That the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition with a request that they participate therein.

SEC. 2. There is hereby established a commission, to be known as "The United States Texas Centennial Commission", and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which commission shall serve without additional compensation and shall represent the United States in connection with the holding of an exposition and celebrations during the observance of the Texas Centennial in the State of Texas during the years 1935 and 1936.

SEC. 3. There is hereby created a United States Commissioner General for the Texas Centennial Exposition and celebrations to be appointed by the President with the advice and consent of the Senate and to receive compensation at the rate of $10,000 per annum and one or more assistant commissioners for said Texas Centennial Exposition and celebrations to be appointed by the Commissioner General with the approval of the Commission herein designated and to receive compensation not to exceed $7,500 per annum, respectively. The expenses of the Commissioner General and such staff as he may require shall be paid out of the funds authorized to be appropriated by this joint resolution.

SEC. 4. The Commission shall prescribe the duties of the United States Commissioner General and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Texas Centennial Exposition by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials and documents and papers as may relate to this period of our history and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 5. The Commissioner General is authorized to appoint such clerks, stenographers, and other assistants as may be necessary, and to fix their salaries in accordance with the Classification Act of 1923, as amended; purchase such materials, contract for such labor and other services as are necessary, and exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated) to the Assistant Commissioner or others in the employ of or detailed to the Commission as may be deemed advisable by the Commission.

SEC. 6. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner General in the procurement, installation, and display of exhibits, and to lend to the Texas Centennial Commission and the Texas Centennial Central Exposition, with the knowledge and consent of said Commissioner General such articles, specimens, and exhibits which said Commissioner General shall deem to be in the interest of the United States and in keeping with the purposes of such exposition and celebrations to place with the science or other exhibits to be shown under the auspices of such Texas Centennial Commission or the Texas Centennial Central Exposition or the Commission of Control for Texas Centennials Celebrations, to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or branches to assist said Commissioner General. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, said Commissioner General shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

SEC. 7. The sum of $3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and shall remain available until expended. Subject to the provisions of this joint resolution and any subsequent act appropriating the money authorized herein, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution and to allocate such sums to the Texas Centennial Commission and the Texas Centennial Central Exposition for expenditure by such bodies in any part of the State of Texas as the Commission deems necessary and proper in carrying out the purposes of this joint resolution. And, subject to the provisions of this joint resolution and any subsequent act appropriating the money authorized herein, the Commission is authorized to erect such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof; to rent such space as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; and to provide for the decoration of such buildings or structures, and for the proper maintenance of such buildings or structures, site and grounds during the period of the exposition. The Commission may contract with the Texas Centennial Commission and/or the Texas Centennial Central Exposition for the designing and erection of such building or buildings, structure or structures, and for the rental of such space as shall be deemed necessary and proper. The appropriation authorized under this joint resolution shall be available for the operation of the building or buildings, structure or structures, including light, heat, water, gas, janitor, and other required services; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the exhibits of the Texas Centennial Commission or the Texas Centennial Central Exposition; for the compensation of said Commissioner General, Assistant Commissioners, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, and for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $6 per day: *Provided,* That no such Government official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed, plus such reasonable allowance for travel, including travel by air, and subsistence expenses as may be deemed proper by the Commissioner General; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of refcrence and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other appropriate publications, and ice and drinking water for office purposes: *Provided,* That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner General and Assistant Commissioners in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided,* That the Commission, as hereinbefore stipulated, may delegate these powers and functions to said Commissioner General, and said Commissioner General, with the consent of the Commission, may subdelegate them: *Provided further,* That the Commission or its delegated representative may allot funds authorized to be appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner General or by such assistants as he may designate except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *Provided,* That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

SEC. 8. The Commissioner General, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner General is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the exposition and celebrations or when the connection of the Government of the United States therewith ceases, the Commissioner General shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided,* That all disposition of materials, property, buildings, and so forth, shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States.

SEC. 9. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

Mr. SHEPPARD subsequently said: Mr. President, I ask unanimous consent to have published in the RECORD in connection with the passage of Senate Joint Resolution 131 an explanatory statement prepared by my colleague [Mr. CONNALLY] and myself.

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

TEXAS CENTENNIAL CELEBRATION

[Statement by Senators SHEPPARD and CONNALLY in explanation of S. J. Res. 131]

Texas is making preparation to celebrate in 1936 the heroic period of its struggle for freedom and 100 years of its independence and progress. To this end the people of the State have taken many steps.

The legislature submitted an amendment to the constitution authorizing the celebration and permitting the appropriation of public money for that purpose;

The people of the State by a handsome majority adopted this amendment;

The legislature set up an organization, composed of about 40 leading men and women, known as the "Texas Centennial Commission";

The legislature has appropriated the sum of $3,000,000 out of the general revenue of the State and created a commission of control to exercise jurisdiction over expenditure of the sum appropriated.

Through legislative direction and under the auspices of the Texas Centennial Commission, the city of Dallas was chosen as the city in which is to be held the Texas Centennial Central Exposition.

The city of Dallas by popular vote has authorized the issuance of municipal bonds in the sum of three and one-half million dollars.

The Texas Centennial Central Exposition, incorporated under the laws of the State, has authorized the issuance of bonds to be sold to the public in the sum of two and one-half million dollars, practically one and one-half million dollars having been already subscribed and the remainder now being in process of subscription.

Thus, from State, municipal, and public sources the State of Texas will provide a total sum of $9,000,000 in cash as its part in holding the Texas Centennial Exposition and other celebrations.

The people of Texas desire and plan a centennial that is more than a local, provincial, or mere State enterprise. They purpose to make the centennial, as declared by the Texas Centennial Commission, "Texanic in its ideals, continental in its proportions, and international in its scope."

They feel that the event is one that calls for national participation in a big way and in generous fashion.

We submit that the sum of $3,000,000 is a modest amount to be appropriated by the Congress for suitable representation in a celebration of events so romantic and meaningful in our own national history.

The Texas colonists organized a revolution against the Government of Mexico in behalf of a republic of their own.

The Alamo, Goliad, and San Jacinto followed in quick succession.

At the Alamo, a combination of mission and fort, 150 hardy Texas pioneers, led by Travis, Bowie, Bonham, and Crockett, beleaguered by an enemy force of 3,000, refused to retreat or surrender and were all killed setting an example of heroism and sacrifice in behalf of human liberty unsurpassed since time began.

At Goliad 300 Texas patriots, who had surrendered to overwhelming numbers under what they considered a pledge of protection, were killed in violation of all rules of civilized warfare, and left as a legacy a sacred shrine of patriotism that will endure as long as love of country shall find lodgment with the race.

At San Jacinto was fought one of the decisive and significant battles of history.

On the one side was Sam Houston, with 750 untrained soldiers, most of them under 30 years of age, armed with pistol, knife, and rifle; on the other side was Santa Anna, boasted Napoleon of the west, with more than double the American numbers.

In an open day, on a clear prairie, the Texas soldiers delivered a sudden attack; they fought with "Remember the Alamo! Remember Goliad!" as their battle cry; they won in 20 minutes one of the pivotal battles in American and world history. Enemy

losses were 600 killed, 500 wounded, about 600 put to flight, while Texas losses were 6 killed and 20 wounded. Among the captives was the enemy's commander, the dictator of Mexico, Santa Anna. That day Anglo-American civilization was permanently planted in what is now Texas and the American Southwest.

In the progress of mighty events, on the 2d day of March, 1836, four days before the fall of the Alamo, at Washington on the Brazos, in a straggling settlement in the woods with a hundred population, in a crude gunshop as its independence hall had been held a convention of 57 delegates arriving on horseback, remarkable in the environment, circumstances, and speed with which a new government was set up.

On the second day of the meeting a declaration of independence was adopted, comparable both in diction and in ideals to the great American Declaration.

In 14 days a constitution had been prepared, debated, and proclaimed for submission to the people—a constitution which Daniel Webster declared was surpassed only by our Federal Constitution and was without a superior among the constitutions of the States.

It is worthy of note that these plain-garbed pioneers in the wilderness were also pioneers in three great principles in the charter of human rights. For the first time in history they wrote in their constitution that woman should have equal property rights with man; that the homestead of the family should be exempt from forced sale, and the abolishment of imprisonment for debt—barbarous relic of man's inhumanity to man—15 years prior to a similar act of the United States Congress.

Thus was set up the Republic of Texas, for the reconquest of which Mexico still labored; for the sovereignty over which both Spain and France still played their hands in the field of diplomacy; a separate nation among the nations of the earth, whose people longed to be united with their mother country; a government whose fate for nearly 10 years was the football of American politics, until at last the lone star was added to the stars of the American flag.

Annexation was followed by war with Mexico, a war in which new glory was won for American arms, from Resaca de la Palma to Chapultepec; a war that was closed by the treaty of peace signed at Guadalupe Hidalgo, by the terms of which the American domain was extended from the Sabine River to the Pacific Ocean.

Thus, in the wake of Texas independence, which after 100 years her people desire to celebrate, followed as the night the day the addition of nearly a million square miles of what is now United States territory.

Out of this vast territory have been carved the new States of New Mexico, Arizona, Utah, Nevada, California, and parts of Oklahoma, Kansas, Wyoming, and Colorado.

Should anyone undertake to liken what Congress should do for the Texas Centennial to the sum of $250,000 appropriated for the San Diego Exposition, we answer that the sum raised by the sponsors of the latter was only $700,000.

If a precedent in amount should be suggested by the appropriation of $1,175,000 for the Century of Progress, we answer that the municipality of Chicago raised nothing; that the State of Illinois appropriated only $350,000 in 1933 and $100,000 in 1934.

Should we search for a basis of comparison, the nearest parallel in our country's history is the Louisiana Purchase Exposition held at St. Louis in 1904. This special event boasted the acquisition of territory 121,000 square miles less than that gained through the independence of Texas and the Treaty of Hidalgo.

To the Louisiana Purchase Exposition the Congress loaned $4,600,000 and made outright donations totaling $6,575,000.

Missouri amended its State constitution and appropriated $1,000,000; Texas amended its constitution and appropriated $3,000,000.

The exposition and the city of St. Louis, with a population of approximately 475,000, raised the sum of $10,000,000; the city of Dallas, including its environs, with a population of approximately 330,000, offers to raise in cash the sum of $6,000,000 and further offers the free use of its State fair acreage and buildings, recently appraised under oath at more than $4,000,000.

Measured by any yardstick the Texas Centennial surely commands not less Federal participation and support than the St. Louis Exposition, and yet the actual outright contributions made thereto by the Government totaled more than twice the amount requested by those representing Texas of the Federal Government.

We suggest that this meritorious measure should appeal to the patriotism of every Member of Congress without regard to section or party.

As Texans, we submit that Texas does well to pause at the end of the century to celebrate her history, independence, and progress.

As Americans, we submit that the event is one in which the whole country should rejoice and participate, because the history of Texas is inseparably interlinked with American destiny and expansion.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILL PASSED OVER

The bill (S. 1225) for the relief of Harry H. A. Ludwig was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

RETIREMENT OF CERTAIN OFFICERS AND EMPLOYEES

The Senate proceeded to consider the bill (S. 2364) relative to the retirement of certain officers and employees, which had been reported from the Committee on Civil Service with an amendment, on page 2, line 4, after the word "fund", to insert the words "to those persons entitled and who make application therefor", so as to make the bill read:

Be it enacted, etc., That all officers and employees of the United States Government or of the government of the District of Columbia who had reached the retirement age prescribed for automatic separation from the service on or before July 1, 1932, or during the month of July 1932, and who were continued in active service for a period of less than 31 days after June 30, 1932, shall be regarded as having been retired and entitled to annuity beginning with the day following the date of separation from active service, instead of August 1, 1932, and the United States Civil Service Commission is hereby authorized and directed to make payments accordingly from the civil-service retirement and disability fund to those persons entitled and who make application therefor.

Mr. KING. Mr. President, will the Senator from Tennessee explain the bill?

Mr. McKELLAR. Mr. President, I will say to the Senator from Utah that the purpose of this bill is to compensate those persons who were continued in the active service for some period less than 31 days during the month of July 1932. Under the Legislative Appropriation Act of 1933 all employees who had reached the retirement age on or before July 1, 1932, were compelled to retire unless specifically exempted by Executive order.

The Departments retained some 52 employees of retirement age, who had not been exempted by such Executive order, during part or all of the month of July but could not pay them, as no appropriation was provided for them and their retirement pay did not begin until August 1, 1932, the first of the month following their actual retirement.

Inasmuch as these people had done work for the Government and were deprived of compensation by a mere accident in the wording of legislation, there being only 52 of them, the committee thought they were entitled to their pay for the remainder of the month of July 1932, and we have so reported. I hope the Senator will let the measure pass.

Mr. KING. Mr. President, would that involve a duplicate payment of salary?

Mr. McKELLAR. Oh, no; not at all. It would merely permit the Government to pay the 52 persons who could not receive their pay under the act; but they did the work.

Mr. WHEELER. The payment authorized is for work already performed.

Mr. McKELLAR. For work already performed. These employees performed the work in good faith at the request of the Department, but it could not be paid for because the appropriation did not provide for it.

Mr. KING. The Senator has not answered my question. I did not make it clear. What I am trying to ascertain is whether the bill is to provide compensation for a period when the employees received retirement pay.

Mr. McKELLAR. Oh, no; they received no retirement pay and they received no pay for the actual work done. This bill is merely to pay them for the actual work done.

Mr. KING. I think it is just.

Mr. McKELLAR. I thank the Senator.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

BILL PASSED OVER

The bill (S. 2405) to provide for a special clerk and liaison officer was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EASTERN AND WESTERN CHEROKEE INDIANS

The Senate proceeded to consider the resolution (S. Res. 136) relative to gratuities charged in settlements with the

Eastern and Western Cherokee Indians, which was read, as follows:

Resolved, That in the settlement heretofore provided for and authorized with the Eastern and Western Cherokees, respectively, by the act approved April 25, 1932 (Public, No. 105, 72d Cong.), authorizing gratuities to be charged against them, it was the purpose of the act to charge only gratuities in money or property paid to those whose names are upon the rolls of such Indians.

Mr. KING. Mr. President, will the Senator from Oklahoma please explain this resolution?

Mr. THOMAS of Oklahoma. Mr. President, this is a simple Senate resolution. It is not a bill. It is not even a concurrent resolution. The purpose is to clarify, by interpretation, a law formerly passed, giving these Indians the right to go into the Court of Claims.

The resolution states that only moneys or property paid to Indians whose names are upon the rolls shall be charged against their claims. It is thought to be the purpose of the Government to charge them with amounts paid for education of school children, but not directly paid to the Indians at all, perhaps paid to some other family; and it is intended to exclude that sort of payments as counterclaims and offsets against the claims the Indians may make against the Government. The resolution is purely a clarification or interpretation by the Senate committee of a measure heretofore approved by the Congress.

Mr. McKELLAR. Did not the Department report against it?

Mr. THOMAS of Oklahoma. They would not recommend it, but they did not report adversely. They said it was a matter for Congress to pass upon.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

HARLEM SCHOOL DISTRICT NO. 12, BLAINE COUNTY, MONT.

The bill (S. 1521) to provide funds for cooperation with Harlem School District No. 12, Blaine County, Mont., for extension of public-school buildings and equipment to be available for Indian children, was announced as next in order.

The PRESIDING OFFICER. This bill is the same as Calendar No. 773, House bill 5216.

Mr. WHEELER. I ask that House bill 5216 be substituted for Senate bill 1521. The bills are identical.

The Indian Affairs Committee has reported Senate bill 1521 favorably, and House bill 5216 is identical with it. I therefore ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill.

The Senate proceeded to consider the bill (H. R. 5216) to provide funds for cooperation with Harlem School District No. 12, Blaine County, Mont., for extension of public-school buildings and equipment to be available for Indian children.

Mr. KING. Mr. President, may I ask the Senator from Montana whether there are Indian children who will attend the school in this district?

Mr. WHEELER. There are a large number of Indian children who attend this Indian school. It is practically on the reservation. Harlem is a little town where practically all the Indian children go to this high school.

Mr. KING. May I ask the Senator regarding the next bill, which we have not yet reached—Calendar No. 682, Senate bill 2094—if he would make the same reply if I should propound the same question with respect to the public school at Medicine Lake?

Mr. WHEELER. There is exactly the same state of affairs there.

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

The PRESIDING OFFICER. Without objection, Senate bill 1521 will be indefinitely postponed.

PUBLIC SCHOOL, MEDICINE LAKE, MONT.

The bill (S. 2094) to provide funds for cooperation with the school board at Medicine Lake, Mont., in construction of a public-school building to be available to Indian children of the village of Medicine Lake, Sheridan County, Mont., was announced as next in order.

The PRESIDING OFFICER. This bill is the same as Calendar No. 772, House bill 6315.

Mr. McKELLAR. The situation here is the same as in the case of the other bill?

Mr. WHEELER. The same as in the case of the other bill. I ask that House bill 6315 be substituted for Senate bill 2094.

Mr. KING. There is no change in the amount, is there?

Mr. WHEELER. There is no change in the amount. The bills are identical as I understand.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the House bill.

The bill (H. R. 6315) to provide funds for cooperation with the school board at Medicine Lake, Mont., in construction of a public-school building to be available to Indian children of the village of Medicine Lake, Sheridan County, Mont., was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2094 will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 373) for the relief of the American Surety Co., of New York, was announced as next in order.

Mr. McKELLAR. Will the Senator from Maine [Mr. WHITE] explain that bill? [A pause.] The Senator does not seem to be present, so I will ask to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 805) for the relief of Luther M. Turpin and Amanda Turpin was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MUNCY VALLEY PRIVATE HOSPITAL

The bill (H. R. 1291) for the relief of Muncy Valley Private Hospital was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2708) for the relief of James M. Pace was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1315) for the relief of Thomas J. Gould was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

R. G. ANDIS

The bill (S. 1690) for the relief of R. G. Andis was announced as next in order.

Mr. KING. Mr. President, I should like to ask whether the Post Office Committee have many cases similar to this, where deposits have been made in banks by postmasters, and the banks have failed, and the Government is now being called upon to reimburse the postmasters?

Mr. McKELLAR. Mr. President, very, very few of such cases have been reported to our committee. The Senator will recall that we have not had any bank failures in a little more than 2 years.

Mr. KING. Yes. I was going to ask the Senator, however, if there is not some provision of law that the postmasters must have indemnity bonds?

Mr. McKELLAR. Yes; that is true, and a few moments ago I objected to a bill because it was for the relief of a surety company that had made the bond, and the man had run away, and now they want the Government to bear the loss. I am opposed to that.

Mr. KING. If Congress makes laws requiring the various governmental depositories—and I use the term as applied to individuals—to obtain indemnity bonds for the protection of the Government, why should the Government then be called upon to pay for any losses that may result?

Mr. McKELLAR. It ought not to be, Mr. President; and, so far as I know, no report from our committee in the past

2 years has recommended payment by the Government to a bonding company.

Mr. KING. I will ask that this bill go over, so that we may find out exactly what the policy of the Government is to be.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 4817) for the relief of Matthew E. Hanna was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1703) for the relief of Cletus F. Hoban was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARY FORD CONRAD

The bill (H. R. 2689) for the relief of Mary Ford Conrad was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1448) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October 1918 was announced as next in order.

Mr. KING and Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HARBOR SPRINGS, MICH.

The bill (H. R. 1492) for the relief of Harbor Springs, Mich., was considered, ordered to a third reading, read the third time, and passed.

HAZEL B. LOWE ET AL.

The bill (S. 280) for the relief of Hazel B. Lowe, Tess H. Johnston, and Esther L. Teckmeyer was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay, out of current appropriations for salaries and expenses of the Veterans' Administration, the sum of $68 to Hazel B. Lowe, $91.80 to Tess H. Johnston, and $91.80 to Esther L. Teckmeyer, in full settlement of all claims against the Government of the United States, for services rendered in the Veterans' Administration and the Department of Justice.

WARD J. LAWTON

The bill (S. 1656) for the relief of Ward J. Lawton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That the Comptroller General of the United States is hereby authorized and directed to credit in the accounts of Ward J. Lawton, special disbursing agent, Lighthouse Service, Department of Commerce, the sum of $204 paid to the Liberty Brush Co., Philadelphia, Pa. (voucher no. 6660), May 17, 1932, which was later disallowed by the Comptroller General of the United States.

ELIZABETH M. HALPIN

The bill (H. R. 285) for the relief of Elizabeth M. Halpin was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 760) for the relief of John L. Hoffman was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

F. T. WADE ET AL.

The bill (S. 490) for the relief of F. T. Wade, M. L. Dearing, E. D. Wagner, and G. M. Judd was announced as next in order.

Mr. KING. Let that go over.

Mr. SCHWELLENBACH. Mr. President, I may say to the Senator from Utah that this bill is for work done for the Government. The claimants have not been paid. The bill is to pay for time actually spent by employees of the Department of Justice. Because of the fact that their commissions had expired, they have not been paid. The bill provides for 1 month's pay for four employees of the Government, to which they have been entitled for about a year and a half. I do not believe there is any reason for objecting to the bill.

Mr. KING. Is the passage of the bill recommended by the Department?

Mr. SCHWELLENBACH. It is.

Mr. KING. I have no objection.

The Senate proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the words "that the", to strike out "Attorney General is" and insert "Secretary of the Treasury be, and he is hereby"; in line 5, after the word "money", to strike out "available for the payment of compensation to employees of the Department of Justice" and insert "in the Treasury not otherwise appropriated"; and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons the sums hereinafter specified, in full satisfaction of their claims against the United States for services rendered as employees of the Department of Justice, such services having been rendered at the request of, and in the office of, the United States attorney for the State of Oregon after the expiration of a 30-day temporary appointment issued to said persons: F. T. Wade, $202.90; M. L. Dearing, $110.84; E. D. Wagner, $110.84; and G. M. Judd, $115.41: *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.

The amendments were agreed to; and the bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. THOMPSON

The Senate proceeded to consider the bill (S. 1070) for the relief of William A. Thompson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,500" and to insert in lieu thereof "$750", and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William A. Thompson, of Des Moines, Iowa, the sum of $750 in full satisfaction of all claims of such William A. Thompson against the United States for damages resulting from injuries to himself when run over by one Claude Rideout on November 21, 1932, near Creston, Iowa, while such William A. Thompson was assisting Harry Elliott, United States prohibition agent, to arrest such Claude Rideout: *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.

The amendments were agreed to.

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

BILLS PASSED OVER

The bill (S. 1935) for the relief of Marion Shober Phillips, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2987) for the relief of E. W. Tarrence was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM A. RAY

The bill (H. R. 4630) for the relief of William A. Ray, was considered, ordered to a third reading, read the third time, and passed.

K. W. BORING

The bill (S. 658) for the relief of K. W. Boring was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to K. W. Boring, post-office box no. 2271, St. Petersburg, Fla., a duplicate in lieu of United States registered bond no. G–00012777 for $1,000 of the Treasury 4¼ percent bonds of 1947–52, inscribed "K. W. Boring", said bond having been lost or destroyed after being assigned in blank, but not witnessed, as required by the regulations of the Treasury Department, said duplicate to be of like amount and bearing like interest and marked in a like manner as the original bond: *Provided*, That the said bond shall not have been previously presented to the Treasury Department by a bona fide holder in due course for transfer, exchange, or redemption: *Provided further*, That the said K. W. Boring shall first file in the Treasury Department a bond of indemnity in the penal sum of double the amount of the principal of the bond alleged lost or destroyed and the interest which would accrue thereon to the date of maturity, with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save the United States harmless from any loss on account of the bond alleged to be lost or destroyed.

GEORGE W. MILLER

The bill (S. 1040) for the relief of George W. Miller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the account of Chief Pay Clerk George W. Miller, a special disbursing agent of the Coast Guard, with the sum of $27.60, such amount representing a sum disbursed by him and disallowed by the General Accounting Office in notice of exception issued July 26, 1934, voucher no. 462.

E. JEANMONOD

The bill (S. 1046) for the relief of E. Jeanmonod was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. Jeanmonod, undertaker, Paris, France, an amount sufficient to purchase 14,670.38 francs, in full satisfaction of his claim against the United States for services and expenses incurred in connection with the preparation and transportation of the body of Marcus Smith Cruikshank, a World War veteran, who died in Paris, France.

THE WASHINGTON POST CO.

The bill (S. 1052) for the relief of the Washington Post Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of the act of July 31, 1876, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes" (19 Stat. L. 105; U. S. C., title 44, sec. 321), the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Washington Post Co., Washington, D. C., the sum of $109.80 in full settlement and satisfaction of its claim for advertising services rendered the Veterans' Administration in advertising for proposals to furnish labor and materials for certain construction projects at the Veterans' Administration home, Leavenworth, Kans.; Veterans' Administration hospital, Columbia, S. C.; and Veterans' Administration home, Johnson City, Tenn.

DOMENICO POLITANO

The bill (S. 2076) for the relief of Domenico Politano was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Domenico Politano the sum of $2,000, in full settlement of all claims against the Government of the United States for a bond deposited as security and filed with the inspector in charge of immigration at Niagara Falls and later forfeited because of his failure to depart from the United States: *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, 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.

ESTATE OF RAY SUTTON

The bill (S. 2393) for the relief of the widow of Ray Sutton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, Ray Sutton, a United States prohibition officer who disappeared without further trace on August 28, 1930, shall be held and considered to have been killed on August 28, 1930, while in the performance of his duties as such officer; and the United States Employees' Compensation Commission is authorized and directed to pay to the widow of the said Ray Sutton compensation for his death in the manner and to the extent provided in such act, as amended. Such compensation shall be payable from August 28, 1930, and shall be paid out of funds heretofore or hereafter appropriated for the payment of awards under the provisions of such act, as amended.

SEC. 2. That in the administration of the Civil Service Retirement Act of May 29, 1930, as amended and supplemented, the said Ray Sutton shall be held and considered to have been killed on August 28, 1930, while in the performance of his duties as such officer; and the United States Civil Service Commission is authorized and directed to pay to the person or persons whom such Commission determines, pursuant to such act, to be entitled thereto, the total amount of deductions made from the salary of the said Ray Sutton pursuant to such act, as amended, together with interest on such deductions, as provided in such act, to the date of enactment of this act.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay to Mrs. Ray Sutton upon presentation by her to the Treasury Department, two Treasury checks payable to the order of said Ray Sutton in the amounts of $92.95 and $152.32 for salary and expenses, respectively, of the said Ray Sutton for the last half of August 1930. Such checks shall be paid out of funds in the Treasury placed to the credit of the said Ray Sutton in the account disignated "outstanding liabilities."

CABEZA DE VACA EXPEDITION

The Senate proceeded to consider the bill (H. R. 6372) to authorize the coinage of 50-cent pieces in connection with the Cabeza de Vaca Expedition and the opening of the Old Spanish Trail, which was read, as follows:

Be it enacted, etc., That to indicate the interest of the Government of the United States in commemorating the four hundredth anniversary of the expedition of Cabeza de Vaca and the opening of the Old Spanish Trail there shall be coined by the Director of the Mint silver 50-cent pieces to the number of not more than 10,000, of standard weight and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the chairman of the El Paso Museum committee.

SEC. 3. Such coins may be disposed of at par or at a premium by said committee and all proceeds shall be used in furtherance of the El Paso Museum.

SEC. 4. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Mr. KING. Mr. President, may I ask whether the Department favors this measure?

Mr. FLETCHER. Mr. President, I am not sure whether or not the Department has passed on this bill, because it is a House bill. The bill passed the House and came to the Senate, but the Senate committee approved it because such things have been done in the case of a number of other expositions and different celebrations.

Mr. ROBINSON. I understand that no expense to the Government will be incurred under the bill.

Mr. FLETCHER. None at all. As a matter of fact, the Government will make a little profit out of it.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

MISSISSIPPI RIVER BRIDGE, LOUISIANA

The bill (H. R. 4528) to extend the times for commencing and completing the construction of a bridge across the Mis-

sissippi River between New Orleans and Gretna, La., was considered, ordered to a third reading, read the third time, and passed.

DES MOINES RIVER BRIDGE, MISSOURI

The bill (H. R. 5547) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo., was considered, ordered to a third reading, read the third time, and passed.

RIO GRANDE BRIDGE, TEXAS

The bill (H. R. 6630) to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex., was announced as next in order.

Mr. KING. Mr. President, I note that the Department of Agriculture opposes this bill. I have no information regarding it, but in light of the announced opposition by the Department, I ask that it go over.

The PRESIDING OFFICER. The bill will go over.

WACCAMAW RIVER BRIDGE, NORTH CAROLINA

The bill (H. R. 6859) granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River, at or near Old Pireway Ferry Crossing, N. C., was considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, ILLINOIS

The bill (H. R. 6997) authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Ill., and St. Marys, Mo., was considered, ordered to a third reading, read the third time, and passed.

RIO GRANDE BRIDGE, TEXAS

The bill (H. R. 7291) to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Tex., was considered, ordered to a third reading, read the third time, and passed.

CUTTING OF TIMBER IN BEAR LAKE COUNTY, IDAHO

The Senate proceeded to consider the bill (S. 578) authorizing the Secretary of the Interior to permit citizens of Bear Lake County, Idaho, to obtain timber from Lincoln County, Wyo., for domestic purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 9, to strike out after the word "cut", the words "timber in Lincoln County, Wyo., for domestic and other purposes, and to remove the timber so cut to Bear Lake County, Idaho", and to insert in lieu thereof the words, "and remove timber on the unappropriated public domain in Lincoln County, Wyo., for domestic use in Bear Lake County, Idaho", so as to make the bill read:

Be it enacted, etc., That section 8 of the act entitled "An act to repeal the timber-culture laws, and for other purposes", approved March 3, 1891, as amended, is amended by adding the following paragraph:

"The Secretary of the Interior is authorized to grant permits subject to the provisions of this section, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyo., for domestic use in Bear Lake County, Idaho."

The amendment was agreed to.

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

SUDDEN & CHRISTENSON, INC., AND OTHERS

The bill (S. 2635) authorizing the appropriation of funds for the payment of the award in claim of Sudden & Christenson, Inc., and others, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $78,025.83 for the payment to Sudden & Christenson, Inc., John A. Hooper, Emil T. Kruse, Edward Kruse, Gilbert Loken, and G. W. McNear, Inc., or their successors in interest, upon receipt by the Secretary of State of satisfactory releases from the respective claimants of all claims for damages resulting from the capture on January 27, 1916, and subsequent use by the British Government of the steamship *Edna*, as recommended in the decision rendered on December 22, 1934, by the arbitrator, John Clark Knox, judge of the United States District Court for the Southern District of New York.

EXTENSION OF AIR MAIL SERVICE

The bill (S. 2454) to amend the Air Mail Act of June 12, 1934, was announced as next in order.

Mr. AUSTIN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McKELLAR. May I ask whether there was objection to the bill just called?

The PRESIDING OFFICER. The Senator from Vermont objected.

Mr. AUSTIN. I objected to it on the ground that, having read the bill, I think there are some things about it which certainly would make it impossible to discuss it within the time at our disposal under the present order.

Mr. McKELLAR. Very well.

BILL PASSED OVER

The bill (S. 1607) to amend section 109 of the Criminal Code so as to except officers of the Naval and Marine Corps Reserve not on active duty from certain of its provisions was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF PER DIEMS IN NAVAL WORK

The Senate proceeded to consider the bill (S. 1973) to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts, which was read, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; U. S. C., title 34, sec. 893), is hereby amended to read as follows:

"SEC. 5. To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts, and aerial surveys of rivers and harbors or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, or flight checking of Hydrographic Office aviation charts. The per diem authorized in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts shall be paid from the appropriation 'Pay, subsistence, and transportation of naval personnel.' The per diem authorized in connection with aerial surveys of rivers and harbors or other governmental projects shall be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day: *Provided further*, That Naval and Marine Corps personnel shall not be entitled to the allowances authorized by this section when naval tender facilities or the equivalent thereof are available while traveling by air or in the area where the naval survey or flight checking duties are performed."

Mr. KING. I should like to inquire whether those who are within the category of naval personnel would not be receiving their usual pay when they are carrying out the work to which reference is made by the bill?

Mr. TRAMMELL. It is my understanding that the Comptroller General has held they would not be entitled to their per diems when they are assigned on special survey work in connection with the aeronautics service. The report from the Department states that Army officers assigned to similar work draw per diems, that the Commerce Department agents also draw per diems, but as to certain classes of work in the nature of surveys carried on by naval officers, they are not allowed any per diems. This bill has been introduced in an effort to adjust the situation, and try to keep the members of the naval force from having to pay their expenses personally when out on survey work.

Mr. ROBINSON. I notice this statement in the report:

The committee feels that the existing law is unfair to service men who are detached to such duty and believe that the law should be amended to allow them per-diem allowances while on such duty.

In addition to this recommendation, the Department is favorable to the passage of the bill.

Mr. KING. I should like to ask the Senator from Florida whether the per diem is merely for expenses, or is supplemental pay which would be added to the pay which the men now receive.

Mr. TRAMMELL. It is not supplemental pay; it is for their expenses, just as in the case of other officers who travel.

Mr. KING. I have no objection.

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

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

AERONAUTICAL ENGINEERING DUTY IN NAVY

The bill (S. 1974) to authorize the transfer of officers of the Construction Corps of the Navy to the line of the Navy for aeronautical engineering duty only, and for other purposes, was announced as next in order.

Mr. TRAMMELL. Mr. President, this is the same as Calendar No. 778, being House bill 6204, and I ask that that bill be substituted for the Senate bill and be now considered.

There being no objection, the Senate proceeded to consider the bill (H. R. 6204) to authorize the assignment of officers of the line of the Navy for aeronautical engineering duty only, and for other purposes, which was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 1974 will be indefinitely postponed.

PROMOTION OF WARRANT OFFICERS IN THE NAVY

The bill (S. 1977) to amend the act approved February 15, 1929, entitled "An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the Regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for the purpose of promotion to chief warrant rank", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of February 15, 1929 (45 Stat. 1180; U. S. C., Supp. VII, title 34, sec. 351), is hereby amended to read as follows:

"That for the purpose of computing the 6 years' service required for promotion from warrant to chief warrant rank, all active service, for purposes other than training heretofore rendered during the period from April 6, 1917, to December 31, 1921, under a temporary appointment as a warrant or commissioned officer in the United States Navy, or as a warrant or commissioned officer in the United States Naval Reserve Force, or as a commissioned or warrant officer of the National Naval Volunteers, shall be counted: *Provided*, That officers who have heretofore been commissioned chief warrant officers shall for all purposes be regarded as having been so commissioned from the date of completion of such 6 years' service, including the service authorized to be counted by this act: *Provided further*, That no back pay or allowances shall be held to have accrued prior to the passage of this act."

ADMINISTRATION OF JUSTICE IN THE NAVY

The Senate proceeded to consider the bill (S. 1604) to provide for the better administration of justice in the Navy, which was read, as follows:

Be it enacted, etc., That all persons serving in confinement pursuant to a duly approved sentence of a naval court martial shall, until discharged from confinement, remain subject in all respects to the articles for the government of the Navy and all other laws for the administration of justice in the Navy, and shall be liable to trial by court martial under said articles and laws for offenses committed while under any sentence imposed pursuant to the first or any subsequent trial by court martial.

Mr. ROBINSON. Mr. President, I ask the Senator from Florida, who introduced the bill, to state what changes would be made in existing law by the enactment of this bill.

Mr. TRAMMELL. Mr. President, this bill was introduced at the request of the Navy Department. It seems that, under the present law, if a naval officer or an enlisted man in the Navy is serving a court-martial sentence and his time expires, he is not held amenable for any violation of law while he is in prison, and it is held that there is no jurisdiction to court martial him further, or to try him, if his time has expired. This bill provides that so long as a man is in custody under a court-martial sentence he is subject to the control of the naval authorities having jurisdiction of the prison.

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

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

A. CYRIL CRILLEY

The bill (S. 1045) for the relief of A. Cyril Crilley was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the settlement of the accounts of A. Cyril Crilley, assistant trade commissioner and a special disbursing officer of the Bureau of Foreign and Domestic Commerce, in the sum of $113 for amount paid as freight on the shipment of an automobile of Henry B. Pentland, deceased trade commissioner, from Panama to Hollywood, Calif., upon the specific direction and authority of the Bureau, dated July 8, 1932.

ROBERT A. DUNHAM

The Senate proceeded to consider the bill (S. 1326) for the relief of Robert A. Dunham, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "$2,550" and to insert in lieu thereof "$1,000", and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. B. Dunham, of Washington, D. C., father and next friend of the minor child Robert A. Dunham, the sum of $1,000, in full satisfaction of all claims against the United States for damages resulting from personal injuries received by the said minor child when struck, at the intersection of Seventh Street and North Carolina Avenue SE., in the city of Washington, D. C., by a United States Treasury fuel truck driven by one Isaac W. Travers, an employee of the United States: *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.

The amendments were agreed to.

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

DAN MEEHAN

The Senate proceeded to consider the bill (S. 1640) for the relief of Dan Meehan, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, after the words "That the", to strike out "Treasurer of the United States is" and insert in lieu thereof "Secretary of the Treasury be, and he is hereby"; and on the same page, in line 6, after the words "sum of", to strike out "$414.40" and insert in lieu thereof "$150"; and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $150, covering items eliminated by the General Accounting Office from vouchers numbered 10604, 10605, 10606, 10607, and 10608, covering periods February 17 to 28, March 1 to 15, March 16 to 31, April 1 to 15, and April 16 to May 17, 1934, respectively: *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.

The amendments were agreed to.

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

FLORIDA NATIONAL BANK & TRUST CO.

The bill (S. 1960) for the relief of the Florida National Bank & Trust Co., a national banking corporation, as successor trustee for the estate of Phillip Ullendorff, deceased, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine in accordance with law, without legal regard to any statute of limitations, any claim filed not later than 6 months after the passage of this act by the Florida National Bank & Trust Co., a national banking corporation, as successor trustee for the estate of Phillip Ullendorff, deceased, at Miami, Fla., or its successors in office, for the refund of Federal inheritance taxes collected from the Biscayne Trust Co., formerly a trust company organized and existing under the laws of the State of Florida, as executor or trustee of the estate of Phillip Ullendorff, deceased, in 1924 and also in 1928, in excess of the amount properly due, and to refund all amounts collected in excess of the amount properly due to the Florida National Bank & Trust Co., a national banking corporation, as successor trustee of the estate of Phillip Ullendorff, deceased: *Provided*, That in the settlement of such claim there shall be no allowance of interest.

T. D. RANDALL & CO.

The bill (S. 2520) for the relief of T. D. Randall & Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the claim of T. D. Randall & Co. growing out of losses and/or damages suffered under purchase orders nos. 1904 and 1914 to 1919, both inclusive, for furnishing hay to the Army during the late war, is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and to adjudicate the same upon the basis of the losses and/or damages suffered due to car shortage and/or other war conditions: *Provided*, That suit on such claim may be instituted at any time within 4 months after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations.

ALBERT GONZALES

The bill (S. 1064) for the relief of Albert Gonzales was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico if the bill carries an indefinite appropriation and if the Government now is to pay all those in citizens' camps who may be injured?

Mr. HATCH. Mr. President, this is a very special case. This young man was in the citizens' training camp in 1929, and while in swimming injured his eyes and became totally blind. I think the bill has passed the Senate once before. It has been referred to the War Department. The Department approves it and says, in view of the special circumstances of the case, the bill should pass. There is an amendment suggested that if, as, and when a general law shall be passed covering such cases, then any compensation this young man may receive under the present bill shall be deducted from any compensation he may be granted in the future for a case falling in this class.

Mr. KING. May I ask the Senator whether the committee took the view that this unfortunate young man did not come within the Compensation Act?

Mr. HATCH. He did not come within the Compensation Act.

Mr. KING. He was not in the employ of the Government in that sense?

Mr. HATCH. He was not in the employ of the Government and not a soldier, and there is no other method by which compensation may be awarded to him.

Mr. KING. What dereliction was there on the part of the Government to this man?

Mr. HATCH. I cannot tell the Senator, except that he was actually in the Government service at the training camp, and while so engaged sustained the injury which deprived him of the sight of both eyes, and he is totally blind today.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert Gonzales the sum of $75 per month, in full settlement of all claims against the Government on account of injuries suffered by him on July 28, 1929, while a student at the citizens' military training camp at Fort Bliss, Tex., said monthly payments to be paid through the United States Employees' Compensation Commission: *Provided*, That if and when Congress enacts general legislation providing compensation or damages to persons injured while attending citizens' training camps the said Albert Gonzales, in lieu of compensation herein provided, will hereafter take only said benefits as shall have been provided in said act for similar cases.

RENE HOOGE

The Senate proceeded to consider the bill (S. 928) for the relief of Rene Hooge, which had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "Texas", to insert "out of any money in the Treasury not otherwise appropriated"; in line 6, after the words "sum of", to strike out "$10,000 as compensation" and insert in lieu thereof "$1,000, in full satisfaction of all claims against the Government"; and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Rene Hooge, of Bexar County, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in full satisfaction of all claims against the Government for personal injuries received, caused by the negligence of officers and agents of the United States in failing to remove from Kelly Field, in Bexar County, Tex., certain explosives which caused the personal injury to said Rene Hooge, on or about November 21, 1926: *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.

The amendments were agreed to.

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

ELLIOTT H. TASSO AND EMMA TASSO

The Senate proceeded to consider the bill (S. 2374) for the relief of Elliott H. Tasso and Emma Tasso, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$7,000" and to insert in lieu thereof "$3,500", and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elliott H. Tasso and Emma Tasso, of Colony, Okla., the sum of $3,500 in full settlement of all claims which they may have against the Government of the United States, due to the death of their child, an infant 10 days old, by reason of an accident caused by negligence of the nurse at the Cheyenne and Arapaho Hospital, in October 1932, when said nurse placed the infant child on a table in the bathroom for the purpose of bathing it, and left the room, leaving the child unattended, and during her absence it fell from the table to a hot radiator and thence to the floor, being badly burned and injured in the fall from which it died 3 weeks later: *Provided*, That in the discretion of the Secretary of the Interior the amount herein appropriated may be held as individual Indian money by the superintendent of the Cheyenne and Arapaho Agency, Okla., and be disbursed in accordance with regulations governing such funds: *Provided further*, 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.

The amendments were agreed to.

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

HARRY JARRETTE

The Senate proceeded to consider the bill (S. 2373) for the relief of Harry Jarrette, which had been reported from the Committee on Claims, with amendments, on page 1, line 5, after the words "sum of", to strike out "$7,500" and insert in lieu thereof "$5,000", and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Harry Jarrette, of Portland, Oreg., in full settlement for all claims against the Government resulting from injuries sustained when struck by a United States Forest Service truck on November 21, 1934: *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.

The amendments were agreed to and the bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. SMITH

The bill (H. R. 3073) for the relief of William E. Smith was considered, ordered to a third reading, read the third time, and passed.

JAMES E. M'DONALD

The bill (S. 2590) for the relief of James E. McDonald was announced as next in order.

Mr. KING. I ask that the bill be passed over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. COPELAND. The bill provides for the relief of a postmaster in my State. The assistant postmaster confessed, a copy of the confession being contained in the report accompanying the bill, that over a series of years he manipulated the accounts of the office and took away anywhere from $10,000 to $20,000. It was held by the Post Office Department, as Senators will note on page 3 of the report, that there may possibly have been some carelessness of supervision, but, in view of the fact that the assistant was in a place of confidence, the Department took the view that the postmaster should be paid.

Mr. McKELLAR. Does this amount go to the bonding company?

Mr. COPELAND. No. The United States withheld certain funds due the postmaster on salary, and this is to be a credit on that account.

Mr. McKELLAR. Then it is not a question of reimbursement of a bondsman?

Mr. COPELAND. No; there is no question of a bondsman involved.

Mr. KING. May I ask whether the postmaster required a bond at the hands of the assistant postmaster, and if not, why not?

Mr. COPELAND. Of course, I cannot answer that, but there is a provision in the bill that nothing we may do shall preclude the Government from attempting to collect from the assistant postmaster the sums due. There is some hope that that may be done.

Mr. KING. Mr. President, my understanding is that the law requires the postmaster to have his assistants, whether one or many, obtain bonds from reputable, satisfactory bonding companies. If that be true, then if one of the assistants embezzles funds entrusted to his care, obviously the Government ought not to sustain the loss to the bondsmen, because they doubtless have received large commissions for writing the bonds and should be called upon to make good the loss.

Mr. COPELAND. I fear in this case there was no bonding of this particular officer.

Mr. McKELLAR. With that understanding I have no objection, but I think wherever there is a bond, the bonding company having received the premium, and a defalcation occurs and the bondsman has to come forward and make good the loss, the Congress ought not to compensate or recompensate the bonding company.

Mr. COPELAND. I agree with the Senator in that philosophy.

Mr. KING. I ask the chairman of the committee, the Senator from Tennessee, why it is that the Government fails to require bonds at the hands of those who receive funds? In private life that is done. In banks that is done.

Mr. McKELLAR. It is done in the Post Office Department also. Bonds are required in all cases. The reason given here is that the Government withheld a portion of the postmaster's pay. Why that was done rather than call on the bonding company I do not know.

Mr. COPELAND. I think the reason is that the defalcation extended over so long a period—14 years. It may well be that the bonding companies only pay for 1 or 2 or 3 years, or they may go out of business. The period of time was about 14 years during which this affair took place. He took about a thousand dollars a year during that period of time.

Mr. McKELLAR. Will not the Senator agree to let the bill go over so we can investigate and find out to what extent bonding companies are profiting by this plan? If the Government pays the money back to the bonding companies, the Government is bonding its own officials and the company bonding is a mere form.

Mr. COPELAND. I may say that I have had a great many cases such as this in my State, but this is the first case I recall where there was provision for the retention of funds in the hands of the Government. There will be no loss to the Government. This is merely a credit against what the Government has withheld.

Mr. McKELLAR. I do not see how that could possibly be. The Government will lose the money under any circumstances. I hope the Senator will let the bill go over and get the facts about it. If the postmaster had to pay it, it is very different than if a bonding company had to pay it.

Mr. COPELAND. The Senator can readily see that here was a situation where the confession was made in February 1934. The man stated that for 14 years he had been taking funds from the Government. It seems strange that that could ever happen; that it could have gotten past the eagle eyes of the Department itself; but there was no discovery of the condition until after this amount of money had been taken. If Senators will permit the bill to pass, then in the meantime I will find out from the Department what the situation is regarding bonding companies.

Mr. McKELLAR. The Department has this to say about this bill:

That the defalcations uninterrupted over so long a period of time were possible only because of extremely careless supervision is conclusive, but inasmuch as former Postmaster McDonald was the victim of a gross breach of confidence and received no profit from the funds embezzled the Department will offer no objection to the relief provided in this bill.

If the relief is for the postmaster, I can understand it; but if it is a relief for the bonding company, and the bonding company had been receiving premiums all during the 14 years, it certainly ought not to go to them.

Mr. COPELAND. I have never known a case where the bonding company was not involved.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BELL TELEPHONE CO. OF PENNSYLVANIA

The bill (S. 2168) for the relief of the Bell Telephone Co. of Pennsylvania was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in

the Treasury not otherwise appropriated, to the Bell Telephone Co. of Pennsylvania, Pittsburgh, Pa., the sum of $53.55, on account of damages to its telephone pole and wires as a result of an accident involving a truck operated in connection with the Civilian Conservation Corps at Strattonville, Pa., on November 4, 1933.

BILL PASSED OVER

The bill (S. 1980) for the relief of Lewis Worthy and Dennis O. Penn was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

W. L. HORN

The bill (S. 1833) for the relief of W. L. Horn was announced as next in order.

Mr. KING. I note that the Department opposes the bill, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BANKHEAD subsequently said: Mr. President, when Senate bill 1833, Calendar No. 737, was called, I was out of the Chamber, and so was the Senator from Washington [Mr. SCHWELLENBACH], who reported the bill. It is a small bill and does not involve much. I ask unanimous consent that the Senate return to the bill and consider it.

The PRESIDING OFFICER. Is there objection to returning to Senate bill 1833?

There being no objection, the Senate proceeded to consider the bill (S. 1833) for the relief of W. L. Horn, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 7, after the word "Company", to insert "E", and after the word "Company", to strike out "Regiment Field Artillery" and insert "One Hundred and Sixth Ammunition Train", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon officers separated under honorable conditions from the United States Army, their widows, children, and dependent relatives, William L. Horn, formerly first lieutenant, Company E, One Hundred and Sixth Ammunition Train, National Guard, shall be held and considered to have been separated under honorable conditions from the military service of the United States on May 17, 1918: *Provided*, That no pension, pay, bounty, or other benefits shall be held to have accrued prior to the enactment of this act.

The amendments were agreed to.

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

REAR RANGE LIGHT AT PEARL HARBOR, HAWAII

The bill (S. 2230) to authorize the Secretary of the Navy to acquire a suitable site at Pearl Harbor, Territory of Hawaii, for a rear range light, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to acquire on behalf of the United States a perpetual easement in or use of a suitable site on lot no. A4–12, Pearl Harbor, Territory of Hawaii, for a rear range light for the waters of Pearl Harbor, Territory of Hawaii, and for said purposes there is hereby authorized to be appropriated the sum of $100.

BILLS PASSED OVER

The bill (S. 2460) to amend the act of June 6, 1924, entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes", was announced as next in order.

Mr. ROBINSON. Mr. President, this bill appears to be of some importance. I should like to have it explained before the Senate disposes of it.

Mr. TRAMMELL. I ask that the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1975) to authorize certain officers of the United States Navy, and officers and enlisted men of the Marine Corps, to accept such medals, orders, diplomas, decorations, and photographs as have been tendered them by foreign governments in appreciation of services rendered, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1976) to amend the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926, so as to equalize the allowances for quarters and subsistence of enlisted men of the Army, Navy, and Marine Corps was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

INDIANS OF CALIFORNIA IN COURT OF CLAIMS

The bill (S. 1793) to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (43 Stat. L. 602), was announced as next in order.

Mr. KING. I ask that the bill be passed over.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator making the objection to this bill withhold his objection for a moment?

Mr. KING. Yes.

Mr. THOMAS of Oklahoma. Something like 7 or 8 years ago Congress passed a bill giving the Indians of California the right to enter the Court of Claims and present their claims against the Government. The original bill provided that the attorney general of California should represent those Indians. The attorney general, of course, is a busy man in California, and while he has filed a petition and made some progress with the claim, the Indians are of the opinion that they should have special attorneys—an attorney or attorneys—to represent them to assist the attorney general of California.

A subcommittee of the Committee on Indian Affairs was in California last July and conferred with the attorney general of California and likewise with the Indians. This bill is a result of that conference. It proposes to authorize the Indians to meet in a sort of convention, to select delegates, such delegates then to select an attorney to represent them and to assist the attorney general of California in presenting their claim against the Government.

There are something like 23,000 of these Indians in California. They are scattered throughout the State, the Mission Indians in the south numbering about 3,000, and the remainder being in the central and northern part of the State. It is practically impossible for the attorney general of California, with his many other duties, to give these Indians the time and attention to which they are entitled; and this bill is for the purpose of permitting the Indians to name an assistant or assistants to the attorney general of California to represent them in the presentation of their claims. It likewise limits the attorneys' fees, if there be any, to 5 percent; and I think that should be approved by the Congress in the event that an award shall finally be made. It is simply an amendment to existing law and has been presented at the request of the Department of the Interior.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That the act of May 18, 1928 (45 Stat. 602), entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", as amended by the act of April 29, 1930 (46 Stat. 259), be, and the same is hereby, amended as follows:

SEC. 2. That section 1 of the act of May 18, 1928 (45 Stat. 602), be amended to read as follows:

"SECTION 1. That for the purposes of this act the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants living on May 18, 1928, who are now on the census roll of the Indians of California under the act of May 18, 1928 (45 Stat. 602), and who may be enrolled in addition thereto under the provisions of this act."

SEC. 3. That sections 2 and 3 of the act of May 18, 1928 (45 Stat. 602), be amended to read as follows:

"SEC. 2. That all claims of whatsoever nature the Indians of California as defined in section 1 of this act may have against the United States by reason of lands taken from them in the State of California by the United States without just compensation or for the failure or refusal of the United States to protect their interests in lands in said State and for the loss of the use of the

same, may be submitted to the United States Court of Claims by the attorney general of the State of California or attorneys acting for and on behalf of said Indians, and it is hereby declared that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the 18 unratified treaties entered into with certain bands of said Indians in 1851 and 1852, and the loss to such Indians who were not parties to said unratified treaties of their lands to which they had title rising from occupancy and use, without just compensation therefor, is sufficient ground for equitable relief, and jurisdiction is hereby conferred upon the said court, with the right of either party to appeal to the Supreme Court of the United States, to hear, consider, and determine all such claims submitted to them and the said courts shall settle the equitable rights therein and decree just compensation therefor, notwithstanding the lapse of time or statutes of limitation or the fact that the same claim or claims have or have not been presented to any other tribunal, including the commission created by the act of March 3, 1851 (9 Stat. L. 631): *Provided*, That the courts shall determine, as near as may be, the acreage of the lands described in said unratified treaties as lands set apart forever for the occupancy and use of the tribes or bands of Indians parties to the said unratified treaties and shall determine, as near as may be, the acreage of the lands to which such tribes or bands of said Indians not parties to the said unratified treaties had title by reason of occupancy and use and shall compute the value of said acreage at $1.25 per acre and shall render judgment for such value: *And provided further*, That the courts shall consider and determine, as near as may be, the value of the personal property, rights, services, facilities, and improvements set out and described in the aforesaid 18 unratified treaties and include just compensation for the value and loss of the benefit of the same in any decree rendered hereunder. Any payment which may have been made by the United States or moneys heretofore expended for the benefit of the Indians of California, made under specific appropriations for the support, education, health, and civilization of Indians of California, including purchases of land, shall not be pleaded as an estoppel but may be pleaded by way of set-off; but no such payment or appropriation shall be treated as a set-off unless it shall appear that the same was received by said Indians or that such expenditure was actually beneficial to said Indians."

SEC. 4. That the act of May 18, 1928 (45 Stat. 602), be amended by adding a new section as follows:

"SEC. 3. That the Indians of California shall have the right to be represented by an attorney or attorneys of their own selection under contract or contracts approved by the Secretary of the Interior, and the courts are directed to recognize such attorneys as attorneys of record: *Provided*, That for the purposes of this act the Indians enrolled as Indians of California under the provisions of the act approved May 18, 1928, the Secretary of the Interior shall classify said Indians by counties and determine the number of units therein of 100 each or fraction thereof, and under such regulations as he may prescribe shall provide for the election of Indian delegates to be held at one or more convenient places in each county in the State of California within 90 days after the approval of this act, provided each county shall be entitled to one vote for each unit or fraction thereof, and any Indian enrolled under said act shall be eligible for election as a delegate, and said Indians of each county may elect a delegate to represent each vote of one delegate to represent all its votes and any delegate may be elected by more than one county, and said Secretary shall provide for two conventions of such delegates to select and retain attorneys to represent the Indians of California; one convention to convene at Riverside and include all delegates in counties south of the southern boundaries of San Luis Obispo and Kern Counties and the northern boundary of San Bernardino County and the other convention at San Francisco to include all delegates north of said boundaries. Said conventions shall be held within 30 days after said election and shall be conducted in accordance with such rules as are usual for a convention: *Provided further*, That due and proper notice shall be given of the time, place, and purpose of said election and conventions; and upon final determination of such suit, said court is authorized and directed to fix and determine a reasonable fee for such attorney or attorneys, the aggregate amount of such fees not to exceed 5 percent of the amount recovered on a quantum meruit basis, for services actually rendered, and in addition thereto all necessary and proper expenses incurred in the preparation and prosecution of the suit and such fees and expenses shall be paid by the Secretary of the Treasury out of the appropriation made by Congress in payment of any decree rendered when such decree has been submitted to, and approved by Congress, and the balance of such appropriation shall be placed in the Treasury as provided in section 6 of the enabling act."

SEC. 5. That section 7 of the act of May 18, 1928 (45 Stat. 602), as amended by the act of April 29, 1930 (46 Stat. 259), is further amended by adding the following proviso: "*Provided further*, That the Secretary of the Interior is authorized and directed to allow 2 years from the date of the approval of this act in which to receive applications for enrollment of Indians residing in the State of California on June 1, 1852, and their descendants living on May 18, 1928, not now on the census roll of the Indians of California under the act of May 18, 1928 (45 Stat. 602), and the Secretary of the Interior shall have 6 months thereafter to approve such supplemental roll, at the expiration of which time the roll shall be forever closed, and thereafter no additional names shall be added thereto.

"The time for filing amendments to the petition is hereby continued and extended to any time prior to entry of judgment."

SEC. 6. That the act of May 18, 1928 (45 Stat. 602), be amended by adding a new section as follows:

"SEC. 8. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount as may be necessary to defray the expenses of enrollment herein authorized."

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend the act entitled 'An act authorizing the Attorney General of the State of California to bring suit in the Court of Claims on behalf of the Indians of California', approved May 18, 1928 (45 Stat. 602)."

BILL PASSED OVER

The bill (S. 2257) to amend the act entitled "An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty", to include officers assigned to duty at submarine training tanks and diving units, and for other purposes, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BEQUEST BY THE LATE DR. MALCOLM STORER

The bill (S. 2378) authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Dr. Malcolm Storer, of Boston, Mass., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, without cost to the United States, a bequest of personal property, provided in the will of the late Dr. Malcolm Storer, of Boston, Mass., consisting of a collection of naval medals, together with the sum of $500 to be used to cover the expense of the installation of said collection of naval medals as an exhibit at the United States Naval Academy.

BILL PASSED OVER

The bill (S. 2253) to make better provision for the government of the military and naval forces of the United States by the suppression of attempts to incite the members thereof to disobedience was announced as next in order.

Mr. McKELLAR I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

E. F. DROOP & SONS CO.

The bill (H. R. 4708) for the relief of E. F. Droop & Sons Co. was announced as next in order.

Mr. McKELLAR. I ask that the bill go over.

Mr. KING. Mr. President, if the Senator will withhold his objection for a moment, let me say that in Washington most of the corporations that do business had to obtain, and did obtain, Federal charters. The Droop Co. was one of this character. Its charter expired at a time when it was not anticipated, and this bill merely continues the charter. It saves them getting another charter from the District of Columbia.

Mr. McKELLAR. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the E. F. Droop & Sons Co., a corporation incorporated under the general laws of the District of Columbia April 27, 1904, shall continue as an existing corporation, and that the term of existence of said corporation shall be made perpetual upon complying with the requirements of section 2 of this act.

SEC. 2. That the said E. F. Droop & Sons Co. shall file with the recorder of deeds of the District of Columbia a certificate similar to that required by subchapter 4 of chapter XVIII, of the Code of the District of Columbia approved March 3, 1901, as amended, in respect to increase or diminution of capital stock, and pay to the recorder of deeds of the District of Columbia the fee to which he would be entitled if such corporation were newly organized.

DEVELOPMENT OF AMERICAN MERCHANT MARINE

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, was announced as next in order.

Mr. COPELAND. Mr. President, this bill is the so-called "ship-subsidy bill", and I shall ask that it go over without prejudice, because it will excite some debate, no doubt, and I assume that our leader, at the proper time, will give it a place on the program for serious consideration.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 5711) to provide pensions for needy blind persons of the District of Columbia and authorizing appropriations therefor was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT TO DIVORCE LAW OF THE DISTRICT OF COLUMBIA

The bill (S. 2259) 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, was announced as next in order.

Mr. McKELLAR. Mr. President, is this the District divorce bill, as it is called?

Mr. COPELAND. It is.

Mr. McKELLAR. Was the committee report unanimous?

Mr. COPELAND. It was; and there was no opposition from the community, although the bill was widely advertised.

Mr. McKELLAR. Does it set up a rival institution to the one at Reno?

Mr. COPELAND. No; it does not do that; but it makes divorce a home industry.

Mr. McKELLAR. It makes it very easy to obtain a divorce?

Mr. COPELAND. No; I would not say so. This bill is not nearly so liberal as the divorce laws in some of the States.

Mr. ROBINSON. Mr. President, will the Senator explain briefly the changes in existing law which this bill will effect?

Mr. COPELAND. There is at the present time only one ground for a divorce in the District of Columbia and that is adultery. This bill provides that there may be divorce granted for adultery, cruelty, desertion for 2 years, separation for 5 consecutive years without cohabitation, habitual drunkenness for 1 year, final conviction of a felony involving moral turpitude and the sentence to penal institution is served in whole or in part, incurable insanity for a period of 5 years, but no husband who secures a divorce from his wife on the ground of incurable insanity shall be relieved thereby from his liability for the support of the spouse from whom he is thus divorced.

This bill was prepared by the Bar Association of the District and the Woman's Law Association. I presented it by request. There was a public hearing held. Everybody who was interested could speak; it had the full consideration of the District Committee, and was unanimously recommended for passage.

Mr. McKELLAR. I have no objection.

Mr. ROBINSON. There is an amendment reported by the committee on page 3, which, apparently, imposes a residence limitation of 1 year.

Mr. COPELAND. That is correct.

Mr. ROBINSON. I do not quite grasp the later provision of the same amendment requiring residence of 2 years.

Mr. COPELAND. The Senator from Utah [Mr. KING] offered the amendment in the committee, and he can explain its purpose.

Mr. ROBINSON. It would seem that where the cause for divorce arose within the District the residence must be 1 year, but where the cause for divorce arose outside the District the residence in the District must be for 2 years.

Mr. COPELAND. That is correct.

Mr. KING. That is the provision of the bill.

Mr. ROBINSON. Very well.

Mr. KING. Mr. President, I may say that the bill as it came to the committee had no residential requirements. I insisted that there must be an actual bona fide physical residence by the spouse within the District of Columbia before suit could be brought.

I may state further that while my dear friend from New York has said there was no objection to the bill, I stated in the committee that I would not interpose an objection to the passage of the bill, although I was not in favor of it. I am opposed to the large number of divorces which are being granted in the United States; I think that the divorce laws are too liberal; and I have upon many occasions expressed my disapproval of the great number of divorces being granted, of the laxity of the States, and, for that matter, of the people, in permitting so many grounds for divorce. However, the mania is here, extending throughout the United States, and I stand almost alone, and perhaps in the committee all alone. I am opposed to divorces other than on one or two grounds.

Mr. SMITH. Mr. President, I want it distinctly understood that the Senator from Tennessee can have no personal interest in this bill. [Laughter.]

Mr. McKELLAR. I am wondering whether the Senator from South Carolina is expressing jealousy or congratulations. [Laughter.]

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments, in section 1, page 2, at the beginning of line 3, to insert "separation for 5 consecutive years without cohabitation"; in line 6, after the word "part", to insert "incurable insanity for a period of 5 years, but no husband who secures a divorce from his wife on the ground of incurable insanity shall be released thereby from his liability for the support of the spouse from whom he is thus divorced", so as to make the section read:

That sections 966 and 968 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, are hereby repealed, and in lieu of section 966 the following section is hereby enacted, to be known as "section 966":

"SEC. 966. Causes for divorce a vinculo and for divorce a mensa et thoro: A divorce from the bond of marriage or a legal separation from the bed and board may be granted for adultery, cruelty, desertion for 2 years, separation for 5 consecutive years without cohabitation, habitual drunkenness for 1 year, final conviction of a felony involving moral turpitude and the sentence to penal institution is served in whole or in part, incurable insanity for a period of 5 years, but no husband who secures a divorce from his wife on the ground of incurable insanity shall be relieved thereby from his liability for the support of the spouse from whom he is thus divorced: *Provided*, That where a final decree of divorce from bed and board was entered prior to the passage of this act and the separation of the parties has continued for 2 years since such decree, a divorce from the bond of marriage may be granted to the innocent spouse: *Provided further*, That marriage contracts may be declared void in the following cases:

"First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved.

"Second. Where such marriage was contracted during the lunacy of either party (unless there has been voluntary cohabitation after the lunacy) or was procured by fraud or coercion.

"Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so.

"Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after coming to legal age), but in such cases only at the suit of the party not capable of consenting."

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

SEC. 2. That section 971 of chapter 22 of said act of Congress, as amended, be, and it is hereby, amended by striking out in the fifth line thereof the words "three years" and inserting in lieu thereof the words "two years."

And in lieu thereof to insert:

SEC. 2. Section 971 of chapter 22 of said act of Congress, as amended, is hereby amended to read as follows:

"SEC. 971. Only residents divorced: No decree of nullity of marriage or divorce shall be rendered in favor of anyone who has not been a bona fide resident of the District of Columbia for at least 1 year next before the application therefor, and no divorce shall be decreed in favor of any person who has not been a bona

fide resident of said District for at least 2 years next before the application therefor for any cause which shall have occurred out of said District and prior to residence therein."

The amendment was agreed to.

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

LYMAN C. DRAKE

The bill (S. 2591) for the relief of Lyman C. Drake was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Lyman C. Drake the sum of $1,316.40 on account of an award made by the United States Employees' Compensation Commission on September 6, 1934, under the District of Columbia Workmen's Compensation Act, case no. 4927–91, for personal injuries sustained by the said Lyman C. Drake on April 6, 1933, while in the employ of the District of Columbia Committee on Employment: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims arising out of said personal injuries.

GERMAN ORPHAN ASYLUM ASSOCIATION OF THE DISTRICT

The bill (S. 2646) to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia was announced as next in order.

Mr. COPELAND. Mr. President, I ask unanimous consent that House bill 7874, of similar title, be substituted for the Senate bill and considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7874) to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia, which was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2646 will be indefinitely postponed.

BOY SCOUTS NATIONAL JAMBOREE

The Senate proceeded to consider the bill (S. 2738) to authorize the use of park property in the District of Columbia and its environs by the Boy Scouts of America at their national jamboree, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 23, after the word "jamboree", to insert the following:

The sale of foodstuffs in or about such tents or elsewhere upon the public spaces used by the Boy Scouts as authorized by this bill, shall be under the supervision of the health officer of the District of Columbia and in accordance with regulations to be prescribed by him. The use and erection of tents shall at all times be subject to the supervision of the fire marshal of the District of Columbia and shall be subject to such regulations as he may prescribe.

"The erection and use of tents for any purpose involving health or sanitation shall be subject to the supervision of the health officer of the District of Columbia and to such regulations as he may prescribe."

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to authorize the Secretary of War and the Secretary of the Navy to lend Army and Navy equipment for use at the national jamboree of the Boy Scouts of America", approved April 1, 1935, is amended by adding at the end thereof a new section to read as follows:

"SEC. 2. The Secretary of the Interior is hereby authorized to grant permits through the National Park Service and the Superintendent of National Capital Parks for use by the said Boy Scouts of portions of parks, reservations, or other public spaces under his control in the District of Columbia and environs as in his opinion may be temporarily spared for that purpose: *Provided*, That such use will inflict no serious or permanent injury upon any of the parks, reservations, or other public spaces: *And provided further*, That the parks, reservations, or other public spaces, which shall be so used or occupied, shall be promptly restored to their original condition by the Boy Scouts, and the said Boy Scouts shall indemnify the United States for all damages of any kind whatsoever sustained by reason of any such use or occupancy. The privileges and usages granted by the Secretary of the Interior shall include the temporary erection of tents for entertainment, hospitals, commissaries, and other subsistence quarters, and other purposes; and the said Boy Scouts are hereby authorized to charge reasonable fees for the use of the same, and to sell articles at said commissaries, which sales shall be solely for the convenience of the participants in the jamboree. The net profits derived from such sales or fees shall be used exclusively to aid in meeting expenses incident to the said jamboree. The sale of foodstuffs in or about such tents or elsewhere upon the public spaces used by the Boy Scouts as authorized by this bill, shall be under the supervision of the health officer of the District of Columbia and in accordance with regulations to be prescribed by him. The use and erection of tents shall at all times be subject to the supervision of the fire marshal of the District of Columbia and shall be subject to such regulations as he may prescribe.

"The erection and use of tents for any purpose involving health or sanitation shall be subject to the supervision of the health officer of the District of Columbia and to such regulations as he may prescribe."

The amendment was agreed to.

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

APPOINTMENT OF ADDITIONAL DISTRICT JUDGE

The bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell was announced as next in order.

Mr. McKELLAR. Mr. President, I have an amendment to offer to that bill.

Mr. ASHURST. Mr. President, I am sure there is some misapprehension as to the scope of this particular bill. It distinctly does not propose to create any new judgeships. It will be recalled that in 1919 a judgeship was created in Texas on what may be called a temporary basis. In 1929, 24 other judgeships were created throughout the United States of a temporary nature; that is, when the incumbents died, resigned, or retired no successor was to be appointed.

This bill simply, solely, and only removes the temporary feature in the case of 15 of those temporary judges. In other words, if any one of the 15 should die, resign, or retire the President could appoint a successor.

I think I am familiar with the bill proposed by my able friend from Tennessee to create an additional judge for the fourth circuit.

Mr. McKELLAR. My amendment provides an additional judge for the district courts of the United States for the eastern, middle, and western districts of Tennessee.

Mr. ASHURST. I am in favor of that; and there will be a House bill before the Senate, possibly this afternoon, creating an additional judgeship in California, and I will support the Senator's proposal.

Mr. McKELLAR. May I ask the Senator that it be taken up by the committee?

Mr. ASHURST. I will be glad to do that. Let me say that the House bill will probably come before the Senate today. The pending bill, let me repeat, does not create any additional judgeships, although I am in favor of the proposal of the Senator from Tennessee.

Mr. KING. Mr. President, in the light of what has been said by the two Senators, let me say that I am compelled to go to the Committee on Finance, to which was referred an important measure. We are having a hearing this afternoon; witnesses are here; and I want to state to the Senator that I hope no judgeship bill will be taken up this afternoon, because, as the Senator knows, in the committee the other day we took action and agreed to support a bill that provided one additional judge for the circuit court of appeals in the ninth circuit and two additional judges for the State of California, and none other.

Mr. ASHURST. That is true.

Mr. KING. And if the Senator assents to a bill for a new judge for Tennessee or any other State, I wish to state that it would be in contravention of the understanding reached by the committee, and I should oppose it.

Mr. ASHURST. It would certainly be considered by the committee, although I have looked into the Tennessee case.

Mr. BARKLEY. Mr. President, let me make an inquiry. Some weeks ago the Committee on the Judiciary reported a bill to the Senate providing for 10 additional judges, including 1 for Kentucky?

Mr. ASHURST. Yes.

Mr. BARKLEY. What became of that bill?

Mr. ASHURST. It was recommitted to the committee.

Mr. KING. It is now before the committee.

Mr. BARKLEY. I certainly should like to have some explanation of why the committee reduced the number to two and left out the State of Kentucky, which has fewer judges in proportion to its population than any other State in the Union.

Mr. ASHURST. I favored, and do now favor, the creation of additional judgeships. The majority of the Committee on the Judiciary distinctly opposed, after several votes, the creation of any additional judgeships, except one in California and a circuit judge in the ninth circuit. I am sure members of the committee will bear me out in that statement. We had several votes, and finally reported a bill creating additional judgeships in Kansas, South Dakota, Oregon, Kentucky, West Virginia, and one other State. That bill was recommitted by the Senate, not with my procurement nor my consent. It was done by the Senate and the bill is now before our committee.

The bill now before the Senate does not create new judgeships, and should not be confused with the bill having that purpose. Personally, I am in favor of the bill introduced by the Senator from Tennessee.

Mr. BARKLEY. Mr. President, will the Senator say the same with reference to Kentucky?

Mr. ASHURST. I voted for it, and that is all I can do.

Mr. McKELLAR. If the committee is going to hold another hearing——

Mr. ASHURST. Oh, indeed, and we shall send for the able Senator from Tennessee.

Mr. McKELLAR. I shall be very happy to appear before the committee.

Mr. ASHURST. Let me say, so far as I am personally concerned, that after exhaustive investigation I am of opinion that the bill introduced by the able Senator from Tennessee, creating an additional circuit judge for the fourth circuit, should be passed. That is my opinion. Meanwhile I ask for passage of the bill now before the Senate.

Mr. McKELLAR. Mr. President, I have no objection.

Mr. LOGAN. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH subsequently said: Mr. President, I ask unanimous consent that we may return to Calendar 754 the bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell.

The PRESIDING OFFICER. Is there objection?

Mr. LOGAN. Mr. President, a few moments ago I objected and asked that the bill go over, but I now withdraw my objection as I seem to be the only one objecting to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts, occasioned by the death of Hon. James A. Lowell, which had been reported from the Committee on the Judiciary with an amendment.

Mr. WALSH. Mr. President, does the bill provide for any additional judgeships?

Mr. ASHURST. It does not. The bill does not provide directly or indirectly for the appointment of a new judge. Twenty-five judgeships have been created during the past 12 years, but there was no provision for a successor in the event they should retire, resign, or die. This bill provides that a successor may be appointed to 15 of them, named in the bill, 2 in the State of Masachusetts, and so forth.

Mr. WALSH. In Massachusetts we have one vacancy at the present time.

Mr. ASHURST. The bill provides that a successor may be appointed.

Mr. WALSH. I hope the bill will pass.

The PRESIDING OFFICER. The amendment will be stated.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That any existing vacancy and any vacancy which may occur at any time hereafter in any of the following United States district judgeships created by the act of September 14, 1922 (42 Stat. ch. 306, sec. 1, p. 837; U. S. C., title 28, sec. 3), and the act of March 2, 1925 (43 Stat. ch. 397, secs. 1–3, p. 1098; U. S. C., title 28, sec. 4), are hereby authorized to be filled; 2 in the district of Massachusetts; 2 in the southern district of New York; 1 in the eastern district of New York; 1 in the western district of Pennsylvania; 1 in the eastern district of Michigan; 1 in the eastern district of Missouri; 1 in the western district of Missouri; 1 in the northern district of Ohio; 1 in the southern district of California; 1 in the district of Minnesota; 1 in the northern district of Texas; and 1 in the district of Arizona.

SEC. 2. That section 2 of the act of February 26, 1919 (ch. 50, 40 Stat. 1183), be, and the same is hereby, repealed.

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act authorizing the filling of vacancies in certain judgeships."

LIBRARY OF CONGRESS ANNEX

The Senate proceeded to consider the bill (S. 2899) to provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress, which was read, as follows:

Be it enacted, etc., That the limit of cost for the construction of the annex, Library of Congress, as fixed in section 4 of the act entitled "An act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930, is hereby increased by $2,866,340; and the Architect of the Capitol is hereby authorized to enter into a contract or contracts for such amount or so much thereof as may be necessary in addition to the contract authority heretofore fixed by law for such annex.

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill.

Mr. BARKLEY. Mr. President, in 1930 Congress enacted a law authorizing an appropriation of $6,500,000 for the purpose of acquiring a site and building an annex to the Library of Congress. Since that time, according to the testimony of Admiral Peoples, Chief of the Procurement Division of the Treasury, building costs have increased about 30 percent. In addition to that the Commission, since I became chairman of it, changed the materials in order to harmonize the building with other buildings on the Hill, including the Folger Library and the Supreme Court Building. The Commission changed the character of the material from limestone to white marble, which has increased the cost of the building. We have advertised for bids.

Mr. McKELLAR. Did the committee hold hearings?

Mr. BARKLEY. Hearings were held before the Library Commission, but not before the Committee on the Library. Bids have been advertised for and opened. The amount carried in the bill is the amount over and above the previous authorization and is necessary to enable us to accept the lowest bid.

Mr. McKELLAR. As I understand, the annex of the library is to be of white marble?

Mr. BARKLEY. Yes. The bids are in and we are ready to accept the lowest bid.

Mr. McNARY. Mr. President, I should like to have the bill go over for the day.

Mr. BARKLEY. I hope the Senator will not insist, for this reason. There is now available and unexpended a little over $2,000,000, which, under the ruling of the Comptroller General, will lapse on June 16. The bill must pass, go to the House, and be passed there; otherwise that amount of money may lapse and we may have to be back asking for additional authorization. I hope the Senator will let the bill pass.

The joint commission of the two Houses has gone into the matter thoroughly with the Architect of the Capitol. There is no way to avoid this increased expenditure, unless we abandon the Library annex. We have a hole in the ground over there and we are waiting for this authorization in order that we may proceed with the work.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. McNARY. Not yet. There have been a number of atrocities, in my opinion, committed on this part of Capitol Hill, in the name of architecture. I do not know whether this is adding to or diminishing the number. For that reason I am going to ask that the bill go over until I shall have had time to look into it.

Mr. BARKLEY. Plans for the building have been submitted to the Library Commission and the Architect of the Capitol, and I think when the Senator sees them he will be satisfied.

Mr. McNARY. I am a member of one of the commissions which has to do with parks around and about the Capitol. I have found much, as an individual Senator, to find fault with in relation to some of the things which have been erected on Capitol Hill in the way of architecture. I want to look into this matter further.

Mr. BARKLEY. How long will the Senator require? We have a time limit on us.

Mr. McNARY. I never make promises of that kind. I am never unreasonable as the Senator knows.

Mr. BARKLEY. The stopwatch is being held against us now.

Mr. McNARY. Let the Senator put the watch in his pocket. I shall see that he gets action on his bill within a reasonable time.

The PRESIDING OFFICER. On objection the bill will be passed over.

Mr. BARKLEY subsequently said: Mr. President I understand the Senator from Oregon [Mr. McNARY] is willing to withdraw his objection to the consideration of Calendar 755, Senate bill 2899.

Mr. McNARY. Mr. President, I thought the Senator stated that the appropriation was for an addition to the building. The Senator now informs me that the building will be an entirely new structure in line with the Folger Shakesperean Library Building and the Supreme Court Building.

Mr. BARKLEY. That is correct.

Mr. McNARY. With that understanding, I have no objection.

The PRESIDING OFFICER. Is there objection to resuming the consideration of Calendar No. 755?

There being no objection, the Senate resumed the consideration of the bill (S. 2899) to provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress, which was considered, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK P. ROSS

The bill (S. 1186) for the relief of Frank P. Ross was announced as next in order.

Mr. ROBINSON. Mr. President, I do not see the Senator from Washington [Mr. BONE] present just at this time.

Mrs. CARAWAY. Mr. President, several years ago I was chairman of a subcommittee of the Committee on Agriculture and Forestry which considered this matter. This bill merely provides that the claim shall be submitted to the Court of Claims for consideration and adjudication.

Mr. ROBINSON. I was about to remark that the amendment reported by the Senate committee, it appearing that the bill was reported by the Senator from New York [Mr. WAGNER], is in very unusual form, namely, "that the claim of Frank P. Ross is hereby transferred to the United States Court of Claims for any relief that he may be able to prove to be due him." That is in unusual form. I should like to ask the Senator from Washington [Mr. BONE], who has just entered the Chamber, why the usual form of referring such claims to the Court of Claims was not adopted?

Mr. BONE. Mr. President, I am unable to inform the Senator why it was done. It was the judgment of the committee, I take it, that the claim of the party should be submitted to the Court of Claims.

Mr. ROBINSON. Usually claims are submitted to the Court of Claims for findings of fact. The Court of Claims hears the evidence and makes findings of fact upon which the Congress bases its appropriations. The language in the bill is extraordinary. I do not intend to object to the consideration of the bill, but it is being pointed out that the language of the bill is very unusual and extraordinary. It would seem to give the Court of Claims authority to render any judgment it chooses to render rather than to limit its jurisdiction to findings of fact.

Mr. BONE. There is another bill of a similar character immediately following, and for the same reason the committee to which the bills were referred, the Committee on Public Lands and Surveys, felt impelled to suggest this way out. I do not know what motivated the committee in arriving at that determination. As a matter of fact, I did not know the bills were on the calendar in this form until my attention was called to them this morning.

Mr. McKELLAR. Mr. President, we have a regular form under which these matters are referred to the Court of Claims. I suggest that the Senator look into that form.

Mr. ROBINSON. There may be some reason for this peculiar language and for the amendment reported by the committee, but none is suggested by the report. I believe it would be well for the two bills to go over and for the Senator from Washington to look into the question of the jurisdiction of the Court of Claims to give the claimant "any relief that he may be able to prove is due him." In other words, I should like to ask what sort of a judgment or finding the Court of Claims would make in these two cases if this bill should pass in its present form.

Mr. BONE. I confess to the Senator that I am not certain in my own mind as to just what sort of judgment might be rendered by the Court of Claims. One of these cases arose out of one of these parties being deprived of his lands in one of the counties in the State of Washington. The bill has been before Congress on a number of occasions prior to this.

Mr. ROBINSON. I suggest that the Senator look into the form of the bill. If it is satisfactory to him, I shall make no objection to it.

Mr. BONE. I shall be very glad to do that.

Mr. ROBINSON. Let the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

EARL A. ROSS

The bill (S. 1490) for the relief of Earl A. Ross was announced as next in order.

The PRESIDING OFFICER. This is an identical bill.

Mr. ROBINSON. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ANNA HATHAWAY

The bill (S. 430) for the relief of Anna Hathaway was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Anna Hathaway, widow of Frank J. Hathaway, former employee of the Postal Service, who now resides at Willard, N. Mex.: *Provided*, That compensation, if any, shall commence from and after the date of the passage of this act.

ATLANTIC WORKS, OF BOSTON, MASS.

The Senate proceeded to consider the bill (S. 895) to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass., which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "$133,872.44" and insert "$22,170.30", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $22,170.30 to the Atlantic Works, of Boston, Mass., being the difference between the actual cost of the construction of the revenue cutter *Daniel Manning* and the amount paid under the contract entered into for the building of said vessel, as found by the Court of Claims and reported in Senate Document No. 5, Sixty-eighth Congress, first session: *Provided*, That no part of the amount appropriated in this act in excess of 20 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 20 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.

The amendments were agreed to.

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

SKELTON MACK M'CRAY

The Senate proceeded to consider the bill (S. 1577) for the relief of Skelton Mack McCray, which had been reported from the Committee on Claims with an amendment to insert at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $535.51 to Skelton Mack McCray, to reimburse him for money he expended and time he lost as a result of injury he received while in the service of the United States at Fort Leavenworth, Kans.: *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.

The amendment was agreed to.

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

W. F. LUEDERS

The bill (S. 1084) for the relief of W. F. Lueders was announced as next in order.

Mr. McKELLAR. Mr. President, there seems to be no report on this bill.

Mr. SHEPPARD. Mr. President, the report came in a few minutes ago. It was printed too late to be included in the calendar today. It is a very exhaustive report.

Mr. McKELLAR. What is the nature of the claim?

Mr. SHEPPARD. It is the usual case of injury to a citizen by an Army vehicle driven by an Army official or employee in the course of his duty.

Mr. VANDENBERG. Is it true that the War Department does not recommend the passage of the bill?

Mr. SHEPPARD. The War Department made an elaborate investigation of the matter.

Mr. VANDENBERG. What is the Department's recommendation?

Mr. SHEPPARD. I have here the report, consisting of a number of pages. On examination, I find that the War Department reports unfavorably, but that the Committee on Claims, after analyzing the evidence and the report of the Department, finds in favor of the claimant. However, the bill may go over for further study.

The PRESIDING OFFICER. The bill will be passed over temporarily.

THOMAS M. BARDIN

The bill (H. R. 231) for the relief of Thomas M. Bardin was considered, ordered to a third reading, read the third time, and passed.

INTERSTATE SHIPMENT OF LIQUOR

The Senate proceeded to consider the bill (S. 11) to repeal section 389 of the United States Code, being section 239 of the United States Criminal Code, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 3, after "1909", to strike out "be amended by repealing", and in line 5, after "Sec. 239)", to strike out "thereof" and insert "be amended by adding at the end thereof the following: '*Provided*, That nothing herein contained shall apply to any shipment of liquor into any State, Territory, or District of the United States, the law of which does not prohibit the manufacture or sale of such liquor'", so as to make the bill read:

Be it enacted, etc., That the act of March 4, 1909, section 239 of chapter 321 (U. S. C. 389, U. S. Criminal Code, sec. 239), be amended by adding at the end thereof the following: "*Provided*, That nothing herein contained shall apply to any shipment of liquor into any State, Territory, or District of the United States, the law of which does not prohibit the manufacture or sale of such liquor."

Mr. McKELLAR. Mr. President, will the Senator from Kentucky explain this bill?

Mr. LOGAN. Mr. President, I think I can very briefly explain it.

Section 239 of the Criminal Code was passed during prohibition days, and relates to the transportation of intoxicating liquors. A bill was introduced by the Senator from New York [Mr. COPELAND] to repeal the section outright.

Mr. McKELLAR. Is that what was known as the "Reed amendment"?

Mr. LOGAN. I am not sure about that.

Mr. COPELAND. No.

Mr. LOGAN. It is section 239 of the Criminal Code; but let me say to the Senator that not much attention was paid to it until recently the Department of Justice, I believe, or probably some of the courts, ruled that banks were violating that law when they drew a sight draft when whisky was sold by distillers in Kentucky, for instance, to distillers in Tennessee.

If the law had been repealed outright it would have taken care of the matter. Fearing, however, that it might cause some difficulty, we simply added an amendment to the end of the section and left the section in force, except that it does not apply to those States where the manufacture and sale of liquor is permitted.

In that form, after examining the bill yesterday, we made the report, because the present law has very seriously handicapped the collection of drafts of the kind I have mentioned, and banks now refuse to handle them because they are subject to a penalty for the violation of that law, which I thought had been repealed sometime ago; but it is not repealed by this bill. It is simply amended.

Mr. McKELLAR. Not having the code before me, I cannot tell; but my recollection is that this section of the code applies to what is known as the "Reed amendment", which prohibits the transportation of liquor into dry States.

Mr. LOGAN. Let me say to the Senator that this bill does not affect the transportation of liquor into dry States, as the Senator will see. It allows transportation only into those States where liquor is permitted to be sold and to be manufactured. That is all the bill does.

I think it is very important that the bill be passed at once.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to amend section 389, title 18, of the United States Code, being section 239 of the United States Criminal Code."

GENERAL PULASKI'S MEMORIAL DAY

The joint resolution (H. J. Res. 107) authorizing the President of the United States of America to proclaim October 11, 1935, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was considered, ordered to a third reading, read the third time, and passed.

Mr. BARKLEY. Mr. President, is that the same sort of a measure which the President vetoed a few weeks ago?

Mr. VANDENBERG. I think the President's veto was to a bill proposing a continuing commemoration from year to year. I think this joint resolution applies only to 1 year.

Mr. ROBINSON. The measure which was vetoed provided that the anniversary should be permanently and repeatedly observed. This joint resolution, as the Senator has stated, is limited to the present year.

LEWIS HAZARD

The Senate proceeded to consider the bill (S. 2589) to authorize the presentation of a Congressional Medal of Honor to Lewis Hazard, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the President is hereby authorized to cause the recommendation for the award of a decoration to Lewis Hazard, formerly a private, Company C, One Hundred and Ninth Machine-Gun Battalion, United States Army, for distinguished conduct on or about August 10, 1918, in the Fismes section in France, to be considered by the proper boards or authorities, and such award made to said Hazard as his said conduct merits.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the award of a decoration for distinguished conduct to Lewis Hazard."

SCHOOL DISTRICT 17–H, BIG HORN COUNTY, MONT.

The bill (S. 1527) to provide funds for cooperation with school district no. 17–H, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children, was announced as next in order.

The PRESIDING OFFICER. This bill is identical with Calendar No. 770, House bill 5210.

Mr. WHEELER. I ask that House bill 5210 be substituted for Senate bill 1527. It is an identical bill, and has passed the House. Both bills have been reported out of the Senate Committee on Indian Affairs.

The PRESIDING OFFICER. If there is no objection, the substitution will be made.

Mr. McKELLAR. I have no objection to substituting the House bill for the Senate bill; but these bills authorize an appropriation of $158,000 for the extension and improvement of public-school buildings at Hardin and at Crow Agency. Why should that be done?

Mr. WHEELER. I will tell the Senator in just a moment why it should be done.

In this particular case the Crow Indian Reservation takes in about 70 percent, as I understand, of Big Horn County. There are no Government Indian schools on the Crow Reservation and the children attend the local schools, except for a few who have been placed in Government nonreservation schools.

In district no. 17–H, Big Horn County, there are two public schools attended by Indian children—one at Hardin and one at Crow Agency. The Hardin school is about 10 miles from the agency. There are over 650 white children and about 90 Indian children attending, with about 25 of the Indian children in high school. In the school at Crow Agency, there are 96 white and 114 Indian children.

I may say that I visited the school at Crow Agency. It is a public school and, as I have stated, there are 114 Indian children there. It is right on the reservation, and the school is so crowded that the children have to be seated everywhere, and there is not anything like adequate room for them. The school district simply has not the money to provide the necessary facilities, because 70 percent of the county is taken up with the Crow Indian Reservation, nontaxable property.

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

Mr. WHEELER. Yes.

Mr. ROBINSON. I think it is fair to recall that during the present session of Congress the Senate has passed a very large number of bills authorizing appropriations from the Federal Treasury for the improvement or repair or enlargement of school buildings in Montana in order to absorb into the schools the Indian pupils. The policy, it seems, is to abandon the Indian schools which heretofore have been maintained, and to consolidate the instruction in public schools as to both Indian and white pupils. I wonder how many bills of this character we have passed and what the total appropriation is.

Mr. WHEELER. I will say to the Senator that quite a few bills have been passed applying to Montana, and bills have also been passed applying to Utah, Idaho, and other States, wherever the white people will permit the Indian children to go to the public schools. There are States where the white people will not permit the Indian children to go to the public schools. In Montana the authorities have provided for the admission of Indian children to the public schools and have cooperated with the Indian Bureau in every way in taking in these children. As a matter of fact, Montana is one of the first States in the Union which permitted the Indian children to be taken into the public schools.

Mr. McKELLAR. After this school shall have been built, what about the education of the Indians? Will we appropriate to pay for the education of Indian children in the white schools?

Mr. WHEELER. I cannot give the Senator the exact amount that is paid for them, but it is a very small amount; and, as a matter of fact, it saves the Government money. It used to cost the Government about $400 annually, as I recall, to send an Indian child to one of the boarding schools. It does not cost the Government half that amount to send an Indian child to a public school.

Mr. ROBINSON. Usually, or at least in former years, the Indians preferred to have their separate schools.

Mr. WHEELER. Yes.

Mr. ROBINSON. I am wondering if the Senator from Montana has pursued the subject far enough to know that the Indians have decided permanently to abandon that policy. Otherwise we will pass all these bills presented by the Senator from Montana to construct school buildings in his State, and probably two more every day the calendar is called, only to find that after we have done that the Indians wish to have separate institutions, and that we must appropriate or arrange for the provision of some more money in order to recognize their desires in the matter.

Mr. WHEELER. Mr. President, let me say to the Senator that Indians practically all over the country have desired to abandon the boarding-school system, to have their children near them, and to have them educated in the public schools.

Mr. McKELLAR. I find that there are six of these bills.

Mr. WHEELER. Some of them are bills which have passed the House, and I am substituting the House bills for the Senate bills.

Mr. VANDENBERG. How many more will there be?

Mr. WHEELER. I think this is all.

Mr. McKELLAR. Do they provide for a new schoolhouse for each county in the State?

Mr. WHEELER. No. There are in Montana seven different Indian reservations, with about 17,000 or 18,000 Indians.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that House bill 5213 be substituted for Senate bill 1527?

There being no objection, the Senate proceeded to consider the bill (H. R. 5210) to provide funds for cooperation with school district no. 17–H, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children, which was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 1527 will be indefinitely postponed.

BIG HORN COUNTY, MONT., PUBLIC SCHOOL

The Senate proceeded to consider the bill (S. 1529) to provide funds for cooperation with school district no. 27, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children.

Mr. WHEELER. I ask that Calendar No. 771, House bill 5213, be substituted for this bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 5213) to provide funds for cooperation with school district no. 27, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children, which was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 1529 will be indefinitely postponed.

DAVID J. FITZGERALD

The bill (S. 1949) authorizing the President to order David J. Fitzgerald before a retiring board for a hearing of his case and upon the findings of such board determine whether he be placed on the retired list, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order David J. Fitzgerald, late a second lieutenant, United States Army, before a retiring board of physicians of the Veterans' Administration for the purpose of hearing his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is in an incident of the service, according to the statute, and that upon the findings of such board the President is further in his discretion to nominate and, by and with the consent of the Senate, to appoint said David J. Fitzgerald a first lieutenant in the Army, and to place him on the retired list of the Army: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

GUSTAF E. LAMBERT

The bill (S. 2584) to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, by including therein the name of Gustaf E. Lambert was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, is amended by inserting after the name of John J. Moran, wherever it appears in such act, the name of Gustaf E. Lambert.

OSWEGO, ONEIDA, SENECA, AND CLYDE RIVERS

The bill (H. R. 3285) authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods was considered, ordered to a third reading, read the third time, and passed.

RAINY RIVER BRIDGE, MINN.

The bill (H. R. 6834) to revive and reenact the act entitled "An act authorizing Vernon W. O'Connor, of St. Paul, Minn., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.", was considered, ordered to a third reading, read the third time, and passed.

FRED EDWARD NORDSTROM

The bill (S. 1010) for the relief of Fred Edward Nordstrom was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Fred Edward Nordstrom shall be held and considered to have been honorably discharged as a private, Company G, Three hundred and Fifth Regiment United States Infantry, on April 3, 1920: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued by reason of this act prior to its passage.

DEVILS LAKE (N. DAK.) HIGH-SCHOOL BUILDING

The Senate proceeded to consider the bill (S. 2621) to provide funds for cooperation with the public-school board at Devils Lake, N. Dak., in the construction, extension, and betterment of the high-school building at Devils Lake, N. Dak., to be available to Indian children, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $150,000 for the purpose of cooperating with the public-school board of special school district of the city of Devils Lake, county of Ramsey, N. Dak., for construction, extension, and betterment of the public high-school building at Devils Lake, N. Dak.: *Provided*, That said school shall be available to both white and Indian children without discrimination, except that tuition may be paid for Indian children attending in the discretion of the Secretary of the Interior: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Mr. ROBINSON. Mr. President, I presume this bill is in the same situation as that described by the Senator from Montana [Mr. WHEELER] in his statement with regard to the numerous bills we have been passing relating to Montana.

Mr. FRAZIER. Mr. President, practically the same statement would apply. The boarding school near the town of Devils Lake will close on the first of July, and there are more children who will come in.

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

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

The PRESIDING OFFICER. That completes the calendar.

ILLNESS OF INTERSTATE COMMERCE COMMISSIONER HUGH M. TATE

Mr. COUZENS. Mr. President, I send an article to the desk which I desire to have the clerk read. It is in connection with the illness of one of the distinguished Interstate Commerce Commissioners.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

CONDITION OF H. M. TATE IS REPORTED IMPROVED—I. C. C. CHAIRMAN WAS TAKEN TO BRYN MAWR HOSPITAL AFTER BEING STRICKEN IN FRIEND'S HOME

By the Associated Press

BRYN MAWR, PA., May 28.—Continued improvement in the condition of Chairman Hugh M. Tate of the Interstate Commerce Commission was noted today at the hospital where he is suffering from an intestinal ailment. He was taken to the hospital Sunday, seriously ill, after he was stricken at the home of F. W. Conner, assistant general traffic passenger manager of the Pennsylvania Railroad.

SUPPLEMENTAL ESTIMATE FOR LEGISLATIVE ESTABLISHMENT—LIBRARY OF CONGRESS (S. DOC. NO. 66)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, pertaining to the Library of Congress, for the fiscal year 1936, in the sum of $40,000, which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Young Democratic Club, of Nelson County, N. Dak., favoring the enactment of House bill 7982, authorizing the President to allocate directly to the Bureau of Biological Survey such funds as may be required to carry on the water and wild-life conservation program, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a letter in the nature of a petition from the Civic Leaders Club, of Los Angeles city and county, Calif., praying for discontinuance of the alleged use of F. E. R. A. funds for any teachers who may teach or foster communism in the schools, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by an associate meeting of the Good Will and Boosters Organizations of the Union Pacific System at Hastings, Nebr., favoring the prompt enactment of legislation providing for the equal regulation of all forms of transportation by one regulatory body, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a resolution adopted by the Council of the City of Chicago, Ill., favoring the enactment of legislation providing for the issuance of a special commemorative postage stamp in honor of the one hundred and fiftieth anniversary of Commodore John Barry, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the Code Authority for the Safety Razor and Safety Razor Blade Manufacturing Industry, New York City, N. Y., favoring the enactment of legislation to continue the National Industrial Recovery Act to June 16, 1937, which was ordered to lie on the table.

He also laid before the Senate letters in the nature of memorials from several citizens of the States of Iowa and Illinois, remonstrating against the enactment of proposed amendments to the Agricultural Adjustment Act, which were ordered to lie on the table.

He also laid before the Senate letters in the nature of memorials from several citizens of the States of Michigan and New York remonstrating against the enactment of the bill (S. 2796) to provide for the control and elimination of public-utility holding companies, operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, which were ordered to lie on the table.

He also laid before the Senate petitions of several citizens of the States of Arkansas and Georgia, praying for the enactment of old-age-pension legislation, which were ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by Nathan Hale Council No. 113, Sons and Daughters of Liberty, Evergreen, Long Island, N. Y., protesting against the enactment of House bill 6795, the so-called "Kerr bill", relative to the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the executive committee of the Kings County (N. Y.) Committee of the American Legion, protesting against the granting of clemency to Grover Cleveland Bergdoll, which was referred to the Committee on Immigration.

Mr. NORRIS presented the following resolution adopted by the Senate of the State of Nebraska, which was ordered to lie on the table:

(Resolution—Cooperation with the President's program, introduced by Senators Cloyd L. Stewart of Clay, John J. McMahon, and George T. Sullivan, of Douglas, Archie C. O'Brien of Hall, John S. Callan of Gage, and R. C. Regan of Platte)

Whereas there is in existence a Nation-wide emergency, productive of wide-spread unemployment and disorganization of industry, which has burdened commerce, affected the public welfare, undermined the standards of living, causing unemployment and reduction of living wages; and

Whereas the President and Congress have inaugurated and established a far-reaching reconstruction program to alleviate the sufferings resultant from unemployment, to realine industry, and to correct the maladjustments of our economic life, all for the purpose of bringing about a speedy return of prosperity: Therefore be it

Resolved by the senate, assembled in regular session, That we appreciate fully this great reconstruction program and are grateful to Congress and to the President for the help afforded the State of Nebraska, especially our farming communities; and

Further, that we are desirous of cooperating to the fullest extent with the President and with Congress in every way and urge upon our Representatives and Senators in Congress that they give their fullest cooperation with the President's program in order that, through the cooperation of all, we may effectuate a speedy return to prosperity; be it further

Resolved, That a copy of this resolution be placed upon our records and that copies of same be sent to the President of the United States and to the Nebraska Members of our national Congress.

REPORTS OF COMMITTEES

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1179. A bill for the relief of James H. Smith (Rept. No. 739); and

S. 1735. A bill for the relief of the estate of W. W. McPeters (Rept. No. 740).

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 1865) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of W. S. O'Brien against the United States, reported it with amendments and submitted a report (No. 741) thereon.

Mr. WHITE, from the Committee on Commerce, to which was referred the bill (S. 1152) relating to the carriage of goods by sea, reported it with amendments and submitted a report (No. 742) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 27th instant that committee presented to the President of the United States the enrolled bill (S. 1384) to amend the Emergency Farm Mortgage Act of 1933, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, and to amend the Farm Credit Act of 1933, and for other purposes.

BILLS INTRODUCED

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

By Mr. BARBOUR:

A bill (S. 2921) for the relief of Botany Worsted Mills, a corporation, of Passaic, N. J.; to the Committee on Claims.

By Mr. MALONEY:

A bill (S. 2922) for the relief of Rose Stratton; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 2923) for the relief of the Cold Spring Brewing Co., of Cold Spring, Minn., and the Schuster Brewing Co., of Rochester, Minn.; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 2924) for the relief of Prince Royal, Sr.; Kathleen Royal Hayes; Victor A. Royal; Lucile Royal; and Prince Royal, Jr.; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 2925) for the relief of the city of Worcester, Mass.; to the Committee on Claims.

A bill (S. 2926) to authorize the Commissioner of Education in the Department of the Interior to conduct a study and disseminate his findings and recommendations regarding suitable aviation instruction courses for the public schools, and for other purposes; to the Committee on Education and Labor.

By Mrs. CARAWAY:

A bill (S. 2927) for the relief of Abner E. McGuire; to the Committee on Claims.

A bill (S. 2928) granting a pension to Don Shelton; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 2929) for the relief of Frank I. Otis; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH and Mr. BONE:

A bill (S. 2930) to provide a preliminary examination of the Sammamish River, Wash., with a view to control of its floods;

A bill (S. 2931) to provide a preliminary examination of the Puyallup River, Wash., with a view to the control of its floods;

A bill (S. 2932) to provide for a survey of the Nooksack River and its tributaries in the State of Washington with a view to the control of its floods and to conservation of soil from erosion;

A bill (S. 2933) to provide a preliminary examination of the Nisqually River, Wash., with a view to the control of its floods;

A bill (S. 2934) to provide a preliminary examination of the Duwamish River, Wash., with a view to control of its floods;

A bill (S. 2935) to provide a preliminary examination of Cowlitz River, Wash., with a view to the control of its floods;

A bill (S. 2936) to authorize preliminary examination and survey of the Duwamish River, Wash.;

A bill (S. 2937) to provide a preliminary examination of the Columbia River, Wash., with a view to control of its floods; and

A bill (S. 2938) to provide a preliminary examination of Cedar River, Wash., with a view to control of its floods; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 2939) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ronald A. Cox; to the Committee on the District of Columbia.

A bill (S. 2940) to extend to the widows of Foreign Service officers the benefits of section 18 of the act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes", approved May 24, 1924, as amended; to the Committee on Foreign Relations.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H. R. 7781. An act to define the election procedure under the act of June 18, 1934, and for other purposes; and

H. R. 7874. An act to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia; to the Calendar.

H. R. 3641. An act to amend section 559 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 the Code of the District of Columbia as to residence of members of the Police Department;

H. R. 6510. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 6623. An act to amend the Code of Laws for the District of Columbia, in relation to providing assistance against old-age want;

H. R. 6656. An act to authorize the Pennsylvania Railroad Co., by means of an overhead bridge to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial side tracks, and for other purposes;

H. R. 7167. An act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes;

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;

H. J. Res. 201. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Seventieth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of September 1936, and for other purposes, incident to said encampment; and

H. J. Res. 280. Joint resolution for the designation of a street or avenue in the Mall to be known as "Maine Avenue"; to the Committee on the District of Columbia.

PUBLIC-UTILITY HOLDING COMPANIES—AMENDMENTS

Mr. DIETERICH submitted 11 amendments intended to be proposed by him to the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, which were ordered to lie on the table and to be printed.

REAL-PROPERTY TAX IN THE VIRGIN ISLANDS—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (S. 2838) to establish an assessed valuation real-property tax in the Virgin Islands of the United States, which was referred to the Committee on Territories and Insular Affairs and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. BONE and Mr. SCHWELLENBACH, jointly, submitted an amendment intended to be proposed by them to the bill (H. R. 6732) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AGRICULTURAL ADJUSTMENT ADMINISTRATION—AMENDMENT

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the so-called "Smith amendment" in the nature of a substitute to the bill (S. 1807) to amend the Agricultural Adjustment Act, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SOCIAL SECURITY—AMENDMENTS

Mr. WALSH. Mr. President, I submit two amendments intended to be proposed by me to House bill 7260, the so-called "social-security bill", which I ask to have printed and printed in the RECORD. In connection therewith I request permission also to have printed in the RECORD a memorandum relative to the proposed amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendments were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. WALSH to the 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, 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, viz:

On page 81, line 12, after the word "Federal", to insert the words "or State."

On page 81, line 16, after the word "child", to insert a period and to strike out ", in violation of the law of a State."

The memorandum presented by Mr. WALSH is as follows:

The purpose of amendment no. 1 is to conserve the rights of the individual from invasion by State as well as Federal authority. It would prevent the State official, in carrying out the provisions of the act, from entering the home and taking charge of the child over the objection of the parent or the person standing in loco parentis.

The purpose of amendment no. 2 is to clarify the paragraph. The clause "in violation of the law of the State", which this amendment removes, vitiates the rest of the paragraph. If a State law provides against entering the home and taking charge of the child over the objection of the parents, neither a Federal nor a State official could violate it under the protection provided in this paragraph. On the other hand, if there were no State law giving such protection to the parents and the home, this paragraph provides that protection (except that with the objectionable clause, the Federal or State officer would be permitted to enter the home and take charge of the child because he would not be violating the State law). With these amendments the paragraphs will read as follows: "Nothing in this act shall be construed as authorizing any Federal or State official, agent, or representative, in carrying out any of the provisions of this act, to take charge of any child, over the objection of either of the parents of such child, or of the person standing in loco parentis to such child."

It is urged that this protection to the home and to the individual is fundamental and an established principle that should be preserved in this act, which is of such far-reaching importance, particularly titles IV, V, and VI, which relate to the care of children, maternity, and health.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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 resolution:

On May 22, 1935:

S. 1776. An act granting a leave of absence to settlers of homestead lands during the year 1935.

On May 23, 1935:

S. J. Res. 98. Joint resolution to authorize the acceptance on behalf of the United States of the bequest of the late Maj. Gen. Fred C. Ainsworth for the purpose of establishing a permanent library at the Walter Reed General Hospital to be known as the "Fred C. Ainsworth Endowment Library."

On May 24, 1935:

S. 1222. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 1342. An act to revive and reenact the act entitled "An act granting the consent of Congress to board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn.";

S. 1680. An act to include within the Deschutes National Forest, in the State of Oregon, certain public lands within the exchange boundaries thereof; and

S. 1987. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebr.

On May 27, 1935:

S. 1803. An act to authorize the Secretary of War to pay certain expenses incident to the training, attendance, and participation of the equestrian and modern pentathlon teams in the Eleventh Olympic Games.

On May 28, 1935:

S. 2311. An act to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES—NEWS-REEL STATEMENT BY SENATOR GORE

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD remarks made by me for March of Time, a news reel sponsored by Time magazine, the subject being the "Cash Payment of the Adjusted-Service Certificates."

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

There is one point upon which we all agree, the overpowering need for recovery. That is our paramount purpose. That is our paramount object. Every American, whether citizen or soldier, is willing to do his duty, is willing to make every reasonable effort, to make every reasonable sacrifice to insure and facilitate recovery. The soldier who is willing to make the supreme sacrifice in time of war is not unwilling to make any reasonable sacrifice in time of peace in order to end a depression which in many respects is worse than war itself.

The American Legion, in its national convention held in Chicago in 1933, wisely went on record as opposed to inflation and as favoring a sound American dollar. As I agree with the Legion upon that principle, I have felt obliged to oppose any legislation which involves a resort to fiat money or an unsound dollar. Daniel Webster once declared that paper money was the most effective engine ever devised by the wit of man to fertilize the rich man's field with the sweat of the poor man's brow.

We may not all agree that the balancing of the Budget is essential to recovery, but Great Britain and Canada have balanced their budgets, and they have progressed further on the highway of recovery than those countries which have not. I think that steps toward balancing the Budget are essential on the one hand to avoid the necessity, the danger, the fear, and the evils of inflation, and are essential, on the other hand, to maintain the credit of the United States. I have often said that credit is to a nation what honor is to a man and what chastity is to a woman. Public credit is, after all, the foundation of private credit and of confidence. We have today practically all the material resources and all the human resources—all the land, labor, and capital; all the human wants and human needs that we had prior to the panic, but we do not have prosperity. One thing is lacking. That thing is confidence. Confidence is the breath of the life of business. Whatever promotes its return is sound policy. Whatever retards it is unsound policy.

What I have just said indicates the chief difficulty in the way of the immediate cash payment of the soldiers' bonus. To provide two and a half billion dollars out of an empty Treasury, with accumulating deficits approaching 15 billions, is no easy task. Moreover, the adjusted-service certificates, by their own terms, do not mature until 1945. One-half of their face value represents interest which has yet to accrue—between now and 1945.

But the ex-service men undertake to answer all this with the argument that the Government has expended, and is expending, billions upon billions—to distribute purchasing power, to stimulate business, to speed recovery. They insist that the cash payment of the bonus would distribute purchasing power, stimulate business, and speed recovery. In view of our spending program there is no sufficient answer to this argument. I was one of those who voted against the $5,000,000,000 work-relief bill. My objections would have been less, if it had provided for the cash payment of the soldiers' bonus. That measure will add five billions to our public indebtedness. If two billions of that had been used to retire the adjusted-service certificates, that would have canceled or liquidated a large part of our outstanding indebtedness.

I have been anxious, as anyone should be, to meet the reasonable desires and the reasonable requests of the ex-service men. To that end I have introduced a compromise measure. I have not intended to press my proposal until and unless the so-called "Patman bill" should pass the Congress, be vetoed by the President, and fail to pass the Senate over the President's veto. If and when that contingency arises, I would then urge consideration of my proposal.

My plan authorizes the President to enter into an agreement with our various debtor nations to readjust their indebtedness. The first condition, however, is this: That they pay or provide cash sufficient for the immediate payment of the adjusted-service certificates. There are several arguments in favor of such a policy. It is certain that the debtor countries will never pay their debts in full. It is equally certain that the United States will never cancel these debts outright. It is no less certain that this indebtedness stands in the way of international trade and commerce. These debts are like debris in the channels of commerce.

There will be several advantages resulting from the adoption of my proposal. It would mean a substantial payment on the war debts. It would enable us to retire the adjusted-service certificates without the issuance of bonds or the creation of additional indebtedness or adding to our growing deficits. It would distribute purchasing power and would undoubtedly contribute in some measure to promote recovery and to restore prosperity.

If the debtor nations will pay anything, they will pay this. If they will not pay this, they will not pay anything; and if that be true, the sooner we learn the truth the better. There is no advantage in deceiving ourselves.

DECISIONS OF THE SUPREME COURT

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a brief statement which I have just issued to the press of my State respecting the decisions handed down on yesterday by the Supreme Court holding unconstitutional the N. I. R. A. and the Frazier-Lemke Act.

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

The Supreme Court has discharged its duty and has met its responsibilities under the Constitution just as Senators are called upon to discharge their duty and to meet their responsibilities under the Constitution. But a great many people, a great many sincere reformers, do not fully appreciate either the limitations or the obligations which bind a Senator respecting legislation which he conscientiously believes to be unconstitutional. Each Senator takes an oath to support and defend the Constitution—not the Government, the Union, the Republic, but the Constitution—which is declared to be the supreme law of the land. No Senator can support any measure which, in his judgment, violates the Constitution without at the same time violating his oath of office and virtually committing perjury. A Senator might favor 99 sections in a particular bill and yet if he deems the one hundredth section unconstitutional he has no choice but to vote against the bill as a whole.

To illustrate, as a member of the Territorial Senate of Oklahoma I introduced a certain bill, but as a Member of the United States Senate I twice opposed the passage of bills to accomplish the same object. Strange as it may seem, the territorial senate had the power to pass such a law. The United States Senate had no such power under the Constitution. I had no choice in the premises but to vote against the bills in question.

I have been criticized by some of my friends because I have felt obliged to vote against several of the so-called "new-deal measures". I voted against them because I conscientiously believed that they were unauthorized by the Constitution. I voted and spoke against the N. I. R. A. bill on the ground that it was unconstitutional. On yesterday the Supreme Court vindicated my views and my vote. It had previously done so respecting the oil-control provisions of the N. I. R. A.

The Supreme Court recently annulled the Railway Pension Act. I thought a part of that measure was unconstitutional, but the Court went further than I had anticipated.

The Supreme Court, by a unanimous vote, held that Congress exceeded its constitutional power when it undertook to annul the gold clause contained in the bonds of the United States. I thought that the Court would so hold. When the measure was pending in the Senate I was one of two Democrats who voted for an amendment to strike out that provision of the bill, believing it to be unconstitutional. That amendment failed, and that, whatever my views, would have made it necessary for me to vote against the measure as a whole.

The Frazier-Lemke Act, which went down yesterday, was not a new-deal measure. But I apprehend that other so-called "new-deal measures" will encounter a similar fate at the hands of the Court. I have said this in the hope that the people of Oklahoma may keep in mind my sworn obligation when they come to pass judgment upon my views and my votes. It is not always easy to vote against a popular measure on the ground that it is unconstitutional. But I would speak less than the whole truth if I did not say that, in my opinion, the Constitution of the United States is the Ark of the Covenant of our liberties. I have no doubt that ways and means can be found within the Constitution to effectuate all necessary and proper reforms in the interest of progress and improvement, in the interest of freedom and justice.

CARNEGIE HALL ADDRESSES BY SENATORS CLARK AND NYE

Mr. NORRIS. Mr. President, I ask permission to have printed in the RECORD two speeches made last night in Carnegie Hall, one by the Honorable BENNETT CHAMP CLARK, a Senator from Missouri, entitled "Keeping This Country Out of War", and the other by the Honorable GERALD P. NYE, a Senator from North Dakota, on the subject "Profiting from Experience."

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

KEEPING THIS COUNTRY OUT OF WAR

By Senator BENNETT CHAMP CLARK, of Missouri

I should like to say at the outset of my remarks, with the greatest possible emphasis, that my associates in Congress and I who have come here from Washington to address you tonight have no desire or intention to detain you with the repetition of platitudinous, theoretical speeches on the wickedness and immorality of war. That is admitted on all sides. The moral arguments cannot be controverted, but have come to be considered as platitudes more to be recognized in the breach than in the observance.

There has not been in modern times any moral justification for war between civilized nations. No moralist or philosopher worthy of the name has ever been able to defend it. The veriest jingo in the United States does not dare to stand upon any public platform in this country and attempt to justify war as such. The peoples of the world have universally abhorred it. Yet when the greed for gain on the part of the few or the wiles of ambitious politicians have again sent the youth of the lands to the shambles, the fanfare of military music, the promise of glory, and the fiery exhortations of patriotism have overcome these moral scruples.

In more modern times no nation has admittedly waged a war of aggression. Invariably the plea is "for the defense of the fatherland", even if it involves the wanton invasion of foreign territory. No armament program is ever authorized by any parliament or congress for purposes of offense. The staggering military and naval budgets which have steadfastly led to the economic enslavement of the greater portion of the world's population are, in every country, jammed through under the pretext of national defense. The universal recognition of the immorality of war has not prevented the development of the familiar condition of competitive armaments, which must of necessity, and as a matter of fact does, create war.

Of course, we all know of the horrors of the World War, of the vast outpouring of blood and treasure, of the sacrifice of youth, the breaking down of morale, the engendering of hate, the desolation of territory, the destruction of all laws. All thinking men and women know that since 1918 the whole world has been passing through the fiery furnace of the aftermath of war. When that great cataclysm was nominally ended—and it has never been more than nominally ended, because its economic and moral effects are still marching on—bankruptcy or its equivalent was on every hand; international credit, even international honesty had been so seriously undermined as almost to be completely destroyed. Loss of morale, suspicions, animosities, jealousies, rancorous hates were on every hand. No competent economist who studies the calamitous events of the last two decades can fail to realize that in the largest and most tragic sense we are still today paying the bill for the Great War in the starvation, misery, and death which the present awful depression has imposed upon the nations of the earth. We are still paying the price in innocent suffering for the madness which engulfed the world.

These are facts we all have known these many weary, tragic, heartbreaking years; but which through long contemplation have come to have the familiarity almost of the commonplace. We come tonight to discuss with you even graver matters—not the disaster which befell the world in the comparatively recent past of two decades ago, but the tragedy which seems likely to engulf the world in 1935 or 1936 or 1937. We come not to discuss theory or assess the blame for past mistakes, but to take counsel with you on a matter of the most immediate and vital concern to the American people, who in the last analysis will have to answer. We come not to lament the sacrifice of some of the flower of our youth in the last war, but to discuss means of the prevention of the involvement of your boys and my boys in another war. We come to draw your attention to the fact—lamentable but definite, tragic in its implications, so certain that he who runs may read, that the post-war era has come to an end and that the world is once again wallowing in a pre-war era—that precarious condition where jealousies and hatreds between nations have been fanned to such a pitch, where international suspicion has been so acutely aroused, where excessive competition in armaments on every side has set the hair trigger of calamity that the bad temper of a dictator, the ineptness of a diplomat, the crime of a fanatic may loose irremediable disaster upon the world. We come to enlist your aid in arousing public sentiment throughout the Nation in the support of measures designed to prevent our country from being drawn into any such struggle.

I do not wish to appear as an alarmist. I hope that my public career has sufficiently demonstrated to anyone who has given it even casual notice that I am not a jingo. But one need not be a jingo to recognize the threats of war in other portions of the world that makes the danger of far-flung combat more imminent than it was at this season of the year 1914. Who of us that remember back to that tragic autumn will ever forget the shock with which we learned that hostilities on a major scale, so long prepared for, had actually begun? Who would assert that the skies are not now much more threatening than in the spring of 1914?

Gen. Tasker H. Bliss—that statesman in uniform—American representative on the Supreme War Council, once truly asserted that all of the causes of the World War could be summed up in one: "Too many men wandering around Europe with guns in their hands." And yet tonight, more than 20 years later, there are a million and a half more men under arms in Europe than in 1914. Expenditures for armament in the world exceed those of 1914 by billions of dollars. Despite the awful lessons of that experience the powder magazine has again been prepared for war. The train is laid, and any casual or deliberate spark may set it off.

Every competent observer must admit that the danger of war has increased perceptibly during the past year. Twelve months ago there was still talk of a disarmament treaty, but the diplomatic alinements in Europe had begun to reform. Then came the assassination of the Austrian Chancellor Dollfuss and the war scare of last July. King Alexander, of Yugoslavia, and Foreign Minister Barthou, of France, were murdered in September. Finally, in March of this year, came Hitler's bold declaration of rearmament—a measure to an extent unfortunately justified from a national point of view by the flagrant failure of the other parties to the Versailles Treaty to carry out their solemn obligations under that treaty looking toward disarmament. And the world-wide reaction to the action of Germany must have convinced every American mindful of his country's welfare that we are once again face to face with the desperate decision of what shall be our course if the war drums should again beat in foreign lands and we shall again be confronted with the proposition of maintaining real neutrality or maintaining trade with the group of belligerents, whoever they may be, who establish sea supremacy over their adversaries to the point that if the war be sufficiently prolonged our economic interests will be so inextricably interwoven with those of their only possible customers in the struggle and the incentive and occasion for the adverse belligerents to challenge our claims to neutrality so obvious and frequent that our entrance into the war is only a matter of time. This is the subject of our appearance here this evening.

For the moment the immediate tension seems to be subsiding but the permanent crisis only deepens. The Disarmament Conference is hopelessly deadlocked at Geneva. Every great power is spending vastly more today on preparations for war than it spent on the eve of the World War. A recent compilation shows that the military, air, and naval budgets of the leading European countries represent an increase of more than 50 percent over the budget of 1914. New conscript classes are being called to the colors. The war babies of 1914 are being drafted as the cannon fodder of the next war. New and powerful instruments of death are being forged by armament makers in all of the great industrial countries and are being hawked about for profits throughout the world—in most cases without regard for the boasted claims of patriotism of the munition manufacturers. The naval-limitation treaties negotiated at Washington in 1922 and in London in 1930 are about to expire and a new naval race has begun.

I blush to say it, but it is the truth and should be said and shouted from the housetops and borne in on every lover of his country, that in the new race in armament, fraught with so much disaster to the peace of the world, we as a nation are by no means free from blame. We have made a fetish of loudly proclaiming our devotion to the cause of armament reduction and we have religiously denied aggressive designs against any foreign country. It is true that we get less for the taxpayers' money than any other nation in the expenditure for armament—partly due to the fact that we have submitted more docilely to being plundered by shipbuilders and other purveyors of munitions than have other peoples. But the unescapable fact remains that we have actually increased our expenditures on Army and Navy in preparation for another and more dreadful war more rapidly than any European country in the period since the World War. In 1914 the total cost of our Army and Navy combined amounted to $348,000,000. I am sorry to say that the Senate on last Friday passed the bill originated in the House which increased the total expenditures for 1914 for the Army and Navy combined by nearly one-third for the support of the Navy alone. And that was after passing the largest peace-time appropriation in history for the support of the Army. This year we have actually authorized the expenditure of $821,000,000 in two bills for the support of our armed forces, an increase of more than 200 percent over 1914. With the funds which will be allotted under the works-relief bill and those still applicable and being expended under the act of 1933, our expenditure for armament this year will run far in excess of a billion dollars.

And for what are these enormous sums being squandered? The answer, unfortunately, too much lies in the extent to which our professional military men are allowed to dictate not only our military policy but our national and foreign policy as well. We have been very free to criticize the militarism of other countries dominated by military or naval cliques. The control of the governments of other lands by militarists has in fact been one of the most frequent and most impelling reasons assigned for the expenditure of huge additional sums on preparation for war. Every such instance has met with universal condemnation throughout this country.

And yet a few days ago two very high ranking officers of the United States Army appeared at an executive session of a House committee and advocated a plan for establishing camouflaged air bases on our borders for the purpose of raiding across the border and seizing the property of Canada and France in the event of war, even though they conceded that Canada would probably remain neutral in the event of war between us and any other country. Between our country and Canada has existed for more than a century the only permanently successful disarmament treaty in the history of the world. It was therefore not to be wondered at that the Canadian Government promptly made diplomatic inquiries. To his glory be it said that the President immediately and sternly rebuked the officers in question and likewise rebuked the House

committee for making public testimony given at a secret session. With all due respect to the President, it seems to me that the vice lies not alone in publication of such inflammatory remarks but in permitting Army and Naval officers to frame such plans, involving so deeply our whole foreign policy. Think what a wave of indignation would sweep this land if the Canadian air minister or the chief of the French aviation service were to inform his parliament of plans for raiding our country and seizing our airports in the event of a war to which we were party. Think of the swelling demand for quadrupling the size of our Navy—aye, for building a thousand battleships—would immediately ensue if the Japanese air chief would blandly announce that in the event of war between Japan and any other nation Japan would raid the Philippines and seize our bases in Hawaii and Guam. And yet such incidents would be but the exact equivalent of the recent dangerously incendiary remarks of our two generals of aviation.

Unfortunately, this incident cannot be said to be exceptional. On the contrary, there are many indications that both the Navy and the Army in carrying out their strategic plans are committing the United States to policies over which the Congress and even the President have little control. While the State Department is striving constantly to improve our relations in the Far East, the Army and Navy are carrying on naval and air maneuvers in the Pacific east of Hawaii which are shrouded in the deepest mystery. Strategic surveys are being made in Alaska and the Aleutian Islands with the knowledge that air bases in this locality will bring American bombing planes within direct striking distance of Japan. The American people have no desire and no intention of waging war with Japan, and these preparations are justified in the name of national defense; but they inevitably provoke suspicion and distrust abroad, and in the end lead to counter preparations on a larger and grander scale.

I would not be understood in any way to reflect upon the character or the patriotism of the officers and men of our military and naval services. They are nearly uniformly men of courage and honesty and patriotism. But we all recall the old story that when the tanner was asked by what means the city should be saved he answered "By leather", the miller answered "By flour", and the purveyor of tallow responded "By candles." And so our professional soldiers and sailors constantly assert that the country can only be saved by continuing enormous increases in armament. They are the last who should be permitted to decide our foreign policy. To the fact that the delegations from all nations to all disarmament conferences have been accompanied by squads of admirals and generals the failure of those conferences may be directly attributed.

We have only to go back to the years immediately preceding the World War to understand where all of the frenzied preparation for war throughout the world is leading us. No one who has studied the diplomatic correspondence made public since 1918 can doubt that the naval building competition between England and Germany in the early days of this century and the grandiose mobilization schemes of France and Russia on the one hand and of Germany and Austria on the other were among the primary causes of the conflict. The very preparedness which had been urged in every nation as a purely defensive measure made war inevitable when once the spark was supplied by the assassination of an Austrian archduke on that day in June 21 years ago.

When the next spark will fall none may foretell. It may be tomorrow. The incident which brings on the next war may be postponed for a year; perhaps for 2 years, or even longer. But if the nations of the world continue to follow the same mad policies they are following today, it is only a matter of time until the vast war machines are again set in motion.

I shall not take the time to emphasize the horrors of the next conflict. We know that the advance of science will make it far more dreadful and far more destructive than the last. If another war should come the overwhelming majority of the American people ardently desire our Nation to keep out. Even now as the crisis deepens this sentiment is sweeping over the country. We have felt it in Congress in the popular demand to take the profit out of war, to end the injustice of a brutal system which drafts the youth of the Nation to sacrifice their lives in the trenches for a dollar a day while the heads of great munitions firms are allowed to draw their million-dollar bonuses in safety at home. The American people will not endure such things again.

The desire to keep the United States from involvement in any war between foreign nations is very strong today—wellnigh universal. But there was an almost equally strong demand to keep out of the last war. In August 1914 no one could have conceived that America would be dragged into a European conflict in which we had no part and the origin and ramification of which we did not even understand. Even as late as November 1916—after 2 years of carnage in Europe—the American people reelected Woodrow Wilson because he kept us out of war. And yet 5 months later we were fighting to save the world for democracy in the war to end war.

In the light of that experience it is high time that we gave some thought to the hard, practical question of just how we propose to avoid war if it comes again. No one who has made an honest attempt to face the issue will assert that there is any easy answer. No one who has studied the history of our participation in the World War will tell you that there is a simple way out. There is none—no simple panacea, no magic formula. But if we have learned anything at all we know the inevitable and tragic end to a policy of drifting and trusting to luck. We know that however strong is the will of the American people to refrain from mixing in other peoples' quarrels, that will can only be made effective if we have a sound, definite policy from the beginning. No lesson of the last war is more clear than that such a policy cannot be improvised after war breaks out. It must be worked out in advance, before it is too late to apply reason. I say with all possible earnestness that if we want to avoid another war we must begin at once to formulate a policy based upon an understanding of the problem confronting us.

At the outset I frankly confess that I make no pretension to knowing of a policy which can provide an absolute and infallible guaranty against involvement in war. Certainly there is no such policy which can be written into the law or enacted as legislation. The only sure way to avoid another war is to prevent that war from breaking out. I have advocated preventive measures and I have supported disarmament and settlement of disputes by peaceful means. But if these fail or if nations insist on preparing for armed conflict and that conflict comes, then I insist that we must do everything in our power to stay out. And I believe that the United States can stay out of the next war if it wants to, and if it understands what is necessary to preserve neutrality.

The best way to reach such an understanding is to examine the forces which are likely to involve us in war. In 1914 we knew very little about these forces. President Wilson issued his proclamation of neutrality and we went on with business as usual, in the happy belief that 3,000 miles of ocean would keep us out of the mess. Our professional diplomats were not much more astute. They assumed that all we had to do to keep out was to observe the rules of international law and insist upon our neutral rights. About 2 weeks after the outbreak of hostilities our State Department issued a public circular on the rights and duties of a neutral in war time. They took the position that the existence of war between foreign governments does not suspend trade or commerce between this country and those at war. They told American merchants that there was nothing in international law to prevent them from trading with the warring nations. They told munitions makers that they were free to sell their war materials to either or both sides. They took no steps to warn American citizens of the dangers of travel on vessels of the warring nations, even after passenger ships had been sunk without warning. This attitude, strange as it may seem today, was in full accord with the rules of international law as generally understood at that time.

We are wiser today. We know more about war and much more about neutrality. And yet it is remarkable how much we seem to have forgotten. In the course of the Senate investigation of the munitions industry this winter Senator NYE and I have had occasion to go rather deeply into the activities of our arms merchants and other traders in war material during the early years of the conflict. We have examined again the tortuous record of our diplomatic correspondence. From this survey four broad conclusions stand out:

1. That a policy based on defense of our so-called "neutral rights" led us into serious diplomatic controversy with both the Allies and the Central Powers, and in the end brought us to a point where we were compelled to choose between surrendering these rights or fighting to defend them. In 1917 we chose to fight.

2. The national honor and prestige of the Nation are inevitably involved when American ships are sunk on the high seas—even though the owners of these ships and their cargoes are private citizens seeking to profit from other nations' wars. Passions are quickly aroused when American lives are lost—even though the citizens who took passage on belligerent ships knew in advance the risks they ran.

3. That the economic forces, set in motion by our huge war trade with the Allies, made it impossible to maintain that true spirit of neutrality which President Wilson urged upon his fellow citizens at the outbreak of the conflict.

4. That among these economic forces, those which involved us most deeply were the huge trade in arms and ammunition and other war materials with the Allies.

The other speakers who follow me will go more deeply into this record, I have only time here to touch the high spots.

First, just a word about the futility of trying to defend our neutral rights and freedom of the seas. As a neutral we claimed the right to trade in war materials and all other goods with the warring nations. This right—with two main exceptions—had been recognized under the rules of international law which had grown up over more than a hundred years. The exceptions were important: A warring nation, or belligerent, had a right which we recognized, to capture goods called "contraband." Originally contraband consisted of guns and explosives and other munitions intended for the use of the armed forces. Great Britain, for example, had a legal right to stop an American ship on the high seas if it could prove that the vessel carried munitions bound for Germany. In 1909 the leading sea powers drew up a list of contraband in a famous statement of maritime law which came to be known as the "Declaration of London."

When the World War broke out, however, this declaration had not been put into force by any of the governments. When our State Department asked the British Government whether it would accept the list of contraband articles in the declaration of London the British declined. They argued, with some logic, that under modern conditions of war, food and raw materials, and almost everything except ostrich feathers, which were sent to the enemy were just as important as guns and explosives for the army. Modern war is not merely a contest between armies on the field of battle. It involves the entire population of nations and becomes

a death struggle in which the warring country tries to overcome the will of the enemy to resist. Anything which helps the enemy to carry on the war is of vital importance. By the end of 1916, therefore, Great Britain had placed almost every article exported by the United States on the lists of contraband. Our State Department protested that the British had no right to change the old rules of international law. We sent a stream of indignant notes to London. But Great Britain was engaged in a death struggle, and we knew that one way to win the war was to starve the enemy. Our notes fell on deaf ears, partly through the almost treasonable connivance of our own ambassador.

Our Government protested even more violently to Germany. While British ships were seizing contraband and taking American vessels into port, German submarines were sinking merchant ships on sight. The Imperial German Government argued that their submarine campaign was the only effective means of combating the allied blockade which was starving the German people. They complained bitterly against the blockade and they protested our huge trade in munitions and war materials with the Allies.

Public opinion in the United States became inflamed at the ruthless destruction of unarmed merchant ships and passenger vessels. When the *Lusitania* was sunk in May 1915, with the loss of 124 American lives, our patriots began to shout for a strong policy. President Wilson parried with diplomatic notes and for a time Germany offered to compromise. No one, it seems, thought of asking whether private American citizens in pursuit of fat profits had a right to involve us in war. In the end we were led to the point where we had to choose: We could try to defend our neutral rights by force of arms or we could give up those rights and stay out. On April 6, 1917, Congress declared that a state of war existed between the United States and Germany.

The only logical result of attempting to enforce these neutral "rights", as they are described, is to get us into war with both sides or to force us to join hands with one violator of our rights against another. It is logical and it is crazy.

In the last war we got into the war on the side of those with whom we were doing a business of billions of dollars, yet they, too, had violated our neutral rights.

Monsieur Tardieu, former French Premier and cabinet member during the war, saw the situation very clearly. He said:

"House had vainly tried to make the belligerents understand the American refusal to 'distinguish between violations of international law.' Neither London nor Berlin admitted this fairness; and if an attempt had been made to force both sides to admit it a break with both sides would have been the result. To break with everyone because unwilling to break with any, such was the paradox to which Wilsonian diplomacy led. To remain logical with itself, it would have had to declare two wars instead of one, as some people jump into the river to keep out of the rain. Robert Lansing frankly admitted it on December 23, 1916, when he told the Washington correspondents: 'Our rights are more and more traversed by the belligerents on both sides. We are getting nearer and nearer the brink of war.' Which war? That was now the only question. Unless the United States wanted two enemies, it had to choose one. Neutrality was admittedly a failure."

Let us see this logic ahead of time, instead of later, when the only way we can be logical is to be illogical.

Let us foresee that our ships will be seized by England or bombed from the air by Germany.

Let us not claim as a right what is an impossibility.

The only way we can maintain our neutral rights is to fight the whole world.

Failing that, we only pretend to enforce our neutral rights against one side and go to war to defend them against the other side.

Let us abandon pretense.

The other day the man who was commander of the United States Fleet in European waters during the World War—Admiral William S. Sims—made a remarkable speech on the question of freedom of the seas. In looking back on our policy in 1916, he said: "Thus the enormous pressure of the golden stream of war profits made us insist upon our right to make money out of the vital needs of nations fighting for their lives, and to insist upon being protected in this trade." And today he says, "the point of the whole business is this: We cannot keep out of a war and at the same time enforce the freedom of the seas—that is the freedom to make profits out of countries in a death struggle. If a war arises, we must therefore choose between two courses: Between great profits, with grave risks of war, on the one hand; or smaller profits and less risk, on the other."

But defense of our neutral rights was not the only cause of our being dragged into the World War. There were many factors, including the vast campaign of propaganda which began with the manufactured atrocity stories in the invasion of Belgium. The American people ceased to be neutral almost on the outbreak of hostilities. Our newspapers became violently partisan, and even our best citizens were soon shouting for preservation of the national honor. But among all these forces the economic entanglement of our one-sided but profitable war trade stands out in bold relief.

Senator NYE will tell you the amazing story of how our munition makers built up this profitable trade in instruments of death and how it linked us with the Allied cause. He will describe how our bankers floated the huge loans which made it possible for the Allies to keep up their purchases of war materials of all kinds in the American market.

There were few at the time who saw clearly what was taking place. A few voices were raised in protest. One of these was the outspoken Senator from Wisconsin, Robert M. La Follette. In September 1915 La Follette described what was happening. He said:

"With the first clash of the Great European War came President Wilson's solemn appeal * * * 'The United States must be neutral in fact as well as in name.' * * * But when you can boom stocks 600 percent in manufacturing munitions—to the bottomless pit with neutrality. What do Morgan and Schwab care for world peace, when there are big profits in world war? * * * The stocks of the Schwab properties, which stood at a market value of seven millions before they began supplying the Allies * * * are today given an aggregate value of forty-nine millions. And now we are about to engage in furnishing the Allies funds. * * * We are underwriting the success of the cause of the Allies. We have ceased to be 'neutral in fact as well as in name.'"

He was right. We had already ceased to be neutral.

One point which stands out sharply in this record is that we cannot improvise a policy of neutrality after a war breaks out. From our first shipment of munitions our feet were irrevocably committed to the path which led to war, and the only question was as to whether the war could be ended before we were forced in. In the Congress of the United States during the early war years many resolutions were introduced for the purpose of stopping this trade in war materials. As early as August 28, 1914, Representative Towner, of Iowa, saw that even the trade in food and clothing would invite our own entanglement. At the other end of the Capitol Senator Hitchcock, of Nebraska, introduced a bill calling for an embargo on munitions and war material; but it was already too late. Our State Department took the position that it would be an unneutral act to place an embargo after war had come. It would be like changing the rules in the middle of the game, and would favor one side to the disadvantage of the other. The Allies and their American sympathizers echoed this view, and Hitchcock's bill was quickly pigeonholed.

In the light of this record, what are the possibilities for the future? I say with all sincerity that I believe there is still time to formulate a policy to keep the United States out of the next war. I believe that the American people want to stay out, and I believe that the American people are willing to support such a new policy to insure their neutrality, even though the price may be high.

The three resolutions introduced by Senator NYE and myself, and the House resolution introduced by Congressman MAVERICK, embody the major points of a rational, realistic program of neutrality.

In these resolutions we propose that American citizens who want to profit from other people's wars shall not be allowed again to entangle the United States. We learned in our munitions inquiry that some of our American armament firms have been making money by helping Germany rearm with airplanes. We deny that this obliges us to put our own boys on the receiving line when those airplanes start dropping their bombs. We propose to take the American flag off the munition ships.

Specifically, this new neutrality legislation contains four vital provisions:

1. A complete embargo on the shipment of all arms and ammunition and other war material to all belligerents in time of war.

2. A similar automatic embargo on all loans and credits to the warring nations for the purchase of war materials or other contraband.

3. A law forbidding the granting of passports to American citizens traveling in war zones or on belligerent ships.

4. A law requiring that anyone who exports any article declared to be contraband of war by any belligerent country shall do so at his own risk or at the risk of the foreign government or foreign purchaser.

This legislation, we frankly admit, cannot safeguard us against poisonous propaganda or the inflaming of people's minds which may follow in the wake of another war. It is not an automatic safeguard of our neutrality. But it does, we believe, lessen some of the most important dangers as revealed by our World War experience. It involves a cost, and it may mean the loss of lucrative profits. It may mean a loss to some of our vested interests and may demand a sacrifice from those who might otherwise profit.

We have been helping to rearm Germany. We have been sending over airplane engines. We have licensed a German company to make our best engines. English aircraft companies have also sold to Germany. Nobody knew about this until it was too late. In 1926 the Du Ponts found out that Germany was exporting military powder in violation of the treaty. The Du Ponts and their British allies, the I. C. I., knew about this. The Du Ponts said that if I. C. I. had wanted to stop this it could have done so. It chose not to stop it because they were in close financial relations with German chemical and powder companies. Nobody in this country—outside the Du Ponts—knew about this until it was too late.

In this quiet way things happen which upset the balance of power. In the same quiet way the first American munition ship sailed in 1914 or 1915, and nobody knows its name to this date. Yet the sailing of that ship determined our foreign policy.

We must not let things happen again without knowing exactly—and ahead of time—what everything means that threatens to get us into war.

This program, if carried through, will mean that we must give up our boasted neutral rights. Some people, who are already beginning to oppose this legislation, declare that we are hauling down the American flag, and that in a future war the belligerents will trample on our rights and treat us with contempt. Some of these arguments are trundled out by our naval bureaucracy. The

admirals, I am told, objected strenuously when the State Department suggested a new policy of neutrality somewhat along these lines. Doubtless they saw clearly enough that the neutrality would rob them of one of their best justifications for a big navy. After all, what is the function of the Navy if it cannot defend our vaunted rights to freedom of the seas? Unfortunately, the fact remains that no one else has recognized our rights.

I am quite prepared to admit that this program involves the sacrifice of transitory profits. But I contend that such profits are not worth the cost of involvement in a second world war. Who profited from the last war? The Du Ponts and the Morgans, it is true, made their millions. Labor got some of the crumbs in the form of high wages and steady jobs. But where is labor today with its 14,000,000 unemployed? Agriculture received high prices for its products during the period of the war and has been paying the price of that brief inflation in the worst and longest agricultural depression in all history. Industry made billions in furnishing the necessities of war to the belligerents and then suffered terrific reaction like the dope addict's morning after. War and depression—ugly, misshapen, inseparable twins—must be considered together. Each is a catapult for the other. The present world-wide depression is a direct result of the World War. Every war in history has been followed by a major depression. Nearly every war has been instigated in times of depression by the few who have vested interests in the profits of war. Together war and depression form a vicious circle whirling the welfare of mankind and the good things of life into oblivion.

Let the man seeking profits from the war-time countries do so at his own risk. Even when a business representative of Swift & Co. was shot in Cuba a year or two ago, our war party started talking military intervention. Every man profit bent or impelled by idle curiosity in the war-torn areas of the world carries in his body the death of a hundred thousand American boys. He can be made the cause for war. His profits from the warring countries are his own business; let his risk be his own business, too.

If there are those so brave as to risk getting us into war by traveling the war zones—if there are those so valiant that they do not care how many people are killed as a result of their traveling, let us tell them, and let us tell the world, that from now on their deaths will be a misfortune to their own families alone, not to the whole Nation.

Let us not fool ourselves. After a war has been started all the public opinion in the world cannot change by one jot or tittle the manner in which the most desperate of the belligerents chooses to carry it on. If one side uses gas on the civilian populations of the enemy, the other side will use gas the next day. The chemical industries of all nations stand ready to produce it.

Our only hope for keeping out of war, from keeping away from using gas, and from being on the receiving end of it, is to lay plans to keep out of war now, before the war has started.

"But," shout the profiteers who oppose any national neutrality, "you would sacrifice our national honor." I deny with every fiber of my being that our national honor demands that we must sacrifice the flower of our youth to safeguard the profits of the privileged few. I deny that our national honor requires that we must invite national bankruptcy. I deny that it is necessary to turn back the hands of civilization to maintain our national honor. I repudiate any such definition of honor.

The statesmen of Europe know their responsibility in this moment of crisis. They know their risks. They are spending their days and nights calculating and recalculating these responsibilities and risks.

It is time for every lover of our own country to do the same thing.

Our hope and safeguard lies in the statesmanlike and humanitarian attitude of President Roosevelt, whose invaluable assistance and sympathy in the conduct of the munitions investigation we gratefully acknowledge, and whose devotion to a policy of sane neutrality which will enable us to keep out of war has frequently been made known. We appeal to you to lend your efforts in the creation of an overwhelming body of public sentiment to bring about the firm establishment of that policy. The time for action is due, and past due. For the people of the United States to permit a condition to continue which would lead us again to catastrophe is incredible and stupendous folly.

Let us put our own house in order. Let us announce to the world that we have determined upon a policy of real neutrality designed to prevent us from being entangled in their quarrels. Let us set an example of real neutrality. And then, perchance, it may eventually dawn on the statesmen of Europe that if they should persist in the madness of engulfing Europe in an ocean of poison gases and a hailstorm of lead that the sad day may come when some maverick from Texas may stand upon the floor of our Congress and propose that the deserted, devastated, grass-covered ruins of Europe shall be taken over by the United States as grazing lands for cattle to replace the dust-storm areas of our West.

PROFITING FROM EXPERIENCE

By Senator GERALD P. NYE, of North Dakota

I have been made to understand the conception of this meeting tonight. You who are here and who have sponsored the gathering are entertaining a belief that if this world is bound to have more armed conflict there must be ways of keeping America out of it. I am sure your spirit is not without foundation, and my own convictions on the subject are such as make me quite happy to have your invitation to join in this consideration.

If Europe is to again blow up in our very face, America can avoid being dragged into a repetition of other days if America but possesses the intelligence to permit experience to be its light.

Do we have that intelligence? Sometimes I wonder. I cannot forget that it was only 17 years ago that found us giving thanks for the end of that conflict which had left on every hand wreckage, wastage, debt, despair, heartache. We found our consolation and compensation quite alone in the thought that ours had been a successful effort to make the world safe for democracy, and in the further thought that we had engaged with success in a war to end war. We swore then with greatest fervor that we would never, never let that experience be visited upon this earth again.

But look upon ourselves today, so shortly after that engagement to save democracy and end war. Democracy has never been upon thinner ice than since then. There is more actual threat and danger of more war now than was true a few days before the World War came.

Do we have the intelligence to stay out of another such war? Again I wonder. For I see mad things being done. I see the world spending more money getting ready for more war than it ever spent in peace time, and I see America not only keeping up with the Joneses, but often setting the pace. I see America annually spending more money in preparation for more war than is being spent by any nation on earth and wonder if experience, after all, has meant anything. I see my country engaged in fighting the depression that war gave us with large appropriations for public works, and then note that the very first allocation from these funds is hundreds of millions of dollars to the Navy to be used in building more ships to be ready for more war, to be followed by more depression so that we can have another public-works program through which to build more ships and make ready for still more war. I see and hear American policy makers formulating programs calling for expenditures to accomplish fortification and preparedness along the Canadian border, a border that has been without show of military strength for more than 100 years. I see our American Navy going thousands of miles away from our own shores to do its annual maneuvering and ask myself what would be our American attitude if the Japanese Navy came as far eastward across the Pacific as we have gone westward across the same ocean to do our signal practicing. Then again do I wonder if we do have the intelligence that will let us permit experience to be our guide in the future.

This past year has witnessed the most intensive inquiry into the questions of arms traffic, munitions, war profits, and profits from preparedness for war that the world ever saw undertaken. It has been my privilege to work with six other Members of the United States Senate in this study. I am happy tonight to say that it grows increasingly evident that our labors have not been in vain and that truly worth-while legislation will be forthcoming to meet the frightful challenge which the inquiry disclosures have been. Largely because the people have shown tremendous interest in the subject, I am sure that substantial legislation is on the way to restrain those racketeers who find large profit in breeding hate, fear, and suspicion as a base for large preparedness programs, and who have learned that while there is large profit in preparing for war, there is larger profit for them in war itself.

But out of this year of study has come tremendous conviction that our American welfare requires that great importance be given the subject of our neutrality when others are at war.

Tonight I think we will do well to give some thought to causes behind our entry into the Great War. Those causes as well as the results which have since followed are an experience we should not soon forget.

Nineteen hundred and fourteen found America just as determined, just as anxious for peace as it is now. But less than 3 years later we were in the greatest of all wars, creating obligations and burdens which even to this day bend our backs. What was it that took us into that war in spite of our high contrary resolve?

To me there is something sinister involved in using the language of 1914 in this present pre-war year of 1935. There is, I fear, danger that the soft, evasive, unrealistic, untrue language of 21 years ago will again take root and then rise up and slay its millions as it did then, both during and after a war.

Let me make this clear. If the people of the world are told again that the next war is a political war for the noblest possible ideals, those same people will be the ones to suffer not only during the war, but also when the war is over and the peace signed on the basis of the crude, economic struggle.

Did the English or the Germans or the French in 1914 know that they were fighting the battle of commercial rivalries? No. Did the American people know that they were fighting to save the skins of the bankers who had coaxed the people into loaning $2,000,000,000 to the Allies? No. They all thought that they were fighting for national honor, for democracy, for the end of war.

It was only after the war that President Wilson confessed that he knew what it was all about. He said at St. Louis in 1919:

"Why, my fellow citizens, is there any man here or any woman, let me say is there any child here, who does not know that the seed of war in the modern world is industrial and commercial rivalry? The real reason that the war that we have just finished took place was that Germany was afraid her commercial rivals were going to get the better of her, and the reason why some nations went into the war against Germany was that they thought Germany would get the commercial advantage of them. The seed of the jealousy, the seed of the deep-seated hatred was hot, successful commercial and industrial rivalry.

"This war in its inception was a commercial and industrial war. It was not a political war."

Ah, the rulers of the world, the foreign offices, the state departments, the presidents and kings and czars and kaisers, knew what the war was about all the time. It was only afterward that the people were informed why they had been fighting. There was fraud perpetrated by the governments of the world in hiding from their people the economic causes for which they were fighting.

That fraud was paid for after the war was over. The spokesmen of the world looked at the peace with cold, calculating eyes which took little account of idealistic slogans. The French could only see that America had had to get into the war because American bankers had advanced $2,000,000,000 worth of credits, which would have been worthless if we had not gotten into the war. But the American people did not know this at the time.

Andre Tardieu has written that—

"The increasing volume of Allied needs afforded the Americans almost unlimited trade possibilities. Prices had risen enormously. Profits had swollen tenfold. The Allies had become the sole customer of the United States. Loans the Allies had obtained from New York banks swept the gold of Europe into American coffers.

"From that time on, whether desired or not, the victory of the Allies became essential to the United States. The vacillations of Wilson's policy only made this necessity more apparent. The note of the Federal Reserve Board forbidding further loans to the Allies jeopardized American financial interests as much as it did the fate of the Allies. This note, coming too late or too soon, placed buyers and sellers, borrowers and lenders, in equal peril. If, deprived of resources, the Allies lost the war, how could their debts be paid, and what would their signature be worth? The carefully weighed policy of the President, permitting sales and stopping credits, worked against neutrality and in favor of a break; it worked against Germany and in favor of the Allies. Between the Allies and the American market a common bond of interest had been created."

Von Bernstorff, the war-time German Ambasasdor to this country, said that Colonel House told him in May 1916 that—

"As matters turned out Wilson no longer had the power to compel England to adhere to the principles of international law. That the reason for this was that American commerce was so completely tied up with the interests of the Entente that it was impossible for Wilson to disturb these commercial relations without calling forth such a storm of protest on the part of the public that he would not be able to carry out his intention."

The fraud of pretending that wars are political—involve national honor—when they are essentially for economic causes—leads to friction when the wars are over. Fraud and friction go hand in hand.

Let us be as frank before the next war comes as Wilson was frank after the last war was over. Let us know that it is sales and shipments of munitions and contraband, and the lure of the profits in them, that will get us into another war, and that when the proper time comes and we talk about national honor, let us know that simply means the right to go on making money out of a war.

Let us have done with all the fraud, and we will have done with all the post-war friction.

There are many who have tried to keep us from being involved in entangling foreign political alliances. But since wars are for economic causes basically, it is as important to avoid becoming involved in entangling foreign economic alliances. That is the crux of the matter. It is useless to pretend that our isolation from foreign political entanglements means anything if we open wide the gates to foreign loans and credits for munitions and spread out a network of munition ships that will be ignition points of another war.

What are the facts behind these conclusions of men familiar with the real causes of our entering the war?

From the year ending June 30, 1914, to the year ending June 30, 1916, our exports to the Allies increased almost 300 percent, or from $825,000,000 to $3,214,000,000. During the same period our exports to the Central Powers fell from $169,000,000 to $1,000,000. Long before we declared war on Germany we had ceased to have any economic interest in her fate in the war, because she was buying nothing from us.

The bulk of our sales during this pre-war period were in munitions and war materials. It must be remembered that the World War inaugurated war on the scale of whole nations pitted against nations—not simply of armies, however large, against armies. Consequently, foodstuffs and raw materials for the manufacture of items essential to modern war were declared contraband by one belligerent or another. In the year 1914 more than half of our total exports to all countries were munitions and war materials of this kind. In 1915 our sales of such materials were 179 percent greater than they had been in the preceding year and constituted 86 percent of our total exports to all countries. In 1916 our sales of these articles were 287 percent greater than in 1914 and totaled $3,700,000,000, which was 88 percent of our total exports. The growth of our sales of explosives may be taken as a single example. In the year ending June 30, 1914, we exported only $10,000,000 worth of explosives. In the year ending June 30, 1915, this figure had grown to $189,000,000, and in the next year it reached $715,000,000.

America officially regarded the right to engage in this trade as part of our neutral rights and no attempt was made to discourage it. On October 15, 1914, the State Department issued a public circular which read in part:

"Generally speaking, a citizen of the United States can sell to a belligerent government or its agent any article of commerce which he pleases. He is not prohibited from doing this by any rule of international law, by any treaty provisions, or by any statute of the United States. It makes no difference whether the articles sold are exclusively for war purposes, such as firearms, explosives, etc., or are foodstuffs, clothing, horses, etc., for the use of the army or navy of the belligerent.

"Furthermore, a neutral government is not compelled by international law, by treaty, or by statute to prevent these sales to a belligerent. Such sales, therefore, by American citizens do not in the least affect the neutrality of the United States."

The effect of this one-sided trade was to seriously damage the relations between America and Germany. As early as December 4, 1914, Mr. Gerard, our Ambassador to Germany, telegraphed:

"Universal, very bitter, and increasing feeling in Germany because of reported sale by Americans of munitions of war, etc., to the Allies."

But, by the time this trade had been allowed to assume substantial proportions, it was already too late to stop it. When, beginning with Senator Hitchcock's embargo resolution in December 1914, proposals were made to prohibit shipment of arms, the British objected that to cut off a source of supply which they had been permitted to build up would be unneutral. And so, when the German Ambassador on April 4, 1915, officially stated that "if it is the will of the American people that there shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms * * *", the Secretary of State replied that any change in our "laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality * * *."

Now, we must not forget that this enormous trade required financing also on an enormous scale. Our State Department at the outset of the war announced that "in the judgment of this Government loans by American bankers to any foreign nation which is at war are inconsistent with the true spirit of neutrality." But once we had recognized and encouraged the trade in war materials as a neutral right, it proved impossible to deny the demands for normal financing of that trade.

While the State Department was officially opposed to loans, our bankers were not. Mr. Lamont has written that J. P. Morgan & Co. was whole-heartedly in back of the Allies from the start. Mr. Davison was sent to England to place the firm's services at England's disposal. As early as February 1915 Morgan signed his first contract with the Du Pont Co. as agent for an allied power. Of the total sales by Du Pont to France and England, totaling practically half a billion dollars, over 70 percent were made through Morgan & Co., although Morgan & Co. acted as agents for the Allies only from the spring of 1915 until shortly after we entered the war—a little over 2 years.

From the early days of the war the State Department did not object to bank credits being extended to belligerents as distinguished from loans. In November 1914 France received $10,000,000 on 1-year treasury notes from the National City Bank, and in May 1915 Russia received $10,200,000 for a year from the same source. In April 1915 France received short-term credit of about $30,000,000 arranged by J. P. Morgan. Brown Bros. opened a commercial line of credit of $25,000,000 for French merchants in the summer of 1915.

But by the fall of 1915 public financing was needed to keep the trade in war materials going. Bank credits were exhausted; publicly subscribed loans were necessary. This huge and profitable trade which our Government had allowed to grow up under the name of "neutral rights" had got too big to be stopped. Abstract neutral rights had come to be a vested interest in the excess profits of neutrality. In the years 1911 to 1913 American corporations reported net profits in their income-tax returns averaging $4,100,000,000 a year. Through 1914 to 1916 this average increased to $5,900,000,000, nearly $2,000,000,000, and this after deducting estimated taxes. While proclaiming a glorious neutrality we had left the practical affairs which determine neutrality to our bankers, who had never for a moment been neutral.

In October 1915 America's bankers ceased distinguishing between credits and loans and the Government was helpless to prevent this. American investors began to finance the Allies in earnest with the flotation of the great Anglo-French loan of $500,000,000 through a huge banking syndicate headed by J. P. Morgan & Co. Similar loans followed fast, and by 1917 total loans and credits to the Allies of well over $2,000,000,000 were outstanding. Morgan & Co. had a demand loan or overdraft due from Great Britain of approximately $400,000,000, which obviously could not be paid at that time. Instead Great Britain desperately needed enormous new credits.

By this time the history of the bank credits up to October 1915 had been repeated—on a far larger scale. In the early part of 1917 it was clear that our private financial and banking resources were exhausted. Unless the great credit of the American Nation could itself be pledged, the flow of goods to Europe would end and the claims of our banks, who had made possible this flow of goods in the past, would not be paid. No one stopped to inquire whether new funds would not similarly be burned up in the holocaust of European war and would be used in the natural course of events to bail out the American banks. The facts are that by November 11, 1918, $7,000,000,000 were lent to Europe by our Government and, though most of this is still unpaid, the private loans were redeemed and the securities behind them have disappeared.

We are now discussing things that have heretofore been whispered only—things that most of us felt couldn't be true because they shouldn't be true. But if a recognition of ugly facts will help us prevent another disaster we must discuss them openly.

We all know that statistics have their limitations. We all know that it is easy to be wise after the event. Let me read you the comments of a man who believed with all his soul in the righteousness of America's entry into the war and who was in a position to see at first hand the forces that pulled us into it.

Over a month before we entered the war Walter Hines Page, our Ambassador to Great Britain, who had gone to England well before the war, cabled to our Government as follows:

"The financial inquiries made here reveal an international condition most alarming to the American financial and industrial outlook. England is obliged to finance her allies as well as to meet her own war expenses. She has as yet been able to do these tasks out of her own resources. But in addition to these tasks she cannot continue her present large purchases in the United States without shipments of gold to pay for them, and she cannot maintain large shipments of gold for two reasons: First, both England and France must retain most of the gold they have to keep their paper money at par; and, second, the submarine has made the shipping of gold too hazardous, even if they had it to ship. The almost immediate danger, therefore, is that Franco-American and Anglo-American exchange will be so disturbed that orders by all the Allied Governments will be reduced to the lowest minimum and there will be almost a cessation of trans-Atlantic trade. This will, of course, cause a panic in the United States. The world will be divided into two hemispheres, one of which has gold and commodities and the other, which needs these commodities, will have no money to pay for them and practically no commodities of their own to exchange for them. The financial and commercial result will be almost as bad for one as for the other. This condition may soon come suddenly unless action is quickly taken to prevent it. France and England must have a large enough credit in the United States to prevent the collapse of world trade and of the whole European finance.

"If we should go to war with Germany, the greatest help we could give the Allies would be such a credit. In this case our Government could, if it would, make a large investment in a Franco-British loan or might guarantee such a loan. All the money would be kept in our own country, trade would be continued and enlarged till the war ends, and after the war, Europe would continue to buy food and would buy from us also an enormous supply of things to reequip her peace industries. We should thus reap the profit of an uninterrupted, perhaps an enlarging, trade over a number of years and we should hold their securities in payment.

"I think that the pressure of this approaching crisis has gone beyond the ability of the Morgan financial agency for the British and French Governments. The need is becoming too great and urgent for any private agency to meet, for every such agency has to encounter jealousies of rivals and of sections.

"Perhaps our going to war is the only way in which our present preeminent trade position can be maintained and a panic averted. The submarine has added the last item to the danger of uncertainty about our being drawn into the war; no more considerable credit can be privately placed in the United States and a collapse may come in the meantime."

We are constantly cautioned that in time of peace we should prepare for war, but Mr. Page states better far than I can say it, the reason why, in time of peace we must prepare means for staying out of war. That is why I believe that the American people should now face the issue of what neutral rights mean. If they mean increased profits then, know positively that they mean war.

The experience of the last war includes the lesson that neutral rights are not a matter for national protection unless we are prepared to protect them by force. Senator CLARK and I, and, I believe, Representative MAVERICK and other colleagues in Congress, believe that the only hope of our staying out of war is through our people recognizing and declaring as a matter of considered and fervently held national policy, that we will not ship munitions to aid combatants and that those of our citizens who ship other materials to belligerent nations must do so at their own risk and without any hope of protection from our Government. If our financiers and industrialists wish to speculate for war profits, let them be warned in advance that they are to be limited to speculation with their own capital and not with the lives of their countrymen and the fabric of their whole nation.

We must, however, frankly face the cost which this kind of decision demands. We must be realists. It requires the giving up of part at least of our present trade balance. It will mean a loss of part of our present revenue from our merchant marine and from banking. More important still, it will mean the abandonment of really vast new profits held temptingly before us.

If we cannot give up these things, we cannot hope for peace. I for one believe that great though this cost is, it is insignificant compared to the catastrophe of war.

President Wilson, in February of 1916—more than a year before we entered the war—stated the issue with great clarity:

"There are cargoes of cotton on the seas; there are cargoes of wheat on the seas; there are cargoes of manufactured articles on the seas; and every one of those cargoes may be the point of ignition, because every cargo goes into the field of fire, goes where there are flames which no man can control."

Weigh that phrase "points of ignition" for just a moment.

If we allow one ship to go out with TNT, we will have to allow a thousand ships to go out. We will be advancing and promoting a far-flung national network of danger points. We will not be staying at home and minding our own business; we will be deliberately sending out a thousand mines that can destroy us.

Why should we let those who are interested in war profits be the ones to involve our national honor and self-respect? Why should we permit every cargo to be a possible point of ignition? Why can't those who believe colossal armament expenditures are justified to prevent points of ignition see that the loss of a part of our trade and of possible speculative profits is much more sensible? Should the loss of a cargo or of a traveling salesman cause us willfully to pour out our national wealth and send our whole youth off to slaughter?

It has sometimes been said that the man who makes war profits is in some way the man who is the final interpreter of national honor and national self-respect. If he finds it compatible with his own honor and self-respect to take the blood money from the sale and transport of war material, then it follows that he can involve the whole national honor and self-respect. Why, the only thing involved is his sale; transport and profit is a matter of trade and commerce, not national honor at all. When did the American people elect the bankers and the munitions manufacturers to be the ones who determined what was their national honor?

Senate Joint Resolution 120, which Senator CLARK and I have proposed and introduced, forbids the export of arms and ammunition to any belligerent country or to anyone acting on behalf of a belligerent in time of war. This provision is mandatory. It recognizes that tremendous pressure will be brought to bear on the President should he seek to curb a profitable trade in war materials after war has broken out. The embargo on arms and ammunition, therefore, becomes effective automatically on the declaration of war by any foreign government. It applies to all arms, ammunition, and implements exclusively designed and intended for land, sea, or aerial warfare. A list of the articles included under this head is appended to section 3 of the resolution. This list is based on the definition proposed by the State Department in the Draft Treaty for the Regulation and Control of the Trade in Arms submitted to the Geneva Disarmament Conference on November 20, 1934.

The above definition does not cover all war materials. It is virtually impossible, however, to impose a mandatory embargo on all war material because of the practical difficulties of defining articles which have a commercial use as well as a military use in war time. Many commodities, such as fuel oil, nitrates, manganese, cotton linters, and metals of all kinds, are regarded as essential war materials in time of war. In the case of a major war it might be advisable to forbid the export of some of these commodities; in a limited war between two small states such an embargo might not be necessary. Section I, therefore, gives the President some discretion in this matter by authorizing an embargo on any other article or articles which the United States declares to be war material.

Section 3 is simply designed to carry out the purpose of the preceding section. It directs the President, under certain conditions, to publish a list containing the name and description of all articles declared to be war material essential to the conduct of war or armed conflict.

In the case of armed conflicts or international disputes short of war, the President is given full discretion by section 2 as to when the embargo shall be put in force. If he decides to impose an embargo on arms and munitions of war, however, this term shall in any case include the full list of articles attached to this section. The President may add, at his discretion, such other war material as he deems essential to the conduct of war or armed conflict.

Section 4 recognizes the fact that the United States has not been able to bring about an understanding between the principal maritime powers on freedom of the seas or the definition of contraband. It recognizes, further, that the shipment of contraband may involve the United States in the danger of being forced to defend such shipments at the risk of American lives and with the other economic and social losses involved in the conduct of war. It provides that, in the absence of any treaty or agreement between the principal maritime powers, the President shall proclaim that the export of any article declared to be contraband by any belligerent government shall be solely at the risk of the American shipper or the foreign government or national.

This proposition is simply to let other nations make their own poison gases. If we sell them any contraband that will help them make those gases, it will be transported at their own risk. Let them wrap their own flags around their own poison gas. Let us be determined to be on a cash-and-carry basis as respects this kind of business.

Senate Joint Resolution 100 provides for an embargo on all loans and credits to belligerents during the war. The proposition here is simple: Let them pay for their own wars. If Morgans and the other bankers must get into another war, let them do it by enlisting in the Foreign Legion. That's always open.

We must not overlook the importance of another famous neutral right in any chain of causes leading to war. Just as trade with belligerents became a matter of national honor—so-called—which was to be defended without question by the national suicide of war, so the right of a few individuals to travel into war zones in pursuit of that trade was made the cause of our whole Nation plunging into terrible and costly war.

Modern war finds whole nations desperately struggling for existence. The commerce of an enemy is an artery that must be severed. On the very day that the *Lusitania* left New York Harbor the daily papers printed an official warning from the German Embassy that British vessels were liable to destruction and that travelers sailing in the war zone on ships of Great Britain and her allies do so at their own risk. But our own Government issued no

such statement. It did not even warn our people that the *Lusitania* carried contraband and actual munitions.

Senate Joint Resolution 99 empowers the President to withhold passports from Americans traveling in war zones or upon vessels of belligerent nations, and gives fair warning that Americans who risk their lives in war trade can expect no greater support from their fellow countrymen than those other adventurous Americans who risk their lives by joining the foreign legions of Europe.

Here, then, it seems to me, is a well-rounded out program to give life and endurance to our intended neutrality in the event sanity breaks loose from its moorings somewhere upon this earth. Senate Joint Resolutions 99, 100, and 120 constitute a studied effort to make American peace more secure. They may not alone keep us out of war, but experience dictates that this added strength to our neutrality policies in those years leading up to our entry into the World War would probably have saved us from the frightful consequences which have since followed. We ought to be making positive war against those who are blind to everything about war except its profits.

Assuredly this is the time for legislation. Hopeless is the thought of waiting for eventualities of war before trying to stave off our being drawn into it. Now is the time to act.

Congress may seem to demonstrate by its military appropriations an interest foreign to the purpose of staying out of war. I am sure that upon such questions as those involved in these resolutions which we have discussed the Congress will give ready cooperation, provided the American public shows a care about the subject. Thus the challenge is up to the people, up to you, and if you will make the most of it you will find a number of us doing our part to see to the accomplishment of this kind of legislation before the Congress adjourns.

Isn't the time for legislation now?

Indeed it is, and the people ought to so answer. But that answer must be made soon or we may find ourselves again in a situation where it is too late to make a considered national answer, but, instead, our admirals, generals, and bankers will make the answer—piecemeal and from day to day under the pressure of events and according to their own trainings and sympathies.

The hour for action is now. Why not make the most of it?

Today we think of public enemies as those who threaten and kill for profit. With a war looming on the European horizon, let us broaden our definition. Public enemies should be those among us who do the things which result in having other people killed for their own profit.

Public enemy no. 1 should be the munitions maker, who wants to sell his powder and poison gas, and sends it in American ships, wrapped up in the American flag, manned with American seamen, to be sunk by submarines and bombing planes. The result of his act will inevitably drag us into war.

Public enemy no. 2 is the banker who raises money to pay for the munitions and who speculates in the stocks of the war babies, steel, gas, and chemicals, and who lures the people into believing there is both profit and honor in this blood money—until that time when he can no longer tell the difference between profit and honor.

Public enemy no. 3 is the industrialist who knows that the only way to get fascism established in America is to get the country into a war with all the military dictatorship that involves.

Public enemy no. 4 is the American who goes into the war zones to make money, recklessly indifferent of the consequences to his nation and to hundreds of thousands of men better than himself.

In conclusion, we ought to be ready to face facts. We should be seeking profit from experience. If we will but do this we will fight with determination for legislation such as will greatly simplify our task of trying to stay out of another war.

Let us first of all admit large likeness between this present hour and those pre-war hours of 20 years ago. We cannot ignore the mad armament race which is upon the world. We cannot overlook the talk and the threats being hurled daily. Nor can we be unconscious of that which seems to be a large resignation to the thought that there is going to be more war; that it is inevitable. Most dangerous is our ground. Most cautious should we be against possibility of antagonizing others. Most earnest should we be in building such barriers as we can against our being drawn into conflict that is our business only because we let selfish commercial interests sway us away from high resolves to be truly neutral when other lands may again lose their minds.

Our American position of security is envious. We of all people should be the last to consider our participation in more war as inevitable. War for us is only so inevitable as we let greed for commercial advantage and profit, while others bleed, remain inevitable. Certainly we should be counting it highly possible to save ourselves, this generation, from more war.

But if it were true that we could not avoid being drawn into that war which might come any moment, we can hardly expect being excused if we fail to exert every honorable effort to make it less easy to be thus drawn, and we ought gladly give of the best that is in us if for no other reason than that we may thus contribute to a greater security against war for those we have brought into this world and for theirs. The least we can do is turn the experience of one generation to the advantage of our own children. Only in fulfillment of such duty can we hope to merit being recorded as other than a futile race.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

The Senate resumed the consideration of the bill (S. 1807) to amend the Agricultural Adjustment Act, and for other purposes.

Mr. SMITH. I move that the bill be recommitted to the Committee on Agriculture and Forestry.

Mr. McNARY. Mr. President, I heartily approve of the course of action taken by the Senator from South Carolina. I hope his motion will prevail.

The PRESIDING OFFICER (Mr. MOORE in the chair). The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS

Mr. COPELAND. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 5) to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics, and for other purposes.

Mr. WHEELER. Mr. President, I wonder if the Senator will not allow me to move to take up the bill known as the "public-utility holding company bill." Then I will agree temporarily to lay it aside so that the Senator may ask that the so-called "pure-food bill" be taken up.

Mr. COPELAND. I should like to have a vote on my motion that the Senate proceed to the consideration of Senate bill 5.

Mr. NORRIS. I desire to be heard on that motion. It is a debatable question.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, I desire to quote briefly from an article in the Sunday New York Times. It is an article under a Chattanooga, Tenn., date line, and reads:

Close of the most hectic week nationally in the already stormy career of the Tennessee Valley Authority finds this section of the valley in something of a dazed condition with regard to the Government's guinea-pig project for the Central South.

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

The PRESIDING OFFICER. Eighty-six Senators have answered to their names. A quorum is present.

Mr. NORRIS. The article goes on as follows:

The broadsides came close on the heels of the really tremendous celebration at Knoxville, May 17, of the second birthday of the Authority, when thousands shouted themselves hoarse in a wave of enthusiasm rarely approached since Armistice Day. Chattanooga sent a big delegation to the fete, including a float for the parade, and practically all of the upper half of the valley was represented for the occasion. More than 6,000 were served at the appreciation barbecue.

And then came the double smash of Comptroller General John R. McCarl, and the revelation before the House Military Affairs Committee that in its efforts to forestall any expansion of the Aluminum Co. of America power program in this area the Authority had done a little bit of land-shark practices in buying two small tracts in North Carolina directly in the path of the proposed new aluminum company dams.

Let me digress at that point, Mr. President, since reference is made here to the broadsides which came from the Comptroller General's office, to say that I understand the Comp-

troller General saw fit to give to the public on yesterday morning a letter he had written to me, but failed to include my answer to the letter. When I heard of it yesterday, I immediately notified my secretary to secure publicity also for my answer. The newspapers, however, have given but very little attention to it. Last night's newspapers, which I saw, gave no attention to anything I said in my answer.

In order that the whole matter may now receive publicity, I ask unanimous consent, Mr. President, at this point in my address to have printed in the RECORD, not only the Comptroller General's letter but my answer as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 22, 1935.

HON. GEORGE W. NORRIS,
United States Senate.

MY DEAR SENATOR: I read with deep interest your letter of the 13th instant with reference to the report of this office on its audit of the financial transactions of the Tennessee Valley Authority during the period from June 16, 1933, to June 30, 1934, copies of which were, as required by law, transmitted to the President and to the Authority, and, as you knew it would, your impression that the matters therein were of such nature or had been so improperly questioned in the audit as unjustly to cast reflection upon the honesty or efficiency of the directors of the Authority, gave me serious concern. While those with whom I have been associated on this work for nearly 14 years not infrequently have suffered abuse that normally would be expected to induce treatment in kind I have yet to learn of official action by one of them calculated to unjustly accuse or to in any manner unnecessarily question the honesty of official action. They must question any payment from public moneys not shown to have legal support. It is their duty. But all improper payments are not based upon dishonesty. Some are based upon the best of motives—but are still unauthorized by law.

The Tennessee Valley Authority is not, of course, a 3-man organization—the three directors—but is an organization of such vast proportions that necessarily much authority must be delegated to subordinates. Probably one of the most beneficial services the audit by the General Accounting Office will render will be to the directors of the Authority, in that subordinates will function with knowledge that their errors will be reflected to the directors in the audit report. An audit report that does not point out such errors as they appear of record would be of doubtful value. Even if they are in fact but errors and the record can be cured by the supplying of facts, it is best for all concerned that they be brought to light, and timely, for corrective action, else the facts may not be available in connection with some future examination.

The audit of the financial transactions of the Authority was directed to be conducted on identically the same basis as other audits are prosecuted by the General Accounting Office, and if the transactions could have been examined and acted upon in the usual manner, on submission of accounts to this office by the accountable officer or officers of the Authority, and under which exceptions found to be necessary would have been taken on transactions as reached, the Authority advised, and opportunity given to explain or adjust, rather than by the method of making report to the President and the directors as provided for by the Tennessee Valley Authority Act of 1933, such of the transactions questioned and which you now state appear from facts in your possession as susceptible of explanation, doubtless would have been promptly cleared away.

In connection with any use of public moneys if from the record it should appear that a particular Government obligation was only $300 but that a payment of $330 had been made an audit exception would be taken as of course, but such exception would not be intended as suggesting a theft of $30. Possibly some fact was omitted from the record. If so, and supplied, the exception would then be withdrawn and credit allowed. But if otherwise, the $30 would be for return to the Treasury.

Exceptions taken by the auditors to transactions of the Authority were so intended and if, as you suggest, the facts when supplied will warrant withdrawal of the exceptions so taken, you may be assured they will be promptly withdrawn and record made accordingly.

This office is not in a position, of course, to regulate the uses to which its audit action may be employed by others, or the interpretation that may be placed upon particular items excepted to. The fair way to consider the audit report would be in the light of its primary purpose and the terms of the statute under which made, and then as a whole and with knowledge that each exception taken therein is open to explanation or answer by the proper officials of the Authority.

It was an audit that was made by this office—not an investigation—and the records of the Authority were taken as found. Thus the audit report was not and was not intended to be an indictment but rather a pointing out of the material matters lacking of record to justify passing the transactions as conforming with the laws apparently applicable thereto.

That the directors of the Authority understand they have opportunity to make explanation of the matters excepted to in the audit report seems to appear from a letter I received from the chairman under date of April 20, 1935, as follows:

"I wish to acknowledge receipt of two copies of the report of audit of the transactions of the Tennessee Valley Authority for the period June 16, 1933, to June 30, 1934, transmitted with your letter of April 3, 1935.

"As this is the first such report we have received from you, we have no information as to the appropriate procedure for us to follow as the result of this report, but assume that it would be proper to review the entire report in order to form our own definite opinions on the points raised and then to arrange a conference to discuss it with you.

"A first reading of the report has developed a number of differences of opinion as to both the facts presented and the applicability of certain statutes or regulations to the operations of the Tennessee Valley Authority, and we believe that it would be mutually helpful if we could discuss them with you.

"I would appreciate receiving any suggestions which you may care to make in this connection. While we do not wish to unduly delay this matter, it is obvious that it will take considerable time to completely digest the report, but we will be glad to meet your convenience if you will set a definite date for a conference."

I responded to said letter on May 4, 1935, as follows:

"There was received your letter of April 20, 1935, asking to be informed 'as to the appropriate procedure for us to follow' in connection with an audit report of this office of the transactions of the Tennessee Valley Authority for the period June 16, 1933, to June 30, 1934. You state it is assumed 'it would be proper to review the entire report in order to form our own definite opinions on the points raised and then to arrange a conference to discuss it with you.'

"The usual procedure upon such audit reports is for the agency whose transactions it concerns to carefully examine into the matters as to which exception has been taken, and either make corrections to satisfy such exceptions, advising this Office accordingly, or justify the transactions in a document for filing with the retained copy of the audit report in this Office. It would be highly desirable, of course, to have all exceptions believed necessary by this Office and raised in the audit report, fully adjusted either by corrections and adjustments or by satisfactory explanations, and record thereof filed here with the retained copy of the audit report. I hope you will find it possible to follow such course. However, if after making such careful examination of the transactions as to which this Office found it necessary to take exception you desire to talk with me, either before or after making your response thereto, please let me know and we will arrange to go over the matters on a day convenient for you."

Since the receipt of your letter I have searched for evidence of any reason or disposition, or even inclination on the part of the individuals, or any of them, who made the audit for this Office, to be hostile or in any manner unfair to the Tennessee Valley undertaking as authorized by the Act of 1933, or to the officials thereof, and have found nothing. I have found, however, a uniform conviction that many exceptions might have been avoided if those acting for the Authority had more carefully and wholeheartedly given effect to laws considered by this Office applicable to Authority transactions and designed to produce the best results and to minimize room for criticism, just or unjust, of transactions public in nature.

Seldom is there not ultimately exacted some accounting where a use of public moneys is involved. The orderly procedure and the one that apparently best serves the interests of all concerned is that of having accounts currently submitted to the Government's accounting officers for examination and settlement under the applicable laws. Such procedure not only permits of prompt application of the laws applicable to the particular transactions but affords assistance to administration in keeping within such laws. Where such procedure is avoided, however, there seems usually to result, eventually, a congressional inquiry or other like examination into the transactions, and when such inquiry is made long after the transactions and of an activity operating without an effective audit by an independent governmental agency, the records are frequently found so incomplete as to leave in doubt many transactions that in fact may have been quite regular and lawful with negligence only in making, and timely, a proper record, a condition unsatisfactory to all concerned and possibly damaging in effect.

Since the matter of audit exceptions to Authority transactions has thus been brought forward and given quite unusual and unexpected prominence, due possibly to the existence of divergent views as to certain basic matters in the undertaking, it seems proper for me to here point out that while this Office has, of course, no responsibility with respect to legislation, when an undertaking has been determined upon by the Congress, with legislation accordingly, it is a responsibility of this Office to give effect to the law with respect to the uses of the public moneys that may be involved, and when the Tennessee Valley Authority Act of 1933 became law it was examined to ascertain the duties of this Office thereunder. It was an unusual enactment in that while a corporate form of agency was employed the enactment contained much detail as to just what such agency might and might not do. It was repeatedly referred to therein as a Government agency and as an instrumentality of the Government, and great care apparently was exercised both in the provisions of the basic law

and in the terms of the appropriation supplying it its first $50,000,000, to enumerate specifically certain authorities it might exercise and which in general may only be exercised within the Government when so specifically authorized by law. For instance, authority was specifically given to employ and fix salaries without regard to the provisions of the Civil Service rules and regulations applicable to officers and employees of the United States, for purchase of lands, printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rent in the District of Columbia and elsewhere, etc. There was required among other things that the net proceeds derived from the sale of power, etc., be paid into the Treasury of the United States each year, and that—

"All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the Corporation and to moneys and properties of the United States intrusted to the Corporation."

There was thus vested authority in the Corporation but authority was not specifically granted to disregard all laws applicable to the manner of conducting the public business and involving the paying out of public moneys. For instance, specifice authority was not granted to disregard, among other laws, the "Buy-America" law, the Government travel regulations issued by the President in pursuance of law, or the provisions of section 3709, Revised Statutes, which contemplates open competitive bidding on public needs and requires acceptance of the low bid offering to supply the need.

In such circumstances, the agency while corporate in form being in fact an agency and instrumentality of the Government and employing none but Government moneys, there would seem a clear responsibility on those administering the trust to observe the laws enacted for the orderly and safe conduct of the public business where no specific exemption had been granted. Such has been the view of this Office and from the beginning it has resisted the contention that the Authority, by reason of its corporate status, is free to disregard such laws.

Even if there were room for doubt as to applicability of such laws to the financial transactions of the Authority surely they are wholesome laws, and surely too, by their observance the public interest is best served, yet, the officials of the Authority have adopted the view that they are not required to observe the provisions of section 3709, Revised Statutes, and naturally, if, in view of the many purchases they are constantly making and the large amounts involved, they may disregard the statute that has for so long safeguarded the public interest in purchases aggregating hundreds of times the amounts the Authority will expend even during the next 50 years, then there has granted the Corporation a breadth of authority over a vast sum of public money far beyond, in my judgment, than as realized or intended by a major portion of those who supported the legislation.

True, the Authority has and quite generally, I believe, followed a plan of requesting bids, but it has claimed the right to accept other than the low bid meeting the need as specified, when, in the judgment of the officers of the Authority, a higher bidder offers that which in their judgment is a better buy. This, clearly, is out of line with the law because there has been no open competition with respect to superior articles or devices. The need, as disclosed by the specifications, being fully met by a cheaper article or device, it would be but folly for those having similar but superior articles or devices, and more costly, to bid—it would be, normally, merely a waste of time. The actual need being as specified, then the low bidder offering to supply such need should be accepted. It is for assuming, of course, that the officers of the Authority know their actual needs and are capable of reflecting such needs in requests for bids. If it should develop in any instance, however, that the specifications submitted for bids fail to reflect the actual need, then the request for bids should be withdrawn, the specifications amended, and again submitted for bids—this and not the procedure of permitting bids and with repudiation of the specifications, the accepting of other than the low bid meeting the specifications.

Failure in strict observance of the clear requirements of section 3709, Revised Statutes, in the uses of public moneys, frequently results in waste and always leaves room for charges of favoritism. Its clear purposes are: (1) to secure for the Government the benefits of open competitive bidding on its needs; (2) to permit all citizens equal opportunity to bid on the need as disclosed by the specifications submitted for bids; and (3) to insure against favoritism, or worse, in the transacting of the public business.

From the beginning, this office has urged upon the officials of the Authority the importance and necessity of close observance of this statute in the discharge of their trust, but the response has invariably been that such law is not applicable to them, and that they must have the freedom a private corporation enjoys in using its moneys in making purchases. The single but all-important difference is that the private corporation is using its own moneys and here the officers of the Tennessee Valley Authority are expending public moneys in performing a public trust.

I think the officials of the Authority will admit the unceasing urgings, by this office, that they keep within the law.

This office even suggested a keeping of its auditors constantly at the offices of the Authority, and a pre-audit procedure (audit before payment) so as better to guard against improper practices and other than strictly lawful uses of the public moneys, but this was not acceptable unless this office would concede full and final authority in the corporation officials to make expenditures as dictated by their judgment and regardless of the laws applicable and controlling in the view of this office. This, of course, could not be agreed to.

Other laws viewed by this Office as applicable to transactions of the Tennessee Valley Authority could be discussed but the matters stated with respect to section 3709, Revised Statutes, will serve to reflect the attitude of Authority officials as to the freedom from statutory restraints they contend for and have insisted upon. It is a matter the Congress might easily clarify and this office is hopeful it will do so.

In the meantime and inasmuch as the Congerss has in much detail acted with respect to many of the regulatory laws generally applicable to the transacting of the public business, but has failed to specifically exempt the officials of the Authority from other similar laws—some of which apparently would serve beneficially—and in view of the fact that if the undertaking possesses the merit as apparently so confidently believed by its sponsors, its accomplishment should not be handicapped by administrative conduct unnecessarily open to question and even charges of waste and favoritism, this Office will continue to insist upon observance by the officials of the Authority of the laws regulating the transacting of the public business and involving the uses of public moneys from which such officials have not been specifically exempted by law, and in its audit of Authority transactions will continue to point out transactions where such laws have not been observed.

In view of the fact that the audit exceptions are now in a status for answer by the officials of the Authority—and that officially they are not before the Congress, its copy of the audit report not having been called for by formal action of either House—it might be considered improper for me to comment thereon until the officials of the Authority have supplied their explanations and opportunity has been had to give such explanations consideration. And in such connection this Office has considered that until the Authority officials have been permitted reasonable opportunity to supply their explanations it would be untimely for it to undertake determination whether there are any matters for reporting to the President and the Congress under that portion of section 9 (b) of the Tennessee Valley Authority Act of 1933, reading as follows:

"The Comptroller General shall make special report to the President of the United States and to the Congress of any transaction or condition found by him to be in conflict with the powers or duties intrusted to the Corporation by law."

In response to a request by the Committee on Military Affairs of the House of Representatives I appeared before that committee yesterday and while I felt it necessary to decline to discuss the audit exceptions until the officials of the Authority had been permitted reasonable opportunity to reply thereto to this Office, and so explained to the committee, I felt it quite proper to say, and so stated to the committee, that nothing had been suggested to me even intimating fraud on the part of any director of the Corporation. I felt it proper to state also, that in my judgment the matter of the status of the corporation with respect to regulatory statutes should be clarified by appropriate legislation.

Cordially yours,

J. R. McCARL,
Comptroller General of the United States.

MAY 25, 1935.

Hon. J. R. McCARL,
Comptroller General of the United States.

MY DEAR MR. McCARL: I have your letter of May 22, 1935. This letter of yours is in answer to my letter of May 13, written with the idea of informing you of what seemed to me to be a great injustice in your official report regarding operations under the Tennessee Valley Act by officials of the Tennessee Valley Authority. Some statements in this report were so unjust, so unfair, and some of them so untrue, that it seemed to me surely you had been misinformed by your subordinates in regard to them. The insinuations contained in your report were so damaging to the reputation, the character, the honesty, and the integrity of the officials of the Tennessee Valley Authority that I did not believe you knowingly would be a party to such injustice. I took it for granted that your subordinates had not fully informed you as to the facts. Since I have read your letter and have also read your testimony, given a few days ago before the Military Affairs Committee of the House, I must reluctantly conclude that you not only officially approve the conduct of your subordinates but that you do so in the light of the fact that you knew when you wrote your report that some of the allegations had no basis of fact.

In my former letter I called your attention to a few specific instances. In your reply you have totally ignored these particular matters. Take, for example, the case referred to in my letter of the purchase of furniture for the office of the Tennessee Valley Authority in Knoxville. The bid of the Roberts Co. was accepted by the Tennessee Valley Authority, and the desks included in the bid were purchased. In this bid of the Roberts Co. there was one type of desk for $24, another type for $29, and a third type for $34. These prices were f. o. b. shipping point. But when the desks were shipped to the Tennessee Valley Authority at Knoxville, the Roberts Co. paid the freight to the storeroom of the Tennessee Valley Authority at Knoxville, Tenn. This made the type of desk for which $24 was bid, cost $26.95, delivered at

Knoxville; the type for which $29 was bid, cost $31.95; and the $34 desks cost $36.95. All this appears of record in the files of the Tennessee Valley Authority. The difference in cost between the price bid and the price paid for these desks was entirely made up of freight. This fact appears of record in the files to which your subordinates had access. It seems to me they must have known of this fact. If they did not know it, they were very careless in their work. Thus, what was made to appear from your report as petty grafting on the part of the officials turns out to be a perfectly legitimate transaction to which no honest man can take exception.

When this omission of duty on the part of your subordinates came to your attention, you should have been the first man to give official denial to any conclusion of fraud or dishonesty. The same thing can be said about many other transactions referred to in your report; likewise, so far as I have been able to examine your report, to practically all of the other criticisms.

The case of the payment of the fee of Mr. Huston Thompson for making an investigation is, in my opinion, worse than the desk illustration. The Tennessee Valley authorities in this case, which you criticize as a payment contrary to law, were entirely innocent and had nothing whatever to do, either directly or indirectly, with the appointment of Mr. Thompson to make this investigation. The investigation and appointment of persons to make it were specifically provided for in the Tennessee Valley Act. It was to investigate an alleged condition of wrong which took place before the passage of the Tennessee Valley Act, so that, even if the appointment of the investigator was contrary to law or morally wrong, the Tennessee Valley Authority had nothing whatever to do with it. Further than that, the appointment of Mr. Thompson to make this investigation was in thorough accordance with the statute. This appointment was provided for in section 17 of the act, as I wrote you in my letter of May 13. The Tennessee Valley Authority had nothing to do with it, either the appointment or the investigation. The only thing the T. V. A. was required to do was to pay the bill, when approved by the President of the United States.

This all appears of record. The pay was right and lawful, under the law, as you must admit if you will read the law, and the only possible objection to it is the fact that the expense of this investigation was paid by the Tennessee Valley Authority. It should never have been charged to the Tennessee Valley; it should have been paid out of the general funds of the Treasury of the United States. You have nevertheless seen fit, in your reply to my letter, to let this unjust accusation stand. You have not even referred to it in your reply.

I also referred in my letter to the complaint that Dr. Morgan had been illegally paid for expenses incurred in making investigations authorized by the President of the United States. You have not seen fit to even refer to this in your reply.

Another unjust insinuation in your report, but not, however, referred to in my letter of May 13, reads as follows:

"Notwithstanding that the original investment before the sale of the Warrior-Sheffield Line was approximately $137,000,000, and that the properties, etc., turned over to the Authority, on the basis of cost, amounted to nearly $133,000,000, such properties have been established on the books of the Tennessee Valley Authority at an arbitrary value of $51,000,000, or about 38 percent of cost."

This is a severe criticism of the Authority for placing this property on its books "at an arbitrary value." An examination of the Tennessee Valley Act, with which you are of course familiar, would clearly show the injustice and even the wickedness of this criticism. Everybody who is at all familiar with the history of Muscle Shoals legislation knows that the cost price of Wilson Dam and other activities was entirely above the value. Many of the improvements, at the time of the passage of the Tennessee Valley Act, were of little if any value.

For instance, the Warrior-Sheffield transmission line was sold by the Government to the Alabama Power Co. long before the Tennessee Valley Act was passed. There was a loss on its sale, but it was in accordance with a contract made with the Alabama Power Co. at the time it was constructed. Whether this was right or wrong, is entirely beside the question. It was done long before the Tennessee Valley Act was passed.

Nitrate plant no. 1 was a part of the governmental expenses in the development of Muscle Shoals. This was an entire loss, except as to the scrap value of the material in the plant. It never worked, although it was admitted by everybody to have been instigated honestly and with the best of intentions, to help win the war, in an endeavor to cheapen the cost of nitrates for explosive purposes. It was a complete failure. Nitrate plant no. 2, the Waco Quarry, and the railroad connecting Waco Quarry with nitrate plant no. 2, cost the Government many millions of dollars, something over $87,000,000, I think. But at the time the Tennessee Valley Act was passed, it had but very little value. It was out of date. It extracted nitrogen from the atmosphere by a system which was scientific at the time it was constructed, but later inventions and cheaper methods made it entirely impractical to operate, except in time of war, when expenses would be of little consideration. Everybody admitted the cost of the dam itself was much more than it was worth.

Congress took all of this into consideration when it passed the Tennessee Valley Act. Section 14 of the act reads as follows:

"The Board shall make a thorough investigation as to the present value of Dam No. 2, and the steam plants at nitrate plant no. 1, and the nitrate plant no. 2, and as to the cost of Cove Creek Dam, for the purpose of ascertaining how much of the value or the cost of said properties shall be allocated and charged up to (1) flood control, (2) navigation, (3) fertilizer, (4) national defense, and (5) the development of power. The findings thus made by the Board, when approved by the President of the United States, shall be final, and such findings shall thereafter be used in all allocation of value for the purpose of keeping the book value of said properties. In like manner the cost and book value of any dams, steam plants, or other similar improvements hereafter constructed and turned over to said Board for the purpose of control and management shall be ascertained and allocated."

You will notice, under this section, the Board was directed to find "the present value of Dam No. 2, and the steam plants at nitrate plant no. 1, and the nitrate plant no. 2", and the law fixed that value, when approved by the President, as the book value of these properties. You will note, also, that as to Cove Creek Dam, now known as "Norris Dam", and as to all other like improvements hereafter made, that cost of the improvements and not present value shall be taken into consideration and thus allocated, and these findings shall thereafter be the book value. So that the law itself very justly provided that the cost value of Dam No. 2 and other improvements existing at that place should not be the book value and that the price charged for electricity should be made upon present value of Dam No. 2. Thus, it appears perfectly clear from the law that what you call "an arbitrary value" is, after all, the value provided for by law.

With entire respect, I desire to suggest that your office has no authority now to question this statute. How unjust it would be if the Board were required to follow your suggestion and place the value for rate-making purposes of the Wilson Dam at what it cost, when everybody knows that under these circumstances none of these properties were worth what they actually cost in the first place.

The ordinary person, in reading the language quoted above, would draw the conclusion that you charge the Tennessee Valley Authority with having rigged its accounts and arbitrarily written down a property costing $133,000,000 to 38 percent of its cost. This is such an arbitrary and unreasonable insinuation that it almost looks as if you must be moved by some desire to injure, if not destroy, the entire usefulness of the Tennessee Valley Authority.

Another glaring illustration of telling only part of the truth is in the case of the so-called "Cassidy report." This man, Cassidy, spent 3 or 4 days in your office, going over your report. He was doing this to furnish ammunition to those who were opposed to the Tennessee Valley Authority. The accuracy of his report was questioned when it was brought before the committee.

Yesterday you appeared before the Committee on Military Affairs of the House. You said in substance that the Cassidy report was "substantially correct." If you had desired to be fair, it seems to me you would have gone farther and said that it did not tell all the story.

On page 3 of the Cassidy report is a very misleading table of figures. They may be correct, but they do not tell the whole story. The ordinary reader, looking over this table, gets the idea that on its power operations the Tennessee Valley Authority lost $62,910.17. This is tabulated from page 13 of your report. However, an examination of page 13 of your report discloses that on power the Authority had a profit of $56,911.63 and that on other activities it had a loss of $119,821.80. This made a loss of $62,910.17. The Cassidy report, without directly saying so, leads the reader to the opinion that this loss was on power, when as a matter of fact there was a profit on power of $56,911.63. If you had wanted to be fair before the committee, instead of giving your official approval to this Cassidy report, you certainly would have called attention to this misleading item, which is very important, and which is contained in the Cassidy report. You have again given the impression to the committee that you approved the Cassidy report, which, without giving all the figures, even, from your own report, conveys an entirely erroneous and false impression. It seems to me if you had wanted to be fair, you would have called attention, when testifying before the committee, to the fact that on the first page of the Cassidy report it says, "by Comptroller." Cassidy's name does not appear and the ordinary reader of the Cassidy report could reach no other conclusion except that it was a report made by you.

There are several other wrong and misleading statements in it, but it seems to me this one glaring instance of its unfairness should have been called to the attention of the committee by you, and that you should not have given to the world the statement that the Cassidy report was "substantially correct", when you must know that it conveys an impression that is not only wrong but false.

Yesterday, after the hearings were concluded before the Military Affairs Committee of the House, the committee went into executive session, and you went with them. I am told by what I believe to be reliable authority that in that executive session you made a strong plea for some amendment or some law which would place the Tennessee Valley Authority more completely under your domination and control. After your argument, the committee indefinitely postponed the pending legislation. I do not regard this pending legislation as very important; I have never regarded it as necessary, but I did think it was desirable. The opposition was based almost entirely upon opposition to the general Tennessee Valley Act.

I concede most frankly that any person has a perfect right, and I do not question it in any way, to be opposed to the Tennessee Valley Act, but even the opponents of the Tennessee Valley Au-

thority should be fair enough to admit that the act and the persons acting under it should be given a fair, honest, and unprejudiced opportunity to work out the problems provided for under the act. It is to be regretted that one holding your position, which is semijudicial, should be lending himself to the enemies of the Tennessee Valley Act and should officially give assistance to the unparalleled and unjust propaganda which is being spread over the country now by the Power Trust.

I have before me as I dictate one of the great newspapers of the United States. On the first page, in large type, running clear across the page, there is a flaming denunciation of the Tennessee Valley officials, intimating that they have been caught by you in dishonesty and corruption. Similar articles have appeared in hundreds of newspapers over the country. Your great office is referred to as backing up these charges of corruption. Men whose honesty, ability, and integrity have never before been questioned are now, because of these false impressions, believed by millions of people to be guilty of petty graft. The Power Trust and its emissaries, spread all over the United States, are looking anxiously for just such insinuations. They are delighted when their opposition to the Tennessee Valley Authority can be backed up with conclusions reached from reading your official report. The object of the whole thing is to discredit the Tennessee Valley Authority before the people of the United States, and to have them believe that this great undertaking is a failure because it is corrupt at the very head, and you are lending your official position to such disgraceful propaganda.

In your testimony given before the Military Affairs Committee of the House, May 21, 1935, you say:

"* * * I am trying to show you now some things you will have to take up in the future. I think we have gone long enough under this haphazard arrangement."

Your testimony further shows you are engaged in preparing an amendment to the law which will put the Tennessee Valley Authority more fully under your domination. While you admit in this same testimony that you have not found any fraud or corruption in the activities of the Tennessee Valley Authority, yet you seem to be fearful that unless they are put more completely in strait-jacket control by you, they will finally go wrong.

The testimony of Dr. Morgan shows (and so far as I know it stands uncontradicted by you or anyone else) that your interference with the activities of the Tennessee Valley Authority has cost it in the neighborhood of $500,000 up to this time. You have eleven auditors of your selection on their pay roll. If, by the amendment you are preparing, you will subject the Tennessee Valley Authority to the technical sections of statutes, taking away from them all discretion whatsoever and leaving to them no power to act until they have first submitted their proposition to you, you will, in effect, by such amendment, if enacted into law, defeat the entire object of the Tennessee Valley Act, and that is just what the enemies of the act want. That is just what the private power companies are trying to bring about.

On the one hand they will secure all manner of injunctions from the courts, precluding the Tennessee Valley Authority from doing anything; then, if anything does seep through these injunctions, they will find you ready to receive them, and to provide through all sorts of technicalities for holding up everything they do for 90 to 100 days, in order to ascertain whether the proposed act is, in your opinion, in conformity with the law. With injunctions on one side, and you with your redtape on the other, there will be little chance indeed for the Tennessee Valley Authority to be a success.

The testimony recently taken before the Military Affairs Committee of the House discloses that about a million dollars have already been spent up to this time in legal expense defending the Tennessee Valley Authority from various and numerous injunction suits. All this means that the price eventually charged to the consumer of electricity in the Tennessee Valley territory must be increased. The users of electricity must, after all, pay the bill, and if these technical activities raise this price too high, it will mean ruin to the whole thing, even though in the end the Tennessee Valley Authority wins all its lawsuits.

You desire to make your auditors, who are supposedly experts in that line, experts also in all engineering questions which may arise. Instead of merely auditing the books, you want these same auditors to decide engineering questions. They will tell the Tennessee Valley Authority what kind of cement mixer, for example, must be purchased. You will take away from the Authority all discretion to decide any engineering proposition where there may be doubt as to which of several courses to pursue, and have that important question settled by your auditors.

Already the emissaries of the Power Trust are spreading the idea over the country that the Tennessee Valley Authority, in its power activities, is running at a loss. While such a statement is, as a matter of fact, untrue, it would not be remarkable if it were true. If we continue as we are going now it will become true.

Right now thousands of horsepower are going to waste at Wilson Dam because the Tennessee Valley Authority is enjoined from selling the power. They have the power to sell; the municipalities want to buy it; an agreement is made upon the price. Everything is ready, but the injunction stops it all. There is no way, under the injunction, for the Tennessee Valley Authority to collect damages if in the end they win the suit. The order for the injunction even includes a judgment against the Tennessee Valley Authority for the attorneys' fees on the other side. So while they have the power, they have the customers, and have agreed upon the price, their hands are tied. Of course, if such things continue indefinitely the Tennessee Valley must fail.

All these technical and conjured objections which are raised against the Tennessee Valley Authority are ostensibly for the promotion of efficiency and economy. If you have your way about it, it will increase the cost of every undertaking by many millions of dollars. All that in the face of the fact that in the great undertaking of building the Norris Dam and the Wheeler Dam results of economy and efficiency under the haphazard statute are being obtained which have never been equalled in the world in any similar or comparable undertaking, either by private or governmental authority. The Norris Dam is far ahead in schedule of the estimates made by the engineers of the War Department. Its cost is less than contemplated.

They are working their men shorter hours, providing them with better homes, and securing an efficiency of workmanship superior to any similar undertaking heretofore engaged in. Their camps are orderly, their regulations are fair, their pay is higher than in any similar undertaking of which we have any history. There are no gambling dens or disreputable houses of any kind in their camps. The leisure hours of the men are being spent, under the guidance of the Tennessee Valley Authority, in educational and other activities tending to make men and women better, and to promote a higher civilization.

All this has paid financially. It stands out as an example before the world. If it is not destroyed by technicalities and red tape, or by other means, it will be a milestone in human progress. The men who are bringing all this about are not scoundrels or dishonest men, they are not inexperienced or inefficient, and notwithstanding the impression which has gone out over the country from your own report that they are disreputable and petty grafters, they are, in reality, shining lights in the march of human progress.

Very truly yours,

(Signed) GEORGE W. NORRIS.

Mr. NORRIS. In submitting my letter, I think I should call attention to one possible misconstruction which might be placed upon it, and I wish to read one short paragraph from it.

In the course of my letter I said:

The testimony recently taken before the Military Affairs Committee of the House discloses that about a million dollars have already been spent up to this time in legal expense defending the Tennessee Valley Authority from various and numerous injunction suits.

This letter was dictated hurriedly. It was not intended for publication. It is given publicity only because I think I am compelled to give it publication, inasmuch as the Comptroller General has made public the letter to which it was a response. I do not mean to say—although the language might be construed to that effect—that a million dollars has been spent up to this date in attorneys' fees or in paying court costs. What I do mean to say is that as a result of the litigation already commenced and now pending, counting attorneys' fees, costs, and expenses, and adding thereto the loss to the T. V. A. by reason of being prevented by injunction, from selling power, the T. V. A. has suffered a damage in the neighborhood of $1,000,000, and that before the case is over and finally decided, even though it shall be won in the Supreme Court, there will be several million dollars of loss to the T. V. A., and, more than that, much loss to the 14 municipalities which, by the injunction, are deprived of the right to buy T. V. A. power, when under their contract they would get it for perhaps less than they are now paying, and what this injunction in reality compels them to continue to pay to the Alabama Power Co.

Mr. President, let me return to the New York Times article. It refers to the testimony before the House Military Affairs Committee. Farther on the article says:

But A. V. Davis, chairman of the board—

That means the board of the Aluminum Co. of America—

told the Congressional committee that if the T. V. A. policy of taking complete control of all power in the valley continues, the company will be forced to discontinue all plans for expansion, and may be compelled to pull up stakes and leave the scene.

It is known that the company has outlined an elaborate increase of its Alcoa plant—

And so forth. Farther on it says:

Many have felt that, in the end, the T. V. A. will be of far greater benefit through navigation, battling forest destruction, reforestating, stopping erosion, and otherwise helping the farmers, than through cheap power.

Whatever the outcome, the breaks of the present week have handicapped business in the valley area, and have made investors a little more reluctant to come in.

I have read portions of the article, on which I shall comment, for the purpose of showing that it is only a sample

of newspaper articles which have gone out over the country, in which a misconception of the truth is given, and in which by either not telling enough of what happened in the Military Affairs Committee, or telling something which did not happen there, or not giving a correct picture of what is set forth in Mr. McCarl's report, the attempt has been made to give to the American people an entirely erroneous and false conception of what the conditions really are.

The testimony of Mr. Davis, who is chairman of the board of the Aluminum Co. of America, as indicated by this article, as well as by everything else, is that he and his company were treated with the greatest of courtesy and respect by the committee and others. The idea which is sought to be conveyed is that this great company, the Aluminum Co. of America, is a philanthropic institution moved only by the love they bear for their fellow men, and that the corrupt and inhuman T. V. A. has come into the Tennessee Valley and tried to put them out of business, to the utter damage of the community, to the destruction of the very beneficial influence which would come about from the activities of the Aluminum Co.

Senators know a good deal about the Aluminum Co. of America. It has a monopoly on the aluminum business in the United States, if not in the world. It is a great combination taking its tribute from every kitchen in the United States and, as I shall show later on, a great deal of tribute is taken from the United States Government itself.

What are the facts which were misconstrued in regard to T. V. A. buying two pieces of land in the Little Tennessee Valley where it is expected eventually to build a dam which will store a lot of flood water?

Mr. Davis, before the committee, testified at considerable length, telling of the holdings of the Aluminum Corporation. They own, as I remember, 85 percent of all the land in the Little Tennessee Valley on the Tennessee River for more than 100 miles. There are four dam sites. They have already built three dams. One of those dam sites is at the head of a reservoir which will store flood waters necessary for the proper control of navigation of the Tennessee River, to minimize the damage from floods not only in the Tennessee River, but in the Mississippi Valley as well, all the way from the mouth of the Ohio River to the mouth of the Mississippi River.

Tennessee Valley Authority conceived the idea, and I think that conception clearly could be drawn from the law which we enacted last year setting up the Tennessee Valley Authority, that the United States Government through the Tennessee Valley Authority intended to make the Tennessee River navigable, that it intended to control the flood waters of the entire Tennessee Valley by proper dams upon the Tennessee River and its tributaries.

In the Little Tennessee River Valley there is an area where a dam—and it is one of the works which the Aluminum Co. of America expected to develop—will hold back a great deal of flood water. If it is properly managed, it will be of great assistance in the control of navigation and in the control of the flood waters of the Tennessee and Mississippi Rivers. Improperly managed, it may become a menace and do great damage. The T. V. A. thought that is the kind of dam the public out to own. A private party owning it, of course, very honestly and honorably would try to get the most money out of it that could be obtained, would let the reservoir fill up, and thus never be able to control a single flood. Such a private owner, if he were inclined to be malicious, might let the water out when it would do the greatest damage, when it would injure the power plants on the stream below.

There is no objection on the part of the T. V. A. nor the Government of the United States to the Aluminum Co. of America building all the dams it wants to on the Tennessee River if they will only agree that a flood-control dam shall be so managed and the water shall be so retained and so let out as to assist in the navigation of the Tennessee River and help, to the extent of the water in the reservoir, to control the flood waters of the Mississippi and Tennessee Rivers.

In order to bring about that cooperation, the T. V. A. bought two pieces of land there and paid for them. Because of that purchase they are charged with all manner of sins. I think it was a shrewd thing to do. It is the only instance of record of which I know where anybody was ever able to compel the Aluminum Co. of America to be fair, as I shall show a little later. Even in its activities with the Government it has been more powerful and greater than the Government itself. It is held out now by this article and similar articles published over the country that the Aluminum Co. of America is almost a philanthropic institution, moved only by the desire to help men become happier and everything to become better in the world.

To control the flood waters, not only of the Mississippi River, but of the Tennessee River, it is necessary to carry out a concise and intelligent plan for building dams to hold back the flood waters wherever God has made a great reservoir that will hold water.

Diverting for the moment, it would be an economic sin, for instance, as I have said many times on the floor of the Senate, if the Government had not undertaken the construction of the so-called "Norris Dam", but allowed a private corporation or person to undertake it. Why do I say that? Primarily that dam is a flood-control and navigation dam. It is at the mouth of a great reservoir, which when filled will hold 3,500,000 acre-feet of water. If properly handled, every year there must be let out enough of that water so there will be space and room to hold the next flood when it comes.

A private party—and I am speaking with perfect respect; I would do the same if I owned it, and any other Senator would do the same if he owned it—a private party would let the reservoir fill up to the top of the dam, and then get the regular flow of the stream and get the full head of the dam. The next flood which came would simply go over the dam and do as much damage as though there were no dam there. In other words, if we are going to control the floods of a stream we must let out enough water from the reservoirs to be ready to take care of the next flood. That water should be let out when the stream is low and the flood water should be retained when the stream is high in order to increase navigation and minimize the destructive possibilities of the flood waters. When the floods come there is enough space behind the dams to hold the water if there has been a proper and efficient handling of the dam and reservoir.

If the Aluminum Co. of America will agree that any flood-control dam they construct shall be regulated so that it will be able to take care of the flood waters that come, there will be no objection from anybody so far as I know to their building a dam and getting all the power or electricity they possibly can get. Certainly I should hail with delight the development and building of that dam by the Aluminum Co. of America if I knew that the flood waters of the Mississippi and the navigation of the Tennessee River were properly cared for by regulation in that dam.

Mr. Davis, in carrying out this idea of his company being a great benefit to humanity, testified before the committee that they were generating electricity in their works already there, and that they were selling it to the consumer for 3 mills a kilowatt-hour. That is his testimony, and I shall soon read it. That is the cheapest electric rate to consumers anywhere that I know of in the world. There is not any consumer that I know of anywhere who is getting electricity in his home at 3 mills a kilowatt-hour, and it seemed remarkable to me that it should be so when I took into consideration the past history of this great corporation. I did not think they had any such love as that for their fellow men.

Here is Mr. Davis' testimony:

Have you any other customers outside of the towns you have built up yourself?

Oh, yes; we supply quite a number of small towns down there—Maryville, Bryson City, and so forth.

You say that you generate this power at a cost of 3 mills per kilowatt-hour, and that you sell some of this power. What is the price to the consumer?

That is the question: "What is the price to the consumer?" this great philanthropist was asked, and here is his answer:

I am told that our rate is from 2 mills to 6 mills.

That is the price to the consumer. That is the impression left with the committee. That is the impression left with Congress. That is the impression left with the country; and the T. V. A. is going to spoil it all!

Mr. President, thinking that was unreasonable, I took occasion to see what rate was paid in the towns down there and whether Mr. Davis could not possibly be mistaken. Badin, N. C., is one of the towns where it is said they supply electricity to the consumer at from 2 to 6 mills per kilowatt-hour. Here are their rates as I got them officially from the Federal Power Commission. Instead of 2 mills or 6 mills, this is what the Federal Power Commission says as to the rates:

Nine cents—

Not mills—

Nine cents per kilowatt-hour for the first 100 kilowatt-hours used per month.
Seven cents per kilowatt-hour for the next 150 kilowatt-hours used per month.
Six cents per kilowatt-hour for the next 200-kilowatt-hours
Five cents per kilowatt-hour for all additional used per month.

So that the lowest rate of all is 5 cents, and the highest rate is 9 cents. That is quite a difference from 2 mills.

Here are some other towns that are supplied by this great corporation. This is a general charge, as I understand—and I get these figures from the Federal Power Commission—to all the towns in that vicinity:

Six and a half cents per kilowatt-hour for the first 25 kilowatt-hours.
Five cents per kilowatt-hour for the next 35 kilowatt-hours.
Three cents per kilowatt-hour for the next 140 kilowatt-hours.
One and a half cents—

Cents, now, not mills—

One and a half cents per kilowatt-hour over 200 kilowatt-hours.
Minimum bill $1 per month.

So I consider that we have a right to take even Mr. Davis' testimony with some reservations.

Who is Mr. Davis? He is the chairman of the board of the Aluminum Co. of America. The Aluminum Co. of America was incorporated July 29, 1925, as a reincorporation of a company of the same name incorporated in September 1888, in Pennsylvania. The statement I have here gives a history of its incorporation, and its growth, and what it is. I do not believe I will read the statement, summarize it, or ask to put it in the RECORD, because almost everybody has a rather concrete idea of what the Aluminum Co. of America is. It is Andrew J. Mellon's company. It is a Mellon corporation. It has been held by a United States Court to be a trust, to be a monopoly in restraint of trade. It never has been punished. It is too big to be punished. It is greater than the United States, and here was the chairman of its board of directors coming before the committee.

The day before he came he sent word that he was coming, and the report immediately spread, "The Lord is coming tomorrow!" Sure enough, the next day he came, and when he came, immediately there was a change in the atmosphere all around him. Poor Dr. Morgan was on the witness stand. He had been through a pretty hectic examination of 2 or 3 days. One member of the committee said the procedure was something like that of a police court. I was not there, and I do not know; but this man who had been trying to rob the great corporation had been on the witness stand, and when the Lord of the Little Tennessee River appeared upon the scene Dr. Morgan was thrust aside, he was pushed into a corner and covered up with a blanket, while this representative of the great Aluminum Co. of America took the stand and told the committee and the Congress and the country what his company had to have, and what this little cur had been doing to it in the way of trying to have it regulate navigation and assist in flood control; and he went on and testified as I have told you.

Let us see who Mr. Davis is.

Mr. Davis is chairman of the board of directors of the Aluminum Co. of America. He is also a director of the American Brake Shoe & Foundry Co. He is also a director of the Bucyrus Erie Co. He is also a director of the Canada Life Assurance Co. He is also a director of the International Power Securities Corporation. He is also a director of the Marine Midland Corporation. He is also a director—now, listen to this—of the Mellon National Bank at Pittsburgh. He lives in New York. He is also a director of the Niagara Hudson Power Corporation, about which we shall probably hear a good deal when we have the holding-company bill before us. He is also a director of the Pennsylvania Water & Power Co. He is also a director of the Union Savings Bank of Pittsburgh, another Mellon company. He is also a director of the Union Trust Co., of Pittsburgh, another Mellon company, and this man appeared before the committee, and they put everything else aside so as to hear him, and when he got through he passed on, and they took the blanket off Dr. Morgan and brought him forth again to put him through a hectic cross-examination.

What about the Aluminum Co.? On March 9, 1935—which was not very far back—a jury in the United States District Court at Hartford, Conn., awarded the Bausch Machine Tool Co., of Springfield, Mass., damages in the amount of $956,300 against the Aluminum Co. of America for violation of the Sherman antitrust law. It would not be remarkable if they had a judgment against them for that amount; that would not be any more than a judgment of 15 cents against one of us. The important fact is that it was a verdict rendered because the company violated the Sherman antitrust law.

Under the law these damages were trebled to $2,868,900 and a $300,000 counsel fee was also allowed, as provided in the Sherman law. The judge fixed the appeal bond at $3,200,000. The appeal will be heard in the United States Court of Appeals in New York on June 4.

I do not think the committee, the Congress, or the Senate ought to worry about this poor company being injured by the little T. V. A. company. It is a little David fighting a Goliath.

Here is an announcement made by the independent aluminum companies—what few there are—as to what happened in the criminal prosecution of Andrew W. Mellon by the Department of Justice as demanded by the independent aluminum industry as the result of the $3,000,000 triple damage verdict won against that monopoly in the United States district court at Hartford. The jury found the Aluminum Trust guilty of violating the Sherman antitrust law. The issues which are now being appealed were decided against the Aluminum Trust by the United States Circuit Court of Appeals a year ago, and the decision was upheld by the Supreme Court. The trial of the present case was charted by that decision.

After this decisive condemnation of the Aluminum Trust the National Recovery Administration can no longer refuse to impose upon that monopoly the strict code asked by the independent fabric dealers.

As a result of the Government's purchases of aluminum during the World War, through subcontractors, the Government contends that it was overcharged approximately $1,540,000. A suit to decide that issue is now pending in the United States Court of Claims. The Government's position in that suit is outlined in its amended counterclaim.

Here is the history of it. Early in the war, on July 2, 1917, Senator Reed, of Missouri, offered on the floor of the Senate an amendment to include aluminum and its products in the provisions of House bill 4961, a bill to provide further for the national security and defense by encouraging production, conserve the supply, and control the distribution of food products and fuel.

Senator Reed commented in the Senate on the fact that Arthur V. Davis, the same man who has testified before the

House committee, then president of the Aluminum Co., was also chairman of the Aluminum Committee of the Council of National Defense.

There we have Mr. Davis again. I have given his corporate connections. During the World War he was one of the dollar-a-year men. He was the president of the Aluminum Co. of America, and as a dollar-a-year man was chairman of the Aluminum Committee of the Council of National Defense.

The Government had to buy millions and millions of dollars' worth of aluminum during the war, and this man, Mr. Davis, was chairman of the Aluminum Committee of the Council of National Defense. So that he was the one who passed on every bid involving aluminum. He was one of the men who sold to the Government of the United States aluminum which his own corporation was making, and in the production of which it had a monopoly and in the production of which it controlled almost the entire world.

Later on, when the war was over, the Government commenced action against the Aluminum Co., and it has alleged these facts, showing that this man was the governmental agency, at a dollar a year, to buy aluminum, and that he bought aluminum of the Aluminum Co. of America, which was like buying aluminum from himself. The Government of the United States has alleged that in this way it was overcharged $1,540,000. The case is now pending in the courts. This is the great philanthropist who went before the committee and held up his white hands in holy horror at the T. V. A. trying to drive him out of the lower Mississippi River Valley.

If Senators will read the history of the Aluminum Co. of America they will find that, just as is alleged in the lawsuit now pending, they have bled everybody from the bottom to the top, not excepting the Government of the United States. So we ought to spare our tears, at least before we shed too many of them.

I quote again from former Senator Reed, who, referring to the Aluminum Co. of America, said on the floor of the Senate:

> It is now contracting with the Government of the United States at an advance over the price that it was charging last year, and that the man who was making the contract to all intents and purposes on behalf of the Government, and at the same time on behalf of his company, was Mr. Davis, who sits with the Council of Defense as an adviser making both sides of a contract.

So I might go on, Mr. President, almost to an unlimited extent, but it seems to me that when those facts are taken into consideration it will be realized that these corporations, most of them Mellon-controlled, are intertwined, interlocked by means of such men as Mr. Davis, who sits on the board of directors of all these corporations I have named, who has, intentionally or otherwise, given a false impression to the country, given a false idea to the committee and to the Congress, that they are engaged in such charitable work as furnishing electricity at from 2 to 6 mills to the consumer. If he should come back and say that by the consumer he meant the local corporation which was supplying the town, then it must be remembered that they owned that corporation. If they sold to a distributing corporation at from 2 to 6 mills, that distributing corporation, which is charging as high as 9 cents, was completely owned by the Aluminum Co. of America. So it does not make any difference whether they sold it to them at 1 cent, or gave it to them, or charged them a dollar for it. They owned the company which distributed it.

I do not think this language can be misinterpreted. He can say that somebody has given him the wrong information. He said he was told that their rate is from 2 to 6 mills when he was asked the question how much the consumer pays.

Mr. President, the Government must have control over the flood waters of the little Tennessee River and its tributaries if we are going to regulate the flood waters of the Mississippi and the Tennessee, and if we are going to make the Tennessee River navigable, otherwise it will be a failure. That is all this little David fighting this great Goliath was doing when he bought those two pieces of land. It is the only case on earth that I know of where anyone ever got ahead of the Aluminum Co. of America; and we ought to give those men a medal instead of censuring them all over the country and blaming them for interfering with the intentions of this great corporation, which owns 85 percent of the land for 100 miles on each side of the river. He did not say in his testimony that they were going to build that dam tomorrow or next year. There are four projected dams that they eventually will build after business develops enough so that it will be necessary.

I am not finding fault with the Aluminum Co. of America about that, but they wish to hold up four dams until they see, perhaps 50 years from now, whether or not they want to develop the property. In the meantime, nobody dares place a foot upon the property in order to undertake development.

We cannot advance in that way, Senators. That is not the way to develop a river and make it navigable. That is not the way to control the flood waters of the Mississippi. We never shall get anywhere if we attempt to do it in that way.

This great corporation, the Aluminum Co. of America, is not a child. I have before me a book entitled "Mellon's Millions", written by Mr. Harvey O'Connor. The book was published, I believe, in 1933 or 1932—I do not remember which year—but it is of recent publication. On page 390, Mr. O'Connor enumerates the corporations which are owned by the Aluminum Co. of America. There are between 50 and 60 of such corporations, all kinds of corporations, extending to a great extent over at least the eastern half of the United States, and there are some in Canada. I will read the names of some of them:

Alton & Southern Railroad.
Aluminum Co. of Canada, Ltd.
Aluminum Co. of Michigan.
Aluminum Co. of South America.
Aluminum Cooking Utensil Co.
Alcoa Ore Co.
Aluminum Seal Co.

And so on; showing, in fact, that they control all the aluminum of the United States. Another company they own is Aluminum Werke A.-G.

Other companies are the following:

Aluminum Die-Casting Corporation.
Aluminuum Die-Casting Corporation of Germany.
Aluminum Goods Manufacturing Co.
Aluminum Index Co.
Aluminum Manufacturers, Inc.
Aluminum Screw Machine Products Co.

They own companies also which are, according to their names, engaged in other businesses than aluminum. There are about 55 companies altogether. That gives them a monopoly by which they are enabled to fix the price of aluminum for every home in the United States, for every manufacturer that uses it, or the Government of the United States, which has bought millions and millions of dollars of it in its various operations.

This great corporation, greater than our own Government, comes before a committee and says, "The T. V. A. has bought two pieces of land in the name of the United States that we some day may want, or at least we desire it arranged so that no one else will ever get it." Mr. Davis says in his testimony they have 60,000 kilowatts of surplus power they are not now selling. If they would sell it at 3 mills to the consumer, they could sell as much as they ever could. Sixty thousand kilowatts means, in round numbers, 80,000 horsepower that even now the company are not using. They are making no promise that they are going to build this dam at any future time. They simply wish to have in the Little Tennessee River Valley a monopoly of water and the control of water and power, just as they now have a monopoly of aluminum practically all over the world. All over the country these pleas have gone forth that this poor company is being harassed by the T. V. A., when the only object they have, the only ground for the report, so far as I know, is the purchase of these two tracts of land concerning which the chairman of the T. V. A. himself said on the witness stand, "All we want is cooperation. All we want to know is that nobody else will control this great reservoir and let out

water when it will damage navigation, when it will interfere with flood water. We want it operated in coordination with a fair adjustment of all the waters of the Tennessee River and its tributaries. That is all we are asking."

That is all anybody ought to ask. It seems to me there ought to be no complaint against it. Yet in the exaggerated reports which have gone over the country, as the article I have read shows, the T. V. A. is held up as a monster, as a scoundrel, as someone unfair, as a land shark, this article says, trying to beat this poor, poverty-stricken aluminum monopoly controlled by Mr. Mellon.

Mr. President, because it relates to some of the activities of the T. V. A. I ask unanimous consent to print in the RECORD at the close of my remarks an address delivered last Friday night over the radio by Hon. JOHN E. RANKIN, of Mississippi, entitled "A Billion Dollar Overcharge." I desire to say to Senators that it is a most informing discussion of the billion-dollar overcharge by the Electric Trust of the United States which the consumers are paying. It shows that more than a billion dollars would be saved if the entire country were supplied with electricity at the price, for instance, paid by the citizens of Tacoma, Wash., or by the people of Ontario, and that more than a billion dollars is charged and collected in excess of what the public would have to pay if T. V. A. rates were in effect all over the United States.

The PRESIDING OFFICER. Without objection, the address referred to by the Senator from Nebraska will be printed in the RECORD.

The address is as follows:

A BILLION-DOLLAR OVERCHARGE FOR ELECTRIC LIGHTS AND POWER

My friends, if war were declared upon our country by an insulting foe, and that foe should demand, as a reward for its forbearance, a tribute of $1,000,000,000, to be raised by levying a tax upon every industry, every commercial enterprise, and every home, our people would rise as one man and drive that enemy from our shores.

Yet we have an adversary within our gates that is actually levying and collecting tribute amounting not to just $1,000,000,000 but to $1,000,000,000 every year that rolls round.

That adversary is the Power Trust, one of the greatest menaces of our day and generation.

Indeed, it has developed into one of the greatest rackets of modern times.

It is like a huge octopus, spreading its gigantic form over the entire country, winding its loathsome arms about every State capitol and about the National Capitol as well.

It has become a supergovernment that arrogates to itself and exercises the power of taxation, which, as you know, is the power to destroy.

It has influenced Presidents, controlled governors, dominated legislatures, frightened Congressmen, intimidated Senators, and corrupted courts. It is reaching its greedy tentacles not only into every factory and into every home but, as it were, into every light bulb, and is literally sucking the economic lifeblood from the ultimate consumers of electric lights and power—exacting tribute from the already overburdened people of this country through exorbitant light and power rates to the enormous amount of $1,000,000,000 a year.

From $20,000,000 to $30,000,000 annually are thus wrung from the helpless people in the average State of this Union.

You are paying your part; you are the victims; you pay this tribute every month, and if the Power Trust can have its way you will pay it as long as you live, and your children and grandchildren will continue to pay it long after you have passed away.

I see from the papers that the Power Trust, parading under the guise of protecting utility investors, announces that they have declared war. They are using their victims, the people on whom they have unloaded their worthless watered stocks, as a smoke screen—or probably I should say as shock troops—to bear the brunt of the battle as well as to pay the cost.

When these innocent investors finally wake up to what the Power Trust has done to them and come to understand what their rights and their remedies are, they will give that combination all the war they want without their having to declare war on Congress and on the country.

We are not attempting to destroy anybody's property. Wherever it has become necessary to buy any of the property of a power company, the Government has paid what that property was actually worth. The T. V. A. has done the same thing.

The Wheeler-Rayburn bill will not destroy the property of anyone, but it will help to protect innocent investors in the years to come. It will really enhance the actual value of stocks in legitimate operating companies by relieving them of the burdens of maintaining useless and expensive holding companies. The stocks in a corporation are simply worth the value of whatever property that corporation owns, and mere speculative revenues or gambling prospects are not to be considered as a part of its assets.

The power interests have attempted to base rates not upon the cost of production and distribution but upon the helpless consumers' ability to pay, and they have issued these watered stocks against their right or their ability to plunder the unprotected users of electric lights and power. In other words, they have issued preferred stocks against their right to hold you and your children in perpetual economic bondage, and have sold these watered stocks out to innocent investors, invariably under the most flagrant of false pretenses.

Now, when their scheme is exposed, and they are threatened with even-handed justice, in order to escape the wrath of these deluded purchasers, they come with feigned indignity and affected bravo and pretend to declare war.

Since they have declared this war against you and your Government, I have secured this time tonight to tell you what this war is about and to what extent you are involved. So far as I am concerned, I accept the gage of battle. I have enlisted for the duration of the conflict. I shall give no quarter and shall expect none. This must be a fight to the finish between the American people on the one hand and the Power Trust on the other.

As I said a moment ago, the users of electric lights and power in the United States are being overcharged $1,000,000,000 a year. Not one million but one thousand million dollars annually, wrung from the consumers of electric energy through exorbitant light and power rates, in spite of the fact that all the electric energy sold in the United States amounts to only about $1,900,000,000 a year.

We are fighting to get those rates reduced to what they should be in every State in the Union. I want to show what that would mean in dollars and cents to you people who have to pay the bills. I am not guessing at these figures; they have been carefully prepared from data collected through the power survey of the Federal Power Commission.

If these rates throughout the whole country were reduced to the T. V. A. rates, the domestic consumers would save $320,880,000 a year, the commercial consumers would save $279,300,000 a year, and the industrial consumers would save $193,689,000 a year.

All told, they would save $793,875,000 a year, on the basis of present consumption. That is about $200,000,000 more than the value of our entire cotton crop for 1934.

But the power interests tell you that the T. V. A. rates are too low. My answer is that they are too high, and that they will be reduced as the years go by.

Now, let's take the Tacoma, Wash., rates. At Tacoma they have a publicly owned plant worth between twenty and thirty millions of dollars, which they are paying for entirely from earnings from the electric energy sold. Their rates are even lower, as a whole, than the T. V. A. rates.

Let's see what the people of the United States who use electric lights and power would save in a year if they all paid the Tacoma rates. The residential consumers would save $286,416,000 a year, the commercial consumers would save $241,428,000 a year, the industrial consumers would save $270,954,000 a year. All told, they would save $798,798,000 a year, even on the basis of the present consumption. That is $250,000,000 more than the value of the entire wheat crop of the United States for the year 1934. Just think of the American people being overcharged every year for electric lights and power alone $250,000,000 more than the value of the entire wheat crop of the United States; and yet millions of our people, especially in the smaller towns and in the rural districts, are denied the use of any electric energy at all.

The average monthly domestic consumption of electricity throughout the United States is about 50 kilowatt-hours a month. In Tacoma it is 117 kilowatt-hours a month. At Tupelo, Miss., under the T. V. A. rates, it is 103 kilowatt-hours a month. So the chances are that if the American people were given lights and power at the Tacoma rates, or at the T. V. A. rates, they would more than double their domestic and probably their commercial, if not their industrial consumption, which would run this saving far above the billion-dollar mark.

Now, let's take the Canadian rates and compare what we are paying in the United States with the rates paid in Winnipeg and Ontario, Canada, and see what the difference would be. If we paid the same rates throughout the United States that are paid in Winnipeg, Canada, our domestic consumers would save $385,980,000 a year, our commercial consumers would save $357,900,000, and our industrial consumers would save $142,000,000 a year, or a total saving, even on the present consumption, of $885,880,000 a year.

While the average domestic consumption in the United States is less than 50 kilowatt-hours a month, the average domestic consumption in Winnipeg, Canada, is a little more than 375 kilowatt-hours a month. Their low rates in Winnipeg enable them to use adequate lights, operate their radios, water pumps, electric irons, electric churns, electric refrigerators, electric ranges, and electric radiators with which to heat their homes.

If the electric light and power rates throughout the United States were reduced to the Ontario rates, the 20,000,000 residential consumers in this country would save $390,516,000 a year, the commercial consumers would save $321,084,000 a year, the industrial consumers would save $267,955,000 a year. All told, they would save $979,555,000 a year on the basis of their present consumption.

But in Ontario the average domestic consumption is 155 kilowatt-hours a month, or about three times the average monthly consumption in the United States. Therefore, it is reasonable to suppose that if the American people were given the same electric light and power rates enjoyed by the citizens of Ontario, prob-

ably our domestic and commercial, if not our industrial, consumption would more than double, and would not only run this savings of $970,555,000 far above the billion-dollar mark but would undoubtedly run it to nearer the $2,000,000,000 mark. In other words, if the American people were given lights and power at the Ontario rates, it would really mean to them a saving of anywhere from one billion to two billion dollars a year.

You have no doubt heard and read many vicious attacks on the Tennessee Valley Authority. Do you know why. Have you ever stopped to think what crime the T. V. A. has committed to inspire these attacks? It has simply shown the American people what electric lights and power should cost, and the example it has set is forcing down light and power rates all over the land, to the benefit of you ultimate consumers. The example set by the T. V. A., together with the publicity given through the Federal Power Commission's rate survey, has already saved you people more than $100,000,000 a year.

I want to answer at this point some of the arguments the Power Trust is using against municipally owned plants. They tell you that municipal plants pay no taxes and that their average rates for all classes of service are 15 percent higher than the rates of privately owned utilities.

Now, let's examine the facts. We will take Birmingham, Ala., one of the hotbeds of the Power Trust. Let's compare the domestic rates in Birmingham, which is supplied by a private company, with the rates charged by the public plant at Tacoma, Wash. Although the Birmingham rates have been forced downward by the psychological effect of the T. V. A., and the publicity to which I referred, their rates are still so high as to make the following comparison between Birmingham and Tacoma, Wash., a complete answer to the power interests' contention against publicly owned plants.

In Birmingham, 25 kilowatt-hours a month costs a householder $1.55; in Tacoma, it costs $1.13. In Birmingham, 40 kilowatt-hours a month costs $2.30; in Tacoma, $1.80. In Birmingham, 250 kilowatt-hours a month costs $7.80; in Tacoma, $3.90. In Birmingham, 500 kilowatt-hours a month costs $12.55; while, in Tacoma, it costs $6.40.

Yet, with a gross revenue of $1,940,994, the Tacoma plant paid $145,575 taxes last year; gave to the city of Tacoma $200,545 worth of free service; set aside for depreciation $400,053; paid interest on its indebtedness to the amount of $435,332, and still made a net profit of $508,190; and at the same time gave the people of Tacoma the lowest light and power rates in the United States.

Let's take some more examples and compare rates of these private companies with the rates charged by publicly owned plants. I see before me here the rates of the public plant at Jacksonville, Fla., and the rates charged by the private power company in Miami, Fla.

Now remember, that Jacksonville is following a different policy from that pursued by Tacoma and the T. V. A., in that Jacksonville is maintaining its high-rate structure in order to turn revenues into the city treasury and reduce taxes. In Jacksonville, where they have a municipally owned plant, 25 kilowatt-hours a month cost a domestic consumer $1.75; in Miami, which is supplied by a private company, it costs $2.76; 40 kilowatt-hours a month in Jacksonville cost $2.80; in Miami, $4.18; in Jacksonville, 250 kilowatt-hours a month cost $7.95; in Miami, $10.40; in Jacksonville 500 kilowatt-hours a month cost $12.95; and in Miami, $15.40.

Yet with a gross revenue of $2,671,659, Jacksonville paid operating expenses amounting to $793,249 last year; paid taxes in the amount of $34,794, and then turned into the city treasury cash to the amount of $1,777,657. Jacksonville could reduce her rates to the T. V. A. rates, the Tacoma rates, or the Canadian rates, and still operate at a profit.

Now, let's compare the domestic rates in Kansas City, Kans., which is served by a public plant, with the rates in Scranton, Pa., which is served by a private company. In Kansas City, 25 kilowatt-hours a month cost a residential consumer $1.30; in Scranton it costs him $1.75; in Kansas City, 40 kilowatt-hours a month will cost $1.60; in Scranton, $2.80. In Kansas City, 100 kilowatt-hours a month cost $2.80; in Scranton it costs $5. One hundred and fifty kilowatt-hours in Kansas City cost $3.80; in Scranton it costs $6.50.

Yet the public plant in Kansas City, Kans., last year, with a total operating revenue of $1,667,801, paid $2,822 taxes; paid its operating expenses amounting to $1,036,205; gave to the city $54,373 in free service; set aside $386,471 for depreciation; paid interest on its indebtedness of $113,899, and still had a net income of $192,451.

In a front-page article in the New York Times this morning, the power interests of that State announce with a great deal of fanfare of trumpets a reduction of rates for the consumers of electric lights and power in New York City. The reductions they propose are simply ridiculous. The records shows that the average domestic consumer in New York uses only 35 kilowatt-hours a month. Now comes the Power Trust with this great blare of trumpets and announces a reduction to the average consumer of 5 cents a month. Such generosity certainly deserves all the publicity that can be given it by a great newspaper that publishes all the news that is fit to print.

Let's compare these new rates in New York City, which is supplied, of course, by these generous private power companies, with the rates of the public plant in Seattle, Wash. In New York City, under these new reduced rates, 25 kilowatt-hours a month cost a householder $1.75; in Seattle $1.40. In New York City, 40 kilowatt-hours a month cost $2.50; in Seattle, $2.20. In New York City, 100 kilowatt-hours a month cost $4.80; in Seattle, $3.40. In New York City, 150 kilowatt-hours a month cost $6.05; in Seattle $4.40. In New York City, 500 kilowatt-hours a month cost $13.05; in Seattle, $8.15.

Yet the public plant in Seattle last year, with a total operating revenue of $4,940,905, paid in taxes $125,643, paid its operating expenses amounting to $1,691,279, contributed $2,062 in cash to the city, gave free service to the city of Seattle to the amount of $837,371, set aside for depreciation $1,417,145, paid interest on its indebtedness of $1,374,694, and still had a net income of $344,276.

I have before me a volume of figures which show the advantages of publicly owned plants, but I will not take the time to read them all. I'll just take one more. I note that some fellow from Massachusetts has been attacking me through the New York Times because of my attitude on the power question. Let's see what grounds he has to complain.

If anyone will take the time to study the report made by the Federal Power Commission on electric light and power rates in Massachusetts he will realize that if there are any people anywhere who need relief from exorbitant light and power rates they are the people in the State of Massachusetts, especially in the smaller towns and in the rural districts. The rates in Boston are a little more reasonable. So let's compare them with the rates of the publicly owned plant in Los Angeles, Calif.

In Boston, where light and power is supplied by a private power company, 25 kilowatt-hours a month cost a householder $1.75; in Los Angeles, $1.20. In Boston, 40 kilowatt-hours a month cost $2.50; in Los Angeles, $1.81. In Boston, 150 kilowatt-hours cost $6.80; in Los Angeles, $4.56. In Boston, 500 kilowatt-hours a month cost $12.80, while in Los Angeles, $8.81.

Last year the public plant in Los Angeles, with a gross operating revenue of $14,300,019, paid its operating expenses amounting to $7,020,919, paid taxes amounting to $1,296,570, as well as free service amounting to $1,079,463, set aside $2,086,899 for depreciation, paid interest on its indebtedness to the amount of $1,528,385, and still had a net income of $3,670,091.

Yet the Power Trust would have you believe that these public plants pay no taxes, contribute nothing, charge higher rates than the private companies, and are operated at a loss.

The Power Trust attempts to block every movement we make to give the American people relief from exorbitant light and power rates. They have opposed the T. V. A. from the beginning. They have opposed the construction of the Quoddy project, the St. Lawrence project, the Boulder Dam, Peck, Bonneville, Grand Coulee, and all other public power projects on the flimsy pretext that there is no market for the power, telling the American people that we have a surplus of power now.

If we reduce rates all over the United States to the T. V. A. rates, the Tacoma rates, or the Canadian rates and make electricity available to everyone at rates based upon the cost of production and distribution so as to enable them to enjoy a liberal use of electric lights, operate their fans, refrigerators, electric pumps, radios, electric ranges, and other necessary appliances, and heat their homes with it, if necessary, as well as operate their business establishments and their industrial plants, then they will consume more power than all of these new projects and all existing plants can produce.

It is a significant fact that lower rates bring higher consumption. When the T. V. A. rates first went into effect at Tupelo the average domestic consumption was 42 kilowatt-hours a month. In 10 months it had increased to 103. The number of electric refrigerators increased from 195 to 559, the number of electric ranges from 15 to 150, and the commercial consumption of electric energy more than doubled.

The same thing has happened in all the other communities served with T. V. A. power. In the city of Amory, Miss., during the first 6 months their T. V. A. rates were in effect the number of electric refrigerators increased from 40 to 345.

Give the American people reasonable rates, based upon the actual cost of production and distribution, and there will be no surplus of power; they will consume many times our present supply. That will not only lighten the burdens of the domestic consumers and enable them to use sufficient electric appliances to enrich their homes and relieve them of their drudgery, but it will also stimulate industry, relieve the merchant and other commercial consumers, aid agriculture by taking light and hope to the distressed farmers of America, and will make our country a brighter, a richer, and a better place in which to live—not only today and tomorrow, but for centuries yet to come.

REGULATION OF FOOD, DRUGS, AND COSMETICS

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to proceed to the consideration of Senate bill no. 5, known as "the pure food and drugs bill."

The motion was agreed to; and the Senate proceeded to consider the bill (S. 5) to prevent the manufacture, shipment, and sale of adulterated or misbranded foods, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of foods, drink, drugs, and cosmetics, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. SCHALL. Mr. President, I desire to submit some observations at this time if I may have recognition.

Mr. COPELAND. Mr. President, may I appeal to the Senator from Minnesota to let us go forward with the bill?

It has been pending for 2 years. For the first time in that whole period we have come to some agreement regarding it. I dislike to have it go over even a day for fear we may fall apart during that time. I appeal to the Senator to let us proceed. I do not think it will take more than 15 or 20 minutes to complete consideration of the bill, if we have good luck.

Mr. SCHALL. If I may have the floor in the morning upon the convening of the Senate, that will answer my purpose.

Mr. COPELAND. Mr. President, before we proceed with the consideration of the bill, I ask unanimous consent to have two changes made in the report submitted by the committee. I had a telegram from the Senator from North Carolina [Mr. BAILEY], who is in Raleigh. He called my attention to two errors in the report. I ask that they be read at the desk and the report amended in that respect. Having made these amendments in the report, the Senator from North Carolina authorizes me to say he is in full accord regarding the bill and is anxious to have it passed. There are two amendments to the report.

Mr. BYRNES. Mr. President, is it the intention of the Senator to proceed with the consideration of the bill tonight?

Mr. COPELAND. Yes; it is.

Mr. BYRNES. I think we should have a quorum present if that is to be done. It is an important measure, and there may be some difference of opinion among Senators with reference to it. Senators ought to know what is about to be done. Therefore I make the point of no quorum.

Mr. McNARY. What is the point the Senator makes?

Mr. BYRNES. I make the point of no quorum, because I think Senators ought to have an opportunity to know what is taking place on the floor.

Mr. COPELAND. May I ask the Senator, if we proceed peaceably and apparently in harmony, will he not withhold his request for a quorum for a few minutes?

Mr. BYRNES. I think Members of the Senate ought to have an opportunity to be present. They can then determine whether the Senate is proceeding quietly and peaceably, as the Senator hopes it may do. The Senate did not proceed very peaceably or quietly when the bill was before the Senate on a prior occasion. I therefore insist upon my point of no 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	Copeland	Lewis	Robinson
Ashurst	Costigan	Logan	Russell
Austin	Couzens	Lonergan	Schall
Bachman	Dickinson	McAdoo	Schwellenbach
Bankhead	Dieterich	McGill	Sheppard
Barbour	Donahey	McKellar	Shipstead
Barkley	Fletcher	McNary	Smith
Bilbo	Frazier	Maloney	Steiwer
Black	George	Metcalf	Thomas, Okla.
Bone	Gerry	Minton	Thomas, Utah
Borah	Glass	Moore	Townsend
Brown	Gore	Murphy	Trammell
Bulkley	Guffey	Murray	Truman
Bulow	Hale	Neely	Tydings
Burke	Harrison	Norbeck	Vandenberg
Byrd	Hastings	Norris	Van Nuys
Byrnes	Hatch	Nye	Wagner
Capper	Hayden	O'Mahoney	Walsh
Caraway	Johnson	Overton	Wheeler
Chavez	Keyes	Pittman	White
Clark	King	Pope	
Connally	La Follette	Radcliffe	

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

Mr. COPELAND. Mr. President, I ask unanimous consent that the two brief amendments to the report may be noted in the RECORD and made to the report.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The changes referred to in the report of the Committee on Commerce (Rept. No. 646) are on page 8, before "paragraph (f)", to insert:

Much criticism has been launched at this provision on the ground that it applies to innocuous drugs for which extravagant therapeutic claims are made and which thus indirectly impair the patient's chance of recovery through his postponement of proper methods of treatment. The language does not relate to such products. It applies only to potent drugs which are per se harmful unless properly administered.

And on page 13 of the report, under the subhead, "Section 711. Seizure", second paragraph, after the words "the consumer is involved" and the period, to strike out—

Such danger might result from improper or insufficient directions for use of a potent drug; it may also follow the misbranding of an innocuous drug with false claims for a serious disease, which induce the patient to delay effective treatment until too late. In the latter example, the product of itself, if honestly sold, would not in any way endanger health but, even though it is innocuous, it may very definitely endanger health through misrepresentations made for it.

Mr. COPELAND. Mr. President, the bill has been reprinted in accordance with the consent of the Senate the other night. Everything that is new, or that is intended to be recommended for adoption, will be found printed in roman capitals. In some instances the roman capitals are stricken through, indicating that some previous action of the Senate will be set aside if the Senate shall agree to the proposed changes; and the parts where the roman capitals are not stricken through are the new parts of the bill.

I ask to have the additional amendments stated.

The PRESIDING OFFICER. The additional amendments will be stated.

The first additional amendment of the Committee on Commerce in the latest print of the bill was, under the heading "Definition of terms", on page 2, line 15, after the word "substances", to insert "and"; in the same line, after the word "preparations", to strike out "and devices"; in line 18, before the word "preparations", to insert "and"; and in the same line, after the word "preparations", to strike out the comma and the words "and devices", so as to read:

SEC. 201. As used in this act, unless the context otherwise indicates—

(a) The term "food" includes all substances and preparations used for, or entering into the composition of, food, drink, confectionery, chewing gum, or condiment for man or other animals.

(b) The term "drug", for the purposes of this act and not for the regulation of the legalized practice of the healing art, includes (1) all substances and preparations recognized in the United States Pharmacopoeia, Homoeopathic Pharmacopoeia of the United States, or National Formulary, or any supplement to any of them; and (2) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances, and preparations, other than food and cosmetics, intended to affect the structure or any function of the body.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

(c) The term "device", for the purposes of this act and not for the regulation of the legalized practice of the healing arts, includes all devices intended (1) for the use in diagnosis, cure, mitigation, treatment, or prevention of diseases in man or other animals; and (2) to affect the structure or any function of the body.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the word "drug", to insert "device,", and in line 5, after the word "drug", to insert "device,", so as to read:

(i) The term "label" means the principal display or displays of written, printed, or graphic matter (1) upon any food, drug, device, or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, device, or cosmetic.

The amendment was agreed to.

The next amendment was, on page 4, line 8, after the word "drug", to insert "device,", so as to read:

(j) The term "labeling" includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, device, or cosmetic.

The amendment was agreed to.

The next amendment was, on page 4, line 19, after the word "drug", in the amendment heretofore agreed to, to insert "or device", and in line 20, after the word "distributed", to insert a semicolon and the words "and the term 'scientific opinion' means the opinion, within their respective fields, of competent pharmacologists, physiologists, or toxicologists", so as to read:

(l) The term "medical profession" means the legalized professions of the healing art; and the term "medical opinion" means the opinion, within their respective fields, of the practitioners of

any branch of the medical profession, the practice of which is licensed by law in the State or Territory where any drug or device, to which such opinion relates, is held, sold, or distributed; and the term "scientific opinion" means the opinion, within their respective fields, of competent pharmacologists, physiologists, or toxicologists.

The amendment was agreed to.

The next amendment was, under the subhead "Misbranded food", on page 10, line 6, in the amendment heretofore agreed to, after the word "Secretary", to strike out the colon and the following additional proviso: "*Provided further*, That truly proprietary food listed by the Secretary and not adulterated, otherwise misbranded, or falsely advertised within the meaning of this act shall be exempted from this paragraph", so as to read:

(i) If it is not subject to the provisions of paragraph (g) of this section and its label fails to bear (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients the common or usual name of each such ingredient; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, by regulations promulgated by the Secretary.

The amendment was agreed to.

The next amendment was, under the subhead "Adulterated drugs", on page 16, line 10, after the word "its", to strike out "label bears"; in line 11, after the word "drug", in the amendment heretofore agreed to, to strike out "a statement indicating wherein its" and insert "standard of"; and in line 13, after the word "purity", to strike out "as determined by the tests or methods of assay applicable under this paragraph, differ from the standards therefor set forth in such compendium" and insert "be plainly stated on its label", so as to read:

(b) If its name is recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein; except that whenever tests or methods of assay have not been prescribed therein, or such tests or methods of assay as are prescribed are insufficient, for determining whether or not such drug complies with such standard, the Secretary is hereby authorized to bring such fact to the attention of the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay which are sufficient, then the Secretary may prescribe for the purposes of this act such tests or methods of assay by regulations as provided by sections 701 and 703. No drug shall be deemed to be adulterated under this paragraph because it differs from the standards of strength, quality, or purity therefor set forth in an official compendium, if its standard of strength, quality, and purity be plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, at this point there is, as I think the Senator from New York will agree, a typographical error. In line 13, page 16, I move to change the word "and" to "or."

Mr. COPELAND. That change should be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

The next amendment was, on page 17, after line 7, to insert the heading "Misbranded drugs and devices."

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "drug", to insert "or device"; in line 15, before the word "by", to strike out "sustained" and insert "supported"; and in line 16, after the word "medical", to insert "or scientific", so as to read:

SEC. 402. A drug or device shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular. Any representation concerning any effect of a drug or device shall be deemed to be false under this paragraph if such representation is not supported by demonstrable scientific facts or substantial and reliable medical or scientific opinion.

The amendment was agreed to.

The next amendment was, on page 18, line 20, after the figures "703", to insert "unless the derivative is clearly not habit forming", so as to read:

(e) If it is for use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbituric acid, beta eucaine, bromal, cannabis, carbomal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any substance chemically derived therefrom, or any other narcotic or hypnotic substance, which has been designated as habit forming by regulations as provided by sections 701 and 703 unless the derivative is clearly not habit forming, and, except when dispensed on the written order of a member of the medical profession, its label fails to bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit forming."

The amendment was agreed to.

The next amendment was, on page 19, line 1, after the word "it", to insert "is a drug and", so as to read:

(f) If it is a drug and is not designated solely by a name recognized in an official compendium and its label fails to bear (1) a common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the name of each active ingredient, including any alcohol: *Provided*, That, to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the word "be", to strike out "prescribed by regulations, as provided by sections 701 and 703" and insert "adequate"; and on page 20, line 1, after the word "drug", to insert "or device", so as to read:

(g) If its labeling fails to bear plainly and conspicuously (1) complete and adequate directions for use, and (2) such warnings in such manner and form as may be adequate against use in such pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application: *Provided*, That where any requirement of subdivision (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations, as provided by sections 701 and 703, exempting such drug from such requirement.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "its", to insert "it is a drug and", so as to read:

(j) If it is a drug and its container is so made, formed, or filled as to mislead the purchaser; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to strike out the following:

(j) If it purports to be or is represented as a germicide, bactericide, disinfectant, or antiseptic for any use on or within the body and its labeling fails to bear plainly and conspicuously adequate directions for such use, and when used as directed it does not have germicidal effect equivalent to phenol of a 1 to 80 aqueous dilution for 10 minutes at 37° C. when tested by a method prescribed by regulations as provided by sections 701 and 703: *Provided*, That no drug shall be deemed to be misbranded under this paragraph by reason of (1) failure of its labeling to bear adequate directions for a use indicated in advertising disseminated only to members of the medical and pharmaceutical professions, or appears only in scientific publications of these professions; or (2) its failure to have the germicidal effect required by this paragraph if its own standard of such effect is stated on its label and such drug is distributed for use solely by the medical profession.

(k) If it purports to be or is represented as an inhibitory antiseptic for any use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body and its labeling fails to bear plainly and conspicuously adequate directions for such use, and when used as indicated, it fails to prevent the growth of micro-organisms within the entire time of such use when tested by a method prescribed by regulations as provided by sections 701 and 703: *Provided*, That no drug shall be deemed to be misbranded under this paragraph by reason of failure of its labeling to bear adequate directions for a use indicated in advertising disseminated only to members of the medical and pharmaceutical profession, or appears only in scientific publications of these professions.

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

(k) When construing and enforcing the provisions of this act with respect to labeling and advertisements, the term "antiseptic" shall be deemed to have the same meaning as the word "germi-

cide", except, however, in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "drugs", to insert "and devices"; and in line 11, after the word "drugs", to insert "and devices", so as to read:

(1) The Secretary is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this act drugs and devices which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are in conformity with the provisions of this act upon removal from such processing, labeling, or repacking establishment

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the word "health", in the amendment heretofore agreed to, to strike out "under the conditions of use prescribed in the labeling or advertising thereof, or", so as to read:

CHAPTER V

ADULTERATED COSMETICS

SECTION 501. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health under such conditions of use as are customary or usual.

The amendment was agreed to.

The next amendment was, under the subhead "Misbranded cosmetics", on page 26, line 25, after the word "particular", to insert a comma and "or if it is injurious to health under the conditions of use prescribed in the labeling or advertising thereof", so as to read:

SEC. 502. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular, or if it is injurious to health under the conditions of use prescribed in the labeling or advertising thereof.

The amendment was agreed to.

The next amendment was, under the subhead "False advertisement", on page 28, line 24, after the word "drug", to insert "device,"; on page 29, line 2, after the word "drug", to insert "or device"; in line 4, after the word "not", to strike out "sustained" and insert "supported"; and in line 6, after the word "medical", to insert "or scientific", so as to read:

SEC. 601. (a) An advertisement of a food, drug, device, or cosmetic shall be deemed to be false if it is false or misleading in any particular relevant to the purposes of this act regarding such food, drug, or cosmetic. Any representation concerning any effect of a drug or device shall be deemed to be false under this paragraph if such representation is not supported by demonstrable scientific facts or substantial and reliable medical or scientific opinion.

The amendment was agreed to.

The next amendment was, on page 29, line 11, after the word "drug" in the amendment heretofore agreed to, to insert "or device", and in line 24, after the word "drugs", to insert "or devices", so as to read:

(b) For the purposes of this act the advertisement of a drug or device representing it to have any therapeutic effect in the treatment of Bright's disease, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal diseases, heart and vascular diseases, shall be deemed to be false; except that no advertisement not in violation of paragraph (a) of this section shall be deemed to be false under this paragraph if it is disseminated only to members of the medical and pharmaceutical professions or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

The amendment was agreed to.

The next amendment was, on page 35, line 7, after the word "shall", to insert "fix the compensation of members and shall", and in line 11, after the word "drug", to insert "device,", so as to read:

(d) The term of office of members of the committees provided by paragraphs (a) and (b) of this section, other than members from the Administration, shall be 5 years; except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of that term, and of the appointments first made to each committee after approval of this act, one shall be for 1 year, one for 2 years, one for 3 years, and one for 4 years, as shall be designated by the President in their respective appointments. The President shall fix the compensation of members and shall designate the chairmen of the committees. No person who is a member of the Department or who has or acquires a financial interest in the manufacture, advertising, or sale of any food, drug, device, or cosmetic shall be eligible to serve on the Committee on Public Health or as a member from the public on the Committee on Food Standards.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to strike out:

The regulations promulgated under section 701 (a) shall provide for the delivery of a representative part of an official sample of a food, drug, or cosmetic to the vendor thereof, if such sample is collected to determine by analysis whether it is adulterated within the meaning of this act and subject to any conditions and exceptions which are necessary for the purposes of this act and which are prescribed by such regulations.

The amendment was agreed to.

The next amendment was, under the subhead "Records of interstate shipment", on page 37, line 25, after the word "drugs", to insert "devices"; on page 38, line 5, after the word "drug", to insert "device"; in line 10, after the word "drug", to insert "device"; and in line 16, after the word "drugs", to insert "devices", so as to read:

SEC. 706. For the purpose of enforcing the provisions of this act, carriers engaged in interstate commerce, and persons receiving food, drugs, devices, or cosmetics in interstate commerce, shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, drug, device, or cosmetic, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a definite statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the other provisions of this act by reason of their receipt, carriage, or delivery of food, drugs, devices, cosmetics, or advertising matter in the usual course of business as carriers: *Provided further*, That whenever in the opinion of the Secretary it is practical, he shall attempt to make the objective inspection of food packed in a Territory or possession of the United States at the first point of entry within the Territorial limits of the United States.

The amendment was agreed to.

The next amendment was, on page 41, line 7, after the word "drugs" in the amendment heretofore agreed to, to insert "devices"; in line 14, after the word "drugs", to insert "devices"; and in line 17, after the word "drugs", to insert "devices", so as to read:

SEC. 707. In order to prevent interstate commerce in adulterated or misbranded food, drugs, devices, or cosmetics for the purposes of safeguarding the public health and preventing deceit upon the purchasing public, officers, or employees duly designated by the Secretary, after first making reasonable request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held for shipment in interstate commerce or are held after such shipment, or to enter any vehicle being used to transport such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. Any such owner, operator, or custodian who refuses such reasonable request shall be guilty of a misdemeanor and shall on conviction thereof, be subject to the penalties prescribed by section 708 (b) of this act.

The amendment was agreed to.

The next amendment was, at the top of page 42, to strike out the following:

(b) The several district courts of the United States are hereby vested with jurisdiction to order the disclosure of a private formula or a secret process in pursuance of an inspection made under this section, if and to the extent such disclosure is necessary for the purposes of this act, and in such case only.

The amendment was agreed to.

The next amendment was, under the subhead "Prohibited acts and penalties", on page 42, line 14, after the word "drug", to insert "device", so as to read:

SEC. 708. (a) The following acts and the causing thereof are hereby prohibited:

(1) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

The amendment was agreed to.

The next amendment was, on page 42, line 17, after the word "drug", to insert "device", so as to read:

(2) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

The amendment was agreed to.

The next amendment was, on page 42, line 19, after the word "drug", to insert "device", so as to read:

(3) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise.

The amendment was agreed to.

The next amendment was, on page 43, line 2, after the word "drugs", to insert "devices", so as to read:

(4) The dissemination of any false advertisement by United States mails, or in interstate commerce by radio broadcast or otherwise, for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

The amendment was agreed to.

The next amendment was, on page 43, line 5, after the word "drugs", to insert "devices", so as to read:

(5) The dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics in interstate commerce.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "fine", to insert a colon and the following proviso:

Provided, however, That any person who violates any of the provisions of subdivisions (4) or (5) of paragraph (a) of this section shall only be liable for and forfeit and pay a civil penalty of not more than $1,000, to be recovered by civil action in the district court within the district where the person resides or carries on business if (1) the violation does not involve imminent danger to health or gross deception, and (2) the violation is established by opinion evidence only.

The amendment was agreed to.

The next amendment was, on page 47, line 2, after the word "drug" in the amendment heretofore agreed to, to insert "device", and in line 10, after the word "drug", to insert "device", so as to read:

(e) No dealer shall be subject to the penalties of paragraph (b) of this section (1) for having received in interstate commerce any article of food, drug, device, or cosmetic and in good faith sold it as received unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and all documents pertaining to the delivery of the article to him, or (2) if he establishes a guaranty or undertaking signed by the person residing in the United States from whom he received in good faith the article of food, drug, device, or cosmetic, or the advertising copy therefor, to the effect that such article is not adulterated or misbranded, and such copy is not false, within the meaning of this act, designating it. To afford protection, such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking, and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this act. No retail dealer shall be prosecuted under this section for the dissemination, in good faith, of any advertisement offering for sale at his place of business any article which he does not distribute or sell in interstate commerce.

The amendment was agreed to.

The next amendment was, on page 49, line 20, in the heading after the word "Criminal", to insert "and Civil Penalty", so as to make the subhead read:

Institution of Criminal and Civil Penalty Proceedings.

The amendment was agreed to.

The next amendment was, on page 50, line 7, after the word "thereunder" in the amendment heretofore agreed to, to insert a comma and "or for the institution of civil penalty action under section 708 (B)"; in line 18, before the word "injunction", to strike out "or"; and in line 19, after the word "proceedings", to insert "or civil penalty action,", so as to read:

SEC. 710. Before reporting any violation of this act to any United States attorney for institution of criminal proceedings thereunder, or for the institution of civil penalty action under section 708 (B), the Secretary shall, in accordance with regulations prescribed by him, afford appropriate notice and opportunity for hearing to interested persons (1) for hearing upon the question of such violation; and (2) for hearing to review his tentative decision to make such report, upon cause shown satisfactory to the Secretary. The report shall be accompanied by findings of the appropriate officers and employees duly authenticated under their oaths. Nothing in this act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel, injunction proceedings, or civil penalty action, minor violations of this act whenever he believes that the purposes of the act can best be accomplished by a suitable written notice or warning.

The amendment was agreed to.

The next amendment was, on page 50, line 24, after the word "drug", to insert "device", so as to read:

SEIZURE

SEC. 711. (a) Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or that has been manufactured, processed, or packed in a factory or establishment the operator of which did not at the time of manufacture, processing, or packing hold an unsuspended valid permit, if so required by regulations under section 305, shall be liable to be proceeded against while in interstate commerce or at any time thereafter on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found.

The amendment was agreed to.

The next amendment was, on page 51, line 10, after the word "found" to strike out the colon and the following proviso:

Provided, however, That not more than one seizure action shall be instituted in cases of alleged misbranding, except upon order to show cause, and then upon a showing by the Secretary that such article is misbranded in manner or degree as to render such article imminently dangerous to health, or that such alleged misbranding has been the basis of a prior judgment in favor of the United States in a criminal prosecution or libel for condemnation proceeding respecting such article under this act: *And provided further,* That said single seizure action shall, on motion, be removed for trial to a jurisdiction of reasonable proximity to the residence of the claimant of such article.

And in lieu thereof to insert the following:

Provided, however, That not more than one seizure shall be instituted in cases of alleged misbranding, except when the Secretary has probable cause to believe from facts found by him that such article is so misbranded as to render it imminently dangerous to health, or when such alleged misbranding has been the basis of a prior judgment in favor of the United States in a criminal prosecution or libel for condemnation proceeding under the act respecting such article: *And provided further,* That said single seizure action shall, on motion, be removed for trial to the jurisdiction of the claimant's residence.

The amendment was agreed to.

The next amendment was, on page 53, line 13, after the word "cause" and the period, in the amendment heretofore agreed to, to strike out the following:

The article shall be liable to seizure by process pursuant to the libel; but if a chief of station or other employee of the Administration, duly designated by the Secretary, has probable cause to believe from facts found by him and duly reported to the Secretary that such article is so adulterated as to be imminently dangerous to health, then, and in such case only, the article shall be liable to seizure by such chief of station or employee, who shall promptly report the facts to the proper United States attorney. Such United States attorney shall file a libel of information for condemnation of the article so seized. If the court in which the libel was filed shall find that there was probable cause for such seizure, it shall issue a certificate of probable cause.

The amendment was agreed to.

The next amendment was, on page 54, after line 9, to strike out:

(b) If, in any proceeding against any chief of station or other officer or employee by reason of a seizure pursuant to paragraph (a), subdivision (2) of this section, the court shall find that there was probable cause for the seizure, or if a certificate of probable cause has been issued in the condemnation proceedings, then, in the event of a judgment against such officer or employee, the amount thereof shall, upon final judgment, be paid out of appropriations made for the administration of this act.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case. In cases of articles of food, drugs, devices, or cosmetics seized under the provisions of this section when the same issues of adulteration or misbranding under the provisions of this act, raised by the same claimant, are pending

in various jurisdictions the United States District Court for any district where one of such seizures is pending, or for the district of the claimant's residence, is hereby vested with jurisdiction to consolidate and try such cases; and on application of the claimant, seasonably made, such cases may be tried in any such jurisdiction of the claimant's choice.

The amendment was agreed to.

The next amendment was, on page 56, line 5, after the word "drug", to insert "device", so as to read:

(d) Any food, drug, device, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this act or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this act or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the party obtaining release of the article under bond. Any article condemned by reason of the manufacturer, processor, or packer not holding an unsuspended valid permit when so required by regulations under section 305 shall be disposed of by destruction.

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to strike out:

(e) The proceedings procedure in cases under this section shall conform, as nearly as may be, to the proceedings procedure in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case. In cases of articles of food, drugs, or cosmetics seized under the provisions of this section when the same issues of adulteration or misbranding under the provisions of this act, raised by the same claimant, are pending in various jurisdictions, the United States district court for any district where one of such seizures is pending, is hereby vested with jurisdiction to consolidate and try such cases separately; and on application of the claimant, seasonably made, such cases may be tried in the jurisdiction of his choice. Separate verdicts shall be rendered in each case and judgments entered on such verdicts in conformity with the provisions of this section, or in the United States district court in the district where his principal place of business is located.

The amendment was agreed to.

The next amendment was, on page 59, after line 23, to strike out:

(h) Notwithstanding the provisions of section 876 of the Revised Statutes for witnesses who are required to attend a court of the United States in any district in which cases from various jurisdictions are consolidated under this section may run into any other district.

The amendment was agreed to.

The next amendment was, under the subhead "Injunction proceedings", on page 60, line 15, after the word "drug", to insert "device"; in line 19, after the word "drugs", to insert "devices"; and in line 23, after the word "drugs", to insert "devices", so as to read:

SEC. 712. (a) In order to avoid multiplicity of criminal prosecutions or libel for condemnation proceedings, the district courts of the United States are hereby vested with jurisdiction for cause shown, to restrain by injunction, temporary or permanent, any person from the repetitious (1) introduction or causing to be introduced into interstate commerce of any adulterated or misbranded food, drug, device, or cosmetic; or (2) dissemination of or causing to be disseminated any false advertisement by United States mails, or in interstate commerce by radio-broadcast or otherwise, for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics; or (3) dissemination of or causing to be disseminated a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics in interstate commerce. In such injunction proceedings it shall not be necessary to show on the part of such person an intent to continue the offense.

The amendment was agreed to.

The next amendment was, under the subhead "Duties of United States attorney", on page 62, line 2, after the name "United States" and the period, to insert:

Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this act.

So as to read:

SEC. 713. It shall be the duty of each United States attorney to whom the Secretary reports any violation for institution of criminal, libel of information for condemnation, or other proceedings under this act, or to whom any health, food, or drug officer of any State or Territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violation, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this act other than those pursuant to section 702 and section 711, paragraph (g), shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this act.

The amendment was agreed to.

The next amendment was, under the subhead "Imports and exports", on page 62, line 13, after the word "drugs", to insert "devices", so as to read:

SEC. 714. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture upon his request, samples of food, drugs, devices, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) any false advertisement of such article has been disseminated in the United States by the importer or exporter thereof, or any person in privity with him, within 3 months prior to the date such article is offered for import, or (2) such article has been manufactured, processed, or packed under insanitary conditions, or (3) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (4) such article is adulterated or misbranded, then such article shall be refused admission.

The amendment was agreed to.

The next amendment was, on page 63, line 24, after the word "drug", to insert "device", so as to read:

(d) A food, drug, device, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this act if it (1) accords to the specifications of the foreign purchaser, (2) complies with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package with the words "For Export." But if such article is sold or offered for sale in domestic commerce, this paragraph shall not exempt it from any of the provisions of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Publicity", on page 64, line 14, after the word "drugs", to insert "devices", so as to read:

SEC. 715. (a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding food, drugs, devices, or cosmetics in cases involving imminent danger to health or gross deception of the consumer. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "act", to insert a colon and the following additional proviso: "*And provided further*, That nothing in this act shall impair or be construed to impair or diminish the powers of the Federal Trade Commission under existing law", so as to read:

EFFECTIVE DATE AND REPEALS

SEC. 717. (a) This act shall take effect 12 months after the date of approval. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1–15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed effective upon such date: *Provided*, That the provisions of sections 701 and 703 shall become effective on the approval of this act, and thereafter, the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this act as the Secretary shall direct, and (2) designate prior to the effective date of this act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (i) of section 302 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by sections 303, 701, and 703: *Provided further*, That the act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and providing a standard therefor, and the act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, shall remain in force and effect

and be applicable to the provisions of this act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved June 22, 1934, shall remain in force and effect and be applicable to the provisions of this act: *And provided further*, That nothing in this act shall impair or be construed to impair or diminish the powers of the Federal Trade Commission under existing law.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments. If there be no further amendments, the question is on the engrossment and third reading of the bill.

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

The title was amended so as to read: "An act to prevent the adulteration, misbranding, and false advertising of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes."

REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES

Mr. WHEELER. I move that the Senate proceed to the consideration of the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes.

Mr. McNARY. Mr. President, the Senator from Montana has moved to take up what is known as the "holding-company bill." I desire to make a simple request, namely, that we do not take action on the motion until tomorrow morning, on account of the absence of some Senators who would like to be here when we consider the motion. I would appreciate that accommodation on the part of the Senator from Montana.

Mr. ROBINSON. I suggest that the motion be pending.

Mr. McNARY. That is what I have suggested. The Senator has made the motion, and I hope it will not be pressed until tomorrow.

Mr. WHEELER. Very well.

EXECUTIVE SESSION

Mr. ROBINSON. 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 PRESIDING OFFICER (Mr. MOORE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations of midshipmen to be appointed officers in the Navy and the Marine Corps, which were referred to the Committee on Naval Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. TRAMMELL, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Marine Corps and sundry officers in the Navy.

Mr. ASHURST, from the Committee on the Judiciary, reported favorably the nomination of James H. Baldwin, of Montana, to be United States district judge, district of Montana, to succeed George M. Bourquin, retired.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

THE JUDICIARY

The legislative clerk read the nomination of George H. Moore to be United States district judge, eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. COUZENS. Mr. President, I was called out of the Chamber for a moment. What is the business before the Senate?

The PRESIDING OFFICER. The nomination of George H. Moore to be United States district judge for the eastern district of Missouri.

Mr. CLARK. Mr. President, I should like to make a request of the Senate, one which I very seldom make. This judgeship has been vacant for some 3 months, and it has thrown a very heavy burden upon the other judge in the district, to such an extent that he has been unable for several weeks to take any cases which would run more than 1 day. There is a very heavy docket in the district, and the situation presents a case of emergency. I therefore ask that the President be notified of the confirmation.

Mr. McNARY. Did the committee report the nomination unanimously?

Mr. CLARK. The committee reported unanimously; and the vacancy has existed for some 2 or 3 months.

Mr. McNARY. There is a congestion of the docket?

Mr. CLARK. There is very grave congestion of the docket, to such an extent that Judge Davis, the other judge, has been unable to consider any cases lasting more than a day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the President will be notified.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

RECESS

Mr. ROBINSON. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate, in legislative session, took a recess until tomorrow, Wednesday, May 29, 1935, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 28 (legislative day of May 13), 1935

PROMOTIONS IN THE NAVY

The following-named midshipmen to be ensigns in the Navy, revocable for 2 years, from the 6th day of June 1935:

William C. Abhau	Lyle McK. Blohm
Benjamin E. Adams, Jr.	Cecil E. Blount
Samuel Adams	Albert M. Bontier
Elmer D. Anderson	Blake B. Booth
Nevett B. Atkins	Fred Borries, Jr.
Marshall H. Austin	Albert H. Bowker
Richard E. Babb	Peter F. Boyle
Leonard J. Baird	John H. Brandt
George T. Baker	Edward W. Bridewell
Fred E. Bakutis	Chester A. Briggs
Thomas A. Baldwin	Fenelon A. Brock
Sheldon E. Ball	James H. Brown
John J. Baranowski	Robert S. Burdick
Eugene A. Barham	Richard H. Burns
John S. Barleon, Jr.	George H. Cairnes
William R. Barnes	Turner F. Caldwell, Jr.
Frank L. Barrows	Grafton B. Campbell
Wilson R. Bartlett	Stephen W. Carpenter
Thomas S. Baskett	Briscoe Chipman
Louis H. Bauer	Gerald L. Christie
Ralph J. Baum	Bladen D. Claggett
Ralph R. Beacham	James S. Clark
Edwin S. Beggs, Jr.	William C. Clark
Bradley F. Bennett	Donald N. Clay
James A. Bentley	Giles D. Clift
John H. Besson, Jr.	Dale E. Cochran
Warren J. Bettens	Cyrus C. Cole

George L. Conkey
Charles W. Consolvo
John H. Cotten
George A. Crawford
John B. Crosby
Thomas D. Cummins
John O. Curtis
Slade D. Cutter
George E. Davis, Jr.
Joel A. Davis, Jr.
Arthur T. Decker
Edwin Denby, Jr.
Louis M. Detweiler
Roscoe F. Dillen, Jr.
Alva W. Dinwiddie
Sherwood H. Dodge
Raymond E. Doll
Robert E. Dornin
Joseph E. Dougherty
Nicholas G. Doukas
John G. Downing
Walter J. East, Jr.
Lawrence L. Edge
Allan C. Edmands
John H. Eichmann
Arthur V. Ely
John M. Ennis
Marion H. Eppes
Mark Eslick, Jr.
Richard M. Farrell
John J. Fee
Jack C. Ferguson
John N. Ferguson, Jr.
Oliver D. Finnigan, Jr.
Maurice F. Fitzgerald
James F. Fitzpatrick, Jr.
John J. Flachsenhar
John S. Fletcher
Eugene B. Fluckey
John J. Foote
Clifford S. Foster, Jr.
William J. Francis, Jr.
Mason B. Freeman
Ross E. Freeman
John S. C. Gabbert
Victor M. Gadrow
Norman D. Gage
William E. Gaillard
Francis M. Gambacorta
Earle G. Gardner, Jr.
Jesse B. Gay, Jr.
Noel A. M. Gayler
William J. Germershausen, Jr.
John D. Gerwick
Arthur A. Giesser
Thomas C. Gillmer
George D. Good
Alonzo D. Gorham
William P. Gruner, Jr.
William S. Guest
John A. Hack
Hubert B. Harden
Frederick J. Harlfinger, 2d
Richard E. Harmer
Dewitt A. Harrell
Charles L. Harris, Jr.
Martin T. Hatcher
Amos T. Hathaway
Philip F. Hauck
William H. Hazzard
Edwin H. Headland
John A. Heath
Walter F. Henry
Frank B. Herold
Franklin G. Hess
Grover S. Higginbotham
Ted A. Hilger
Louis R. Hird
Robert H. Holmes
Clark A. Hood, Jr.
Charles D. Hoover
Alexander C. Husband
William W. Hyland
Ronald K. Irving
Albert L. Carlson
Harold J. Islev-Petersen
Richard G. Jack
Robert W. Jackson
William G. Jackson, Jr.
Carter B. Jennings
Karl E. Johansson
James L. Johnston
Robert B. Kail
Constantine A. Karaberis
Carleton R. Kear, Jr.
Roger M. Keithly
Robert B. Kelly
John P. Kilroy
Manning M. Kimmel
Frederic W. Kinsley
Raleigh C. Kirkpatrick, Jr.
Doyen Klein
Roy C. Klinker
Horace C. Laird, Jr.
George S. Lambert
Clement E. Langlois
Charles B. Langston
Harold H. Larsen
George R. Lee
John M. Lee
John R. Lewis
Stanley W. Lipski
John G. Little, III
Weldon H. Lloyd
John H. Lofland, Jr.
Sam C. Loomis, Jr.
Richard B. Lynch
Dennis C. Lyndon
Thomas R. Mackie
Francis X. Maher, Jr.
Groome E. Marcus, Jr.
Constantine C. Mathas
Frederick R. Matthews
John H. Maurer
James L. P. McCallum
Irving G. McCann, Jr.
David H. McClintock
John W. McCormick
Clyde H. McCroskey, Jr.
Harold W. McDonald
Rhodam Y. McElroy, Jr.
Girard L. McEntee, Jr.
James F. McFadden
Richard McGowan
Harrison P. McIntire
William F. McLaren
Robert B. McLaughlin
John H. McQuilkin
Herman J. Mecklenburg
Ralph M. Metcalf
Edward A. Michel, Jr.
John R. Middleton, Jr.
George H. Mills, Jr.
James H. Mini
Keats E. Montross
Dwight L. Moody
Walter A. Moore, Jr.
William F. Morrison
Henry L. Muller
John F. Murdock
Charles H. S. Murphy
Kenneth F. Musick
David Nash
Arnold H. Newcomb
Clinton A. Neyman, Jr.
Alan McL. Nibbs
Samuel Nixdorff
James R. North
Warren E. Oliver
Edgar G. Osborn
Norman M. Ostergren
Edward C. Outlaw
Wyman H. Packard
Alton E. Paddock
Richard S. Paret
Edwin B. Parker, Jr.
Jefferson D. Parker
Raymond M. Parrish
John W. Payne, Jr.
Joe R. Penland
Marcus R. Peppard, Jr.
William F. Petrovic
George Philip, Jr.
Frederick N. Phillips, Jr.
Robert A. Phillips
Joseph P. Plichta
William T. Powell, Jr.
John J. Powers
Robert H. Prickett
John T. Probasco
Eugene S. Pulk
Arthur M. Purdy
Melvin E. Radcliffe
Ralph L. Ramey
Marion F. Ramirez de Arellano
Wilson G. Reifenrath
James H. Reniers, Jr.
Cassius D. Rhymes, Jr.
Tolbert A. Rice
Lynn G. Richards
Milton E. Ricketts
Robert E. Riera
Edward D. Robertson
Leslie E. Rosenberg
Bruce P. Ross
Stanley E. Ruehlow
Samuel O. Rush, Jr.
Albert T. Sadler
William S. Sampson
Kenneth J. Sanger
Ben W. Sarver, Jr.
Kenneth G. Schacht
Gordon E. Schecter
Louis E. Schmidt, Jr.
Lewis L. Schock, Jr.
Frederick R. Schrader
Edward B. Schutt
Edward F. Scott
James Scott, 2d.
Frank E. Sellers, Jr.
Walker A. Settle, Jr.
Jack M. Seymour
John N. Shaffer
Evan T. Shepard
Henry G. Shonerd, Jr.
Vincent A. Sisler, Jr.
Frank K. Slason
Frank McE. Smith
Lloyd A. Smith
Russell H. Smith
Omar N. Spain, Jr.
Samuel F. Spencer
Roy K. Stamps, Jr.
Everett H. Steinmetz
Richard D. Stephenson
John D. Stevens
Elbert M. Stever
Frederick M. Stiesberg
William A. Sullivan
William Swab, Jr.
Vincent A. Sweeney
Anthony Talerico, Jr.
Benjamin L. E. Talman
David W. Taylor, Jr.
LeRoy T. Taylor
John H. Theis
John W. Thomas
William C. Thompson, Jr.
James W. Thomson
Henry C. Tipton
Charles H. Turner
Kenneth L. Veth
Benjamin G. Wade
Francis D. Walker, Jr.
John F. Walling
William R. Wallis
French Wampler, Jr.
Norvell G. Ward
Robert E. McC. Ward
Sibley L. Ward, Jr.
William G. Ward
Albert R. Weldon
Joseph H. Wesson
Kenneth West
Frank K. B. Wheeler
George T. Whitaker, Jr.
Jerome B. White
William B. Wideman
J. C. Gillespie Wilson
Theodore H. Winters, Jr.
James M. Wolfe, Jr.
Burris D. Wood, Jr.
Malcolm T. Wordell
Don W. Wulzen

MARINE CORPS

The following-named midshipmen to be second lieutenants in the Marine Corps, revocable for 2 years, from the 6th day of June 1935:

Charles O. Bierman
Robert A. Black
John J. Cosgrove, Jr.
James W. Crowther
Robert E. Cushman, Jr.
Leonard K. Davis
Elmer T. Dorsey
Bernard E. Dunkle
Bruce T. Hemphill
Gordon E. Hendricks
Merlyn D. Holmes
Richard D. Hughes
Arnold F. Johnston
Kenneth D. Kerby
Carl A. Laster
William N. McGill
John M. Miller
Wallace M. Nelson
Edwin P. Pennebaker, Jr.
Frederick A. Ramsey, Jr.
Charles W. Shelburne
Robert T. Stivers, Jr.
Charles T. Tingle
Harvey S. Walseth
Richard G. Weede

CONFIRMATIONS

Executive nominations confirmed by the Senate May 28 (legislative day of May 13), 1935

UNITED STATES JUDGE

George H. Moore to be United States district judge, eastern district of Missouri.

POSTMASTERS

ALABAMA

Charlie L. Harris, Blountsville.
Charles A. Boller, Foley.
Julius N. A. Hulsey, Guin.
Belvie M. Cooper, Hamilton.

GEORGIA

Leonidas F. Livingston, Atlanta.
Wiley H. Johnston, Cordele.
John A. Baker, Danielsville.
Edwin M. Lindsey, Lenox.
Elmer T. Williams, Quitman.

INDIANA

Quitman J. VanLaningham, Fortville.
Edwin D. Smith, Ligonier.

MARYLAND

Harry A. Coy, Havre de Grace.
Russell B. Hoshall, Parkton.
B. Frank Dorsey, Woodbine.

NEW MEXICO

Charles E. Gibbs, Madrid.

OHIO

Clarence N. Greer, Dayton.
Calvin S. Prater, Kenton.
Allen E. Owens, Kinsman.
Gloyd G. Russell, Shiloh.
Loran M. Grooms, West Union.
Howard W. McCracken, Zanesville.

OKLAHOMA

John K. Jones, Blair.
Laura A. Plunkett, Gould.
Richard L. Hogan, Leedey.
Shelby M. Alexander, Lone Wolf.
Belle Huntington, Luther.
Jesse G. Ford, Roosevelt.
Ernest J. Wininghan, Sentinel.
Chester A. Holding, Tipton.
Garland C. Talley, Welch.

OREGON

Frank L. Armitage, Eugene.
Bessie B. Nunn, Wheeler.

VIRGINIA

Edwin L. Toone, Boydton.
Edwin B. Sanders, Chilhowie.
William D. Bowles, Clifton Forge.
Grady W. Garrett, Cumberland.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 28, 1935

The House met at 11 o'clock a. m.

Rev. Edward P. McAdams, pastor of St. Joseph's Catholic Church, Washington, D. C., offered the following prayer:

Glory and thanks be to Thee, O God, who hast sustained with fatherly care the people of these United States through all the years of the Nation's existence. Grant, we beseech Thee, to our Representatives here in Congress assembled the vision of faith to perceive the goals of peaceful prosperity that You would have them reach; enliven their trust in Thy power and animate them with a great love for Thee, so that they will in this session endeavor to enact such laws as will be conformable to and best adapted to achieve Thy will. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7873. An act to give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, and heretofore approved by act of Congress dated June 17, 1930 (Public, No. 370, 71st Cong., 46 Stat. 767).

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2811. An act to authorize and adopt certain Public Works projects for controlling floods, improving navigation, regulating the flow of certain streams of the United States, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S. J. Res. 88) to abolish the Puerto Rican Hurricane Relief Commission and transfer its functions to the Secretary of the Interior.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes.

SENATE ENROLLED BILLS SIGNED

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

S. 1522. An act to provide funds for cooperation with public-school districts in Glacier County, Mont., in the improvement and extension of school buildings to be available to both Indian and white children;

S. 1523. An act to provide funds for cooperation with the public-school board at Wolf Point, Mont., in the construction or improvement of a public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont.;

S. 1524. An act to provide funds for cooperation with school district no. 23, Polson, Mont., in the improvement and extension of school buildings to be available to both Indian and white children;

S. 1525. An act to provide funds for cooperation with joint school district no. 28, Lake and Missoula Counties, Mont., for extension of public-school buildings to be available to Indian children of the Flathead Indian Reservation;

S. 1526. An act to provide funds for cooperation with the school board at Brockton, Mont., in the extension of the public-school building at that place to be available to Indian children of the Fort Peck Indian Reservation;

S. 1528. An act for expenditure of funds for cooperation with the public-school board at Poplar, Mont., in the construction or improvement of public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont.;

S. 1530. An act to authorize appropriations for the completion of the public high school at Frazer, Mont.;

S. 1533. An act to provide funds for cooperation with Marysville School District, No. 325, Snohomish County, Wash., for extension of public-school buildings to be available for Indian children;

S. 1534. An act to provide funds for cooperation with the school board at Queets, Wash., in the construction of a public-school building to be available to Indian children of the village of Queets, Jefferson County, Wash.;

S. 1535. An act to provide funds for cooperation with White Swan School District, No. 88, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation;

S. 1536. An act to provide funds for cooperation with the public-school board at Covelo, Calif., in the construction of public-school buildings to be available to Indian children of the Round Valley Reservation, Calif.;

S. 1537. An act to provide funds for cooperation with the School Board of Shannon County, S. Dak., in the construc-