the President in control of same; to the Committee on Ways and Means.

9451. By Mr. BACON: Petition of John H. Hazelton, Esq., of New York, with reference to the proposed so-called child-labor amendment to the Constitution; to the Committee on the Judiciary.

9452. By Mr. CULKIN: Petition of 41 residents of Copenhagen, Lewis County, N. Y., favoring House bill 8739, a bill restoring to the District of Columbia its prohibition law; to the Committee on the District of Columbia.

9453. By Mr. DRISCOLL: Petition of employees of the Owens-Illinois Glass Co., of Clarion, Pa., urging adequate tariff protection of the glass industry from Japanese competition; to the Committee on Ways and Means.

9454. By Mr. GOODWIN: Petition of Italian Dress and Waist Makers Union, Local 89, I. L. G. W. U., New York City, affiliated with American Federation of Labor, concerning favorable action on the Walsh bill (S. 3055); to the Committee on Labor.

9455. Also, petition of the Grand Lodge of the State of New York, Order of Sons of Italy in America, New York City, concerning the neutrality law; to the Committee on Foreign Affairs.

9456. By Mr. JOHNSON of Texas: Petition of L. D. Williams, superintendent of Hearne public schools, Hearne, Tex., favoring Senate bill 2883; to the Committee on Agriculture.

9457. Also, petition of Homer D. Wade, executive secretary, Texas Cooperative Council, Dallas, Tex., favoring House bill 5587, introduced by Mr. KLEBERG; to the Committee on Agriculture.

9458. Also, petition of Mr. Hardeway, principal and vocational agriculture teacher; Juanita McBroom, home-economics instructor; and A. G. Roberson, trade instructor, all of Kerens, Tex., favoring Senate bill 2883; to the Committee on Agriculture.

9459. By Mr. MILLARD (by request): Resolution of the Westchester County (N. Y.) Federation of Italian-American Civic Associations, Inc., protesting against any cooperation by the Government of the United States with the imposition of sanctions and embargoes against the Kingdom of Italy; to the Committee on Foreign Affairs.

9460. By Mr. PFEIFER: Petition of Admiral Yates Stirling, Sr., Federal Post, No. 110, favoring the bonus bill; to the Committee on Ways and Means.

9461. By the SPEAKER: Petition of the city of Rockland, Maine; to the Committee on Ways and Means.

9462. Also, petition of the municipal government of San Joaquin, P. I.; to the Committee on Insular Affairs.

9463. Also, petition of the city of Milwaukee, Wis.; to the Committee on Banking and Currency.

SENATE

MONDAY, JANUARY 13, 1936

The Senate met at 12 o'clock meridian.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who art ever more ready to hear than we to pray and art wont to give us more than either we desire or deserve, pour upon us the abundance of Thy mercy and forgive us all our sin.

Help us to realize in private and in public work that virtue alone, in the face of indecision, is firm and changeless and will bear us o'er life's surges gallantly.

Subdue in every nation all unhallowed thirst for conquest and vainglorious emprise; break down in every one of us the idols of our pride and shatter our self-love, that all mankind may dwell secure in peace and fellowship.

Thee only let us worship; Thee only let us serve, for His sake who sought not His own will but Thine alone. Amen.

LOUIS MURPHY, a Senator from the State of Iowa, appeared in his seat today.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Thursday, January 9, 1936, when, on request of Mr. ROBINSON, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

WORLD WAR ADJUSTED-SERVICE CERTIFICATES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read and ordered to lie on the table, as follows:

UNITED STATES SENATE,
Washington, January 13, 1936.

To the PRESIDENT OF THE SENATE:

I beg to report that, under authority of the order of the Senate of the 9th instant, the bill (H. R. 9870) to provide for the immediate payment of World War adjusted-service certificates, for the cancelation of unpaid interest accrued on loans secured by such certificates, and for other purposes, was received by me from the House of Representatives on January 11, 1936, and referred to the Committee on Finance.

Respectfully yours,

EDWIN A. HALSEY,
Secretary of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. WESLEY LLOYD, late a Representative from the State of Washington, and transmitted the resolutions of the House thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 85. An act for the relief of Homer H. Adams;

S. 978. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 1059. An act authorizing adjustment of the claim of Francis B. Kennedy;

S. 1142. An act to reserve certain public-domain lands in Nevada and Oregon as a grazing reserve for Indians of Fort McDermitt, Nev.;

S. 1336. An act to amend paragraph (f) of section 4 of the Communications Act of 1934;

S. 1422. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William E. B. Grant;

S. 1690. An act for the relief of R. G. Andis;

S. 2252. An act for the relief of Henry Hilbun;

S. 2257. An act 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;

S. 2519. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of F. Mansfield & Sons Co., and others;

S. 2616. An act for the relief of the estate of Joseph Y. Underwood;

S. 2673. An act for the relief of certain persons whose cotton was destroyed by fire in the Ouachita Warehouse, Camden, Ark.;

S. 2774. An act for the relief of certain officers on the retired list of the Navy and Marine Corps, who have been commended for their performance of duty in actual combat with the enemy during the World War;

S. 2845. An act to provide for the retirement and retirement annuities of civilian members of the teaching staffs at the United States Naval Academy and the Postgraduate School, United States Naval Academy;

S. 2950. An act granting the consent of Congress to the county of Saline, Mo., to construct, maintain, and operate

a toll bridge across the Missouri River at or near Miami, Mo.;

S. 2996. An act for the relief of the Eberhart Steel Products Co., Inc.;

S. 3077. An act for the relief of Constantin Gilia;

S. 3078. An act for the relief of C. R. Whitlock;

S. 3195. An act for the relief of Guiry Bros. Wall Paper & Paint Co.;

S. 3280. An act for the relief of Doris Allen; and

S. J. Res. 144. Joint resolution to provide for the payment of compensation and expenses of the Railroad Retirement Board as established and operated pursuant to section 9 of the Railroad Retirement Act of June 27, 1934, and to provide for the winding up of its affairs and the disposition of its property and records, and to make an appropriation for such purposes.

SIXTEENTH ANNIVERSARY OF THE EIGHTEENTH AMENDMENT

Mr. SHEPPARD. Mr. President, I desire to give notice that on Thursday, January 16, I shall address the Senate, with its permission, on the subject of the sixteenth anniversary of the eighteenth amendment.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. SCHWELLENBACH. I announce that my colleague the senior Senator from Washington [Mr. BONE] is necessarily detained from the Senate on duty with the committee appointed by the Vice President to accompany to the State of Washington the body of the late Representative Wesley Lloyd, of that State.

Mr. LEWIS. I announce that my colleague, the junior Senator from Illinois [Mr. DIETERICH], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Montana [Mr. WHEELER], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Rhode Island [Mr. METCALF], the senior Senator from Delaware [Mr. HASTINGS], and the junior Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

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

COL. CHARLES A. LINDBERGH

Mr. ASHURST. Mr. President, on Monday last, during the course of remarks made by me with reference to Col. Charles A. Lindbergh, I attempted to quote from memory an editorial which had been published in a New York newspaper on the occasion of Colonel Lindbergh's celebrated solo flight across the Atlantic. I inadvertently ascribed the editorial to the New York Tribune. I am in receipt of a letter from Mr. Frank M. O'Brien, editor of the New York Sun, enclosing a correct copy of the editorial article. I ask that Mr. O'Brien's letter, together with the editorial, may be printed in the RECORD.

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

THE SUN,
New York, January 11, 1936.

The Honorable HENRY ASHURST,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Having noted your remarks in the RECORD of January 6, I am sending herewith a proof of the editorial article Lindbergh Flies Alone, which was written by Harold M. Anderson, of the staff of the Sun, and which was published while Colonel Lindbergh was still in flight.

Very truly yours,

FRANK M. O'BRIEN, *Editor.*

[From the New York Sun of May 21, 1927]

LINDBERGH FLIES ALONE

Alone?

Is he alone at whose right side rides courage, with skill within the cockpit and faith upon the left? Does solitude surround the brave when adventure leads the way and ambition reads the dials? Is there no company with him for whom the air is cleft by daring and the darkness is made light by emprise?

True, the fragile bodies of his fellows do not weigh down his plane; true, the fretful minds of weaker men are lacking from his crowded cabin; but as his airship keeps her course he holds communion with those rarer spirits that inspire to intrepidity and by their sustaining potency give strength to arm, resource to mind, content to soul.

Alone? With what other companions would that man fly to whom the choice were given?

THE LATE SENATOR HUEY P. LONG

The VICE PRESIDENT laid before the Senate a radiogram from the President of the Senate of Paraguay expressing condolences on the death of Hon. Huey P. Long, late a Senator from the State of Louisiana, which was ordered to lie on the table.

CLAIM OF WILLIAM L. JENKINS, ESQ.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to a claim of William L. Jenkins, Esq., formerly consul of the United States at Trebizond, Turkey, for the sum of $481.50 appropriated for his relief in Public Act No. 519, approved July 3, 1930, and used by the General Accounting Office as a set-off against an amount of $2,000 due from him for his failure to properly account for the proceeds of a draft in that sum drawn by him on December 8, 1916.

Legislation authorizing and directing the Comptroller General of the United States to credit Mr. Jenkins' accounts with the sum of $2,000 is contained in Private Act No. 30 of May 8, 1935. No provision was made in this act for refund of the sum of $481.50 used as a set-off, but in view of the fact that the Congress enacted legislation providing for reimbursement of the amount of his loss, namely, $481.50, and for crediting his accounts with the sum of $2,000, it was evidently intended that he be fully compensated. It is, therefore, recommended that legislation be enacted providing payment in the amount of $481.50 for the relief of the claimant.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[Enclosures: Report of Secretary of State and enclosures.]

LAWS AND RESOLUTIONS OF LEGISLATURE OF PUERTO RICO

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes", I transmit herewith certified copies of laws and resolutions enacted by the

Thirteenth Legislature of Puerto Rico during its third regular session, February 11 to April 14, 1935, and its second special session, June 25 to July 8, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF THE PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals, as follows:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Eighty-sixth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals, as follows:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF RAILROAD INVESTIGATION COMMISSION

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interstate Commerce, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Railroad Investigation Commission.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF ALLEY DWELLING AUTHORITY FOR THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on the District of Columbia, as follows:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of June 12, 1934, I transmit herewith the First Annual report of the Alley Dwelling Authority for the District of Columbia.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

ERECTION OF MEMORIALS AND ENTOMBMENT OF BODIES IN ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Military Affairs, as follows:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF THE CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Civil Service, as follows:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States approved January 16, 1883, I transmit herewith the Fifty-second Annual Report of the Civil Service Commission for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REIMBURSEMENT OF LOSSES SUSTAINED BY CERTAIN FOREIGN SERVICE OFFICERS

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to claims of certain officers of the Foreign Service of the United States for reimbursement of losses sustained by them by reason of war and other causes, during or incident to their services in foreign countries.

I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order to relieve these officers of the Government of the burden these losses have occasioned.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[Enclosures: Report of the Secretary of State with enclosures.]

REPORT ON AIR-MAIL CONTRACTS

The VICE PRESIDENT laid before the Senate a letter from the chairman of the Interstate Commerce Commission reporting, pursuant to law, relative to expenditures and purported expenditures of the holders of certain air-mail contracts, for goods, lands, commodities, and services, in order to determine whether or not such expenditures were fair and just, etc., which was referred to the Committee on Post Offices and Post Roads.

TRAVEL REPORT, UNITED STATES BOTANIC GARDENS

The VICE PRESIDENT laid before the Senate a letter from the Architect of the Capitol, Acting Director, United States Botanic Gardens, reporting on travel performed by employees of the Botanic Gardens from Washington, D. C., to other points and return, during the fiscal year 1935, which was referred to the Committee on the Library.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Chesapeake & Potomac Telephone Co. transmitting, pursuant to law, the annual report of the company for the year 1935, the results for the month of December being only estimated, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a petition of sundry citizens of the State of California, praying for the enactment of a strict neutrality law, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted at a mass meeting sponsored by the Italo-American Union, Schenectady, N. Y., protesting against the neutrality policy of the administration, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of the Old-age Pension Group of Moose Temple, Seattle, Wash., praying for making appropriations to carry out the provisions of the Social Security Act retroactive to July 1, 1935, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the Board of Chosen Freeholders of Camden County, N. J., by a meeting held in the State capitol at Harrisburg, Pa., of

war veterans of the Nineteenth Congressional District of Pennsylvania, and by a meeting of Veterans of Foreign Wars assembled at Mount Pleasant, Pa., praying for the enactment of legislation providing for the immediate cash payment of adjusted-service certificates of World War veterans, which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Good Government Congress, Inc., of Jackson County, Oreg., favoring an amendment of the Constitution to the end that Congress may have the power to override decisions of the Supreme Court of the United States by a two-thirds vote of both the Senate and House of Representatives, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition numerously signed by sundry citizens, being veterans, of Parsons and Pittsburg, Kans., praying for the enactment of legislation providing for the immediate cash payment of adjusted-service certificates of World War veterans, which was referred to the Committee on Finance.

THE DAIRY INDUSTRY

Mr. GIBSON. I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD and appropriately referred a resolution of protest by a Grange organization against the Canadian treaty as it affects the dairy industry of the country.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas our Government in the past has attempted to help agriculture by raising the price of agricultural products; and

Whereas we believe that the prices of agricultural products are not yet equal with industry and we believe that the treaty recently enacted between the United States and Canada will have the opposite effect upon the dairy industry of the United States and in particular upon the agricultural income of the Northeastern States: Therefore be it

Resolved, That we, the members of Franklin County Pomona Grange now in session, do hereby protest against this action taken by our President and request its repeal; also be it

Resolved, That we send by telegraph a copy of these resolutions to our State master now attending the National Grange in California, a copy be forwarded to A. H. Packard, president of our State Farm Bureau, also a copy forwarded to our Members in Congress.

FRANKLIN COUNTY POMONA GRANGE,
Franklin County, Vt.

By RALPH K. WILSON,
Secretary, Richford, Vt.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. McKELLAR:

A bill (S. 3597) construing the act approved August 14, 1935, entitled "An act to fix the hours of duty of postal employees, and for other purposes"; to the Committee on Post Offices and Post Roads.

By Mr. CAPPER:

A bill (S. 3598) granting an increase of pension to Sarah J. Pitts; to the Committee on Pensions.

A bill (S. 3599) to authorize the Commissioners of the District of Columbia to reappoint Harry G. Bauer in the police department of said District (with accompanying papers); to the Committee on the District of Columbia.

By Mr. DUFFY:

A bill (S. 3600) for the relief of S. C. Eastvold; to the Committee on Claims.

By Mr. McGILL:

A bill (S. 3601) to remove the charge of desertion from the record of Robert E. Heapes; to the Committee on Military Affairs.

A bill (S. 3602) for the relief of Martin Miller (with accompanying papers); to the Committee on Naval Affairs.

By Mr. VANDENBERG:

A bill (S. 3603) to authorize a Delegate to the House of Representatives from the District of Columbia; to the Committee on the District of Columbia.

By Mr. GUFFEY:

A bill (S. 3604) for the relief of Mary Robinson; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 3605) for the relief of Ezra Curtis;

A bill (S. 3606) for the relief of M. K. Fisher;

A bill (S. 3607) for the relief of T. H. Wagner; and

A bill (S. 3608) for the relief of L. G. Vinson; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3609) for the relief of Multnomah County, Oreg.; to the Committee on Claims.

A bill (S. 3610) to amend certain laws relating to employees of the Lighthouse Service; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3611) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. SMITH:

A bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HALE:

A bill (S. 3613) granting a pension to Jessamine L. Benson;

A bill (S. 3614) granting a pension to Elsie Blanchard;

A bill (S. 3615) granting a pension to Mary L. Bryant;

A bill (S. 3616) granting a pension to Nellie Fredericks;

A bill (S. 3617) granting a pension to Ila May Grindell;

A bill (S. 3618) granting a pension to Angie L. Moulton;

A bill (S. 3619) granting a pension to Alice H. Palmer;

A bill (S. 3620) granting a pension to Angeline M. Rolfe:

A bill (S. 3621) granting a pension to Warren A. Small;

A bill (S. 3622) granting an increase of pension to Elizabeth Burrell;

A bill (S. 3623) granting an increase of pension to Mary Coles;

A bill (S. 3624) granting an increase of pension to Susie D. Hanscome;

A bill (S. 3625) granting an increase of pension to Frances V. Morrill; and

A bill (S. 3626) granting an increase of pension to Martha L. Trefethen; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 3627) for the relief of Francis Gerrity; and

A bill (S. 3628) for the relief of Herman Wulff; to the Committee on Military Affairs.

By Mr. MINTON:

A bill (S. 3629) to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.; to the Committee on Commerce.

A bill (S. 3630) granting a pension to Fannie R. Sperzel;

A bill (S. 3631) granting a pension to Mary E. Troutman;

A bill (S. 3632) granting a pension to Lizzie Sarver;

A bill (S. 3633) granting a pension to Ellen Mullis Baker;

A bill (S. 3634) granting an increase of pension to Lucy S. Kemp;

A bill (S. 3635) granting a pension to Amanda Bastian;

A bill (S. 3636) granting a pension to Blanche Walker;

A bill (S. 3637) granting a pension to Willard Hyser;

A bill (S. 3638) granting a pension to Christena Aikin;

A bill (S. 3639) granting a pension to Edward Morgan;

A bill (S. 3640) granting a pension to Dora Jane Mayberry;

A bill (S. 3641) granting a pension to Fannie Stewart (with accompanying papers);

A bill (S. 3642) granting a pension to Mary Hersey (with accompanying papers);

A bill (S. 3643) granting a pension to Gertrude M. Burton (with accompanying papers); and

A bill (S. 3644) granting an increase of pension to Susan H. McDonald (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3645) for the relief of Dampskib Aktieselshap Roskva (with accompanying papers); to the Committee on Claims.

A bill (S. 3646) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes"; and

A bill (S. 3647) to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes", and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes"; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 3648) granting a pension to Earl J. Bennett;

A bill (S. 3649) granting a pension to Clara V. Crossland;

A bill (S. 3650) granting a pension to Sarah A. Martin; and

A bill (S. 3651) granting a pension to Margaret A. Srout; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3652) for the relief of George E. Wilson; to the Committee on Claims.

By Mr. POPE:

A bill (S. 3654) to revise the revenue act provisions relating to taxes on furs; to the Committee on Finance.

By Mr. MINTON and Mr. VAN NUYS:

A joint resolution (S. J. Res. 187) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Mr. HARRISON. Mr. President, I introduce a bill which I ask may be referred to the Committee on Finance.

The bill represents the composite views of many who have been working on the bonus question. The Senator from South Carolina [Mr. BYRNES], the Senator from Missouri [Mr. CLARK], and the Senator from Oregon [Mr. STEIWER] join me in the introduction of the bill. It has the approval of the leader on the Democratic side.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the bill just introduced by the Senator from Mississippi and other Senators be printed in the RECORD.

There being no objection, the bill (S. 3653) to provide for the immediate payment of World War adjusted-service certificates, for the cancelation of unpaid interest accrued on loans secured by such certificates, and for other purposes, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

A bill to provide for the immediate payment of World War adjusted-service certificates, for the cancelation of unpaid interest accrued on loans secured by such certificates, and for other purposes

Be it enacted, etc., That notwithstanding the provisions of the World War Adjusted Compensation Act, as amended (U. S. C., 1934 edition, title 38, ch. 11), the adjusted-service certificates issued under the authority of such act are hereby declared to be immediately payable. Payments on account of such certificates shall be made in the manner hereinafter provided upon application therefor to the Administrator of Veterans' Affairs, under such rules and regulations as he may prescribe, and upon surrender of the certificates and all rights thereunder (with or without the consent of the beneficiaries thereof). The payment in each case shall be in an amount equal to the face value of the certificate, except that if, at the time of application for payment under this act, the principal and unpaid interest accrued prior to October 1, 1931, with respect to any loan upon any such certificate has not been paid in full by the veteran (whether or not the loan has matured), then the Administrator shall (1) pay or discharge such unpaid principal and interest as is necessary to make the certificate available for payment under this act; (2) deduct such unpaid principal and so much of such unpaid interest as accrued prior to October 1, 1931, from the amount of the face value of the certificate; and (3) certify to the Secretary of the Treasury as payable an amount equal to the difference between the face value of the certificate and the amount so deducted.

SEC. 2. In the case of each loan heretofore made pursuant to law by the Administrator of Veterans' Affairs and/or by any national bank or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia, upon the security of an adjusted-service certificate any interest unpaid accrued subsequent to September 30, 1931, that has been or, in consequence of existing law would be charged against the face value of such certificate, shall be canceled insofar as the veteran is concerned, notwithstanding any provision of law to the contrary. Any interest on any such loan payable to any such bank or trust company shall be paid by the Administrator of Veterans' Affairs.

In the case of any such loan which is unpaid and held by a bank or trust company at the time of filing an application under this act, the bank or trust company holding the note and certificate shall, upon notice from the Administrator of Veterans' Affairs, present them to the Administrator for payment to the bank or trust company, in full satisfaction of its claim for the amount of unpaid principal and unpaid interest, except that if the bank or trust company, after such notice, fails to present the certificate and note to the Administrator within 15 days after the mailing of the notice, such interest shall be paid only up to the fifteenth day after the mailing of such notice.

SEC. 3. (a) An application under this act for payment of a certificate may be made and filed at any time before the maturity of the certificate (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than a representative authorized by such regulations shall be held void.

(b) If the veteran dies after the application is made and before it is filed it may be filed by any person. If the veteran dies after the application is made it shall be valid if the Administrator of Veterans' Affairs finds that it bears the bona-fide signature of the applicant, discloses an intention to claim the benefits of this act, and is filed before payment is made to the beneficiary. If the death occurs after the application is filed but before the receipt of the payment under this act, or if the application is filed after the death occurs but before mailing of the check in payment to the beneficiary under section 501 of the World War Adjusted Compensation Act, as amended, payment under this act shall be made to the estate of the veteran irrespective of any beneficiary designation. If the veteran dies without making a valid application under this act no payment under this act shall be made. If the veteran dies on or after the passage of this act without having filed an application under section 1, in making any settlement there shall be deducted on account of any loan made on an adjusted-service certificate only interest accruing prior to October 1, 1931.

(c) Where the records of the Veterans' Administration show that an application, disclosing an intention to claim the benefits of this act, has been filed and the application cannot be found, such application shall be presumed, in the absence of affirmative evidence to the contrary, to have been valid when originally filed.

(d) If at the time this act takes effect a veteran entitled to receive an adjusted-service certificate has not made application therefor he shall be entitled, upon application made under section 302 of the World War Adjusted Compensation Act, as amended, to receive, at his option, under such rules and regulations as the Administrator may prescribed, either the certificate under section 501 of such act, as amended, or payment under this act.

SEC. 4. The amount certified pursuant to section 1 of this act shall be paid to the veteran or his estate on or after June 15, 1936, by the Secretary of the Treasury by the issuance of bonds of the United States, registered in the name of the veteran only, in denominations of $50 or multiples thereof having a total face value up the highest multiple of $50 in the amount certified as due the veteran, and the difference between the amount certified as due the veteran and the face amount of the bonds so issued shall be paid to the veteran or his estate by the Secretary of the Treasury out of the fund created by section 505 of the World War Adjusted Compensation Act, as amended. The bonds shall be dated June 15, 1936, and shall mature on June 15, 1945, but shall be redeemable at the option of the veteran or his estate at any time, at such places, including post offices, as the Secretary of the Treasury may designate. Such bonds shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and shall not be transferable, assignable, subject to attachment, levy, or seizure under any legal or equitable process and shall be payable only to the veteran or in case of death or incompetence of the veteran, to the representative of his estate. Interest on each bond issued hereunder shall accrue at the rate of 3 percent per annum from June 15, 1936, to date of maturity or payment of the principal of the bond, whichever is earlier, and will be paid with such principal: *Provided, however,* That no interest will be paid on any bond redeemed prior to

June 15, 1937. The provisions of this section shall be carried out subject to regulations of the Secretary of the Treasury to be issued from time to time to effectuate the purposes of this act.

SEC. 5. The Secretary of the Treasury is authorized and directed to redeem from the United States Government life-insurance fund all adjusted-service certificates held by that fund on account of loans made thereon, and to pay to the United States Government life-insurance fund the amount of the outstanding liens against such certificates, including all interest due or accrued, together with such amounts as may be due under subdivision (m) of section 502 of the World War Adjusted Compensation Act, as amended, The Secretary of the Treasury is authorized and directed to make such payment by issuing, to the United States Government life insurance fund, bonds of the United States which shall bear interest at the rate of 4½ percent per annum. No such bonds shall mature or be callable until the expiration of a period of at least 10 years from date of issue, except that any such bond shall be redeemed by the Secretary of the Treasury and the principal and accrued interest thereon paid to the United States Government life-insurance fund at any time upon certification by the Administrator of Veterans' Affairs that the amount represented by such bond is required to meet current liabilities. Bonds issued for the purposes of this section shall be issued under the Second Liberty Bond Act, as amended, subject to the provisions of this section.

SEC. 6. The adjusted-service certificate fund is hereby made available for payments authorized by this act.

SEC. 7. Notwithstanding the provisions of Public Law No. 262, Seventy-fourth Congress, approved August 12, 1935, no deductions on account of any indebtedness of the veteran to the United States, except on account of any lien against the adjusted-service certificate authorized by law, shall be made from the adjusted-service credit or from any amounts due under the World War Adjusted Compensation Act, as amended, or this act.

SEC. 8. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 9. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 10. This act may be cited as the Adjusted Compensation Payment Act, 1936.

Mr. HARRISON. Mr. President, in line with the suggestion of the Senator from Oklahoma, I ask unanimous consent to insert at this point in the RECORD a statement which I am giving to the press at this time.

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

STATEMENT ISSUED BY SENATOR PAT HARRISON, CHAIRMAN OF THE FINANCE COMMITTEE, RELATIVE TO THE BONUS

WASHINGTON, D. C., *January 13, 1936.*

The bill introduced today represents the labor of many of us who have been striving to reconcile the differences and obtain legislation that would be fair to the ex-service man, and at the same time safeguard the interest of the Government. Particularly active with me have been Senators BYRNES, of South Carolina, CLARK, of Missouri, STEIWER, of Oregon, and ROBINSON, of Arkansas.

The bill is not essentially different in the benefits granted from the one which has just passed the House, but will, it is believed, provide a more practicable method for making settlement.

This proposal provides for the payment of the face value of all adjusted-service certificates less loans which have been made on them with no interest charges after September 30, 1931. We have adopted this date for stopping interest charges because it is the one which was in the bill which passed both Houses of the Congress last year. It does not cancel to the veteran any interest paid or contracted to be paid by the veteran prior to October 1, 1931.

In addition to the difference between the cancelation of the interest feature in this bill and the House bill, it is proposed that instead of checks being given to veterans in payment of their adjusted-service certificates, as the House bill provides, that the veterans receive bonds the value of which will increase from year to year by the accumulation of interest at the rate of 3 percent per annum and will run for 10 years. These bonds, however, will not be of the ordinary type, but the veterans will be given the special privilege of cashing them in at some designated place in their local community at any time and without any red tape at their face value plus any accumulations of interest. The bonds are to be registered in the name of the veteran and are nonnegotiable. The bill provides safeguards insuring to the veteran that he can secure payment in full at any time he desires to cash his bond. Thus the veterans, after they receive these bonds, have the option of retaining them and by so doing providing a nest egg and a protection for their families and themselves, or, if they desire the cash, they have only to present them for redemption and the cash will be immediately paid to them. In offering such a settlement to this controversial problem of long standing we feel that we have provided a method whereby the interests of the veterans who have desired to hold their certificates for the benefit of their families will be fully protected and the opportunity given to those who desire cash to get what they want.

It is our thought that a great number of veterans will hold the bonds, rather than cash them in, as the investment provided is an especially attractive one. Bonds of the United States paying a 3-percent interest rate are selling at an appreciable premium, and were these bonds negotiable they would unquestionably sell considerably above par, but we have purposely made them nonnegotiable so that only the veterans to whom they are issued may enjoy the extraordinary privileges granted and in order that no third parties may reap any gains or benefits because of the adoption of the bond method of making settlement.

The bill differs from the House bill in that it provides that no deduction shall be made on account of any indebtedness of the veteran to the United States except on account of a lien against the adjusted-compensation certificate.

At the same time, to the extent that the bonds are held by the veterans, it will, in my opinion, make unnecessary any additional public financing by the Treasury. It is the belief that under this method of payment it will be unnecessary to provide at this session for any additional taxes.

ESTIMATES AS OF JUNE 15, 1936

Maturity value of outstanding certificates	$3,456,000,000
Add interest to be forgiven	263,000,000
Total	3,719,000,000
Value adjusted-service-certificate fund	1,482,000,000
Additional amount required	2,237,000,000
Amount due veterans in bonds	1,836,213,950
Amount due veterans in cash	87,786,050
Amount due U. S. Government life-insurance fund	507,000,000
Amount due banks	60,000,000
Total	2,491,000,000

JAMES MURPHY MORGAN—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 7253) for the relief of James Murphy Morgan, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood-control and other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES—AMENDMENT

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the bill (H. R. 9870) to provide for the immediate payment of World War adjusted-service certificates, for the cancelation of unpaid interest accrued on loans secured by such certificates, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADDRESS TO THE DEMOCRATIC NATIONAL COMMITTEE BY THE POSTMASTER GENERAL

Mr. McKELLAR. Mr. President, on January 9 the Honorable James A. Farley, Postmaster General, at a meeting of the Democratic National Committee in the Willard Hotel, Washington, D. C., delivered a most eloquent and interesting address, and I ask unanimous consent to have it inserted in the RECORD.

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

The Democratic National Committee is here today to select the city in which our convention is to be held and to make preparations for a campaign that in some respects will be different from any Presidential campaign in our political history.

Theoretically, the combat waged every 4 years centers around two conflicting policies of government, with the candidates of the two parties each representing one side of the controversy.

The campaign of 1936 will not be this. It will be a campaign of defamation on the side of our adversaries, a simple effort to break down the faith of the people in a President under whose leadership the Democratic administration has lifted our Nation out of the depths of despair to the broad way of hope and set it on the high road to renewed prosperity. He has accomplished this through certain legislative measures, startling only in the circumstances that they departed from the policy of drifting, which had led us into all our troubles; policies novel only because they were conceived and executed in the service of our whole people and not for the benefit of the greedy, selfish interests which dominated the Government from the time that Woodrow Wilson left the White House to the day Franklin D. Roosevelt took the wheel.

Let me tell you now that our opponents will make this the bitterest and certainly the dirtiest political struggle that any of us here can remember.

I have not the slightest doubt of its outcome, but I feel it my duty to warn you that you will have to combat misrepresentations,

outright lies, and every form of foul whisperings you can imagine. Moreover, you must realize that the assault of the Roosevelt administration will be financed with the largest slush fund on record, contributed for the most part by those who have neither public conscience nor private scruple. They are men who are interested only in getting back the inordinate privileges which have enabled them to exploit the people in the past and who will hit below the belt, or do anything else that they think may give them hope of regaining their pirate ascendency. In the ranks of our foes you will find not only the financial gangsters whose extortions were so largely responsible for bringing on the Hoover panic but others, who for one reason or another hate Franklin D. Roosevelt, or who are accessories of the exploiters.

Our adversaries are trying to represent the party conflict as a battle between the business interests of the country and a mythical group bent on substituting a socialistic, communistic system for the economic processes that have made this Nation the greatest, wealthiest commonwealth in the world. It is a ridiculous perversion of the facts. A great proportion of our commercial and industrial leaders are with the President as sincerely as they were when they rallied to his support in 1932. Why shouldn't they be? What business is there in all our vast country that has not been helped by the present administration?

There were 10,000 bank failures in the years preceding the advent of Roosevelt to the White House, each carrying down with it a multitude of individuals involving in the wreck thousands of commercial enterprises, great and small.

How many bank failures have there been since the President took charge and rebuilt the whole banking structure? In the 3 years preceding this administration there were innumerable business collapses. In the 3-year period of the Roosevelt regime there were not half so many.

What accounts for the difference? Does the present solid foundation of business, as contrasted with the hideous insecurity of the previous period, come as the result of cosmic rays or black magic? Has there been any epoch-making change in world conditions to account for our recovery? No. The only difference is that we have had at the head of our Government a President wise enough to see what had to be done and courageous enough to do it. It is that program, and that alone, that saved America.

Our adversaries characteristically are using every agency at their command to give the impression of division in the Democratic ranks. A little while ago they were gravely announcing that a third-party move was impending. You know what that amounts to. Whenever some irresponsible adventurer thinks he sees an opportunity to launch a political racket, which means whenever he scents the possibility of getting financial backing, our Republican friends announce the advent of a Democratic revolt. Political changes do not come about that way. Forty years ago the same element that has now taken over the Republican high command tried it. They instituted a third ticket, and I doubt if half of you—and you are adepts in politics—can even recall the candidates of that enterprise. They spend a lot of money, as the Du Pont-financed Liberty League is doing now, without any effect on the result of the election.

I only recall this illuminating incident of history to bring home to you what sort of a campaign this is going to be—what sort of tactics you will be obliged to meet.

Nobody knows who will be the Republican nominee. Least of all the Republicans. They dare not nominate Herbert Hoover, the most eminent proponent of the do-nothing policy that brought on the great economic calamity, for they know that when the people in 1932 cast the Hoover administration overboard they registered more than a political decision. The people then pronounced a verdict, not only against the then President but against the whole reactionary group. They cannot nominate Senator BORAH because that veteran of 30 years of political battling must be poison to the crowd whose league is championing the crusade against all that is being done to keep the country safe from the depredations of its sponsors. Inevitably they will be driven to some colorless individual, unknown until paid propaganda builds up a fabulous picture and presents it to the people as someone worthy to direct the destinies of the United States.

There can be but one honest issue in this campaign, and that is whether President Roosevelt has done well or ill by his country.

The answer to that great question stares at you today from the pages of every newspaper in the land—not from the editorial pages, which mostly echo the desires of the big-business group; not from the propaganda pages, which misrepresent and libel the existing administration. The reflection I speak of is found in those commonplace pages which present the direct reports of the Nation's business.

The balance sheets of industry, commerce, and agriculture tell the story. The market quotations on commodities and securities cannot be faked or distorted. These figures will tell you that the national wealth has increased $22,000,000,000 over their market values on the day our President took office.

We have traveled upward a great way since March 4, 1933.

Our adversaries cannot deny the facts. They cannot escape the logic of the black entries that have wiped out the red entries of the Hoover period. Being unable to deny the recurrence of prosperity, they are forced to the alternative of declaring that it was not because of, but in spite of, the Roosevelt policies that confidence has succeeded despair; that our Government bonds are selling above instead of below par; that people are buying again and are able to pay for what they buy. This happy outcome was because of Roosevelt. It was in spite of the furious clamors of those who have tried to hinder him at every step, ever since the increase of business has rescued them from their panic fears.

Roosevelt has done nothing that he did not promise to do when they came to him begging for action—any action—that would save them from the consequences of their own conscienceless greed. He told them in the beginning what his program was, and they were almost hysterical in their satisfaction that someone had come to the head of the Government with a plan, for they had no plan, and they saw in the President the people had chosen their one hope of escaping absolute chaos. But as soon as they felt the ground under their feet again, as soon as they felt strong enough to stand alone, they began their effort to destroy the man who had saved them.

Aesop told the story a couple of thousand years ago—you know the one about the farmer who found a frozen snake in the barnyard and brought it in and warmed it back to life, and the snake bit the farmer's children.

Suppose today—instead of immediately after his inauguration—President Roosevelt found it necessary to close all the banks. What would be the reaction of the great financial concerns, utility corporations, and the others who form the backbone of the opposition? They had nothing but applause and gratitude for his action then. You heard no talk then about regimenting the farmers, shackling industry, flouting the Constitution, and all the rest of the stuff that is being ground out in the effort to discredit the administration.

They have talked about the President not keeping his pledges. What has he failed to do that he agreed to do when he announced himself 100 percent for the Chicago platform? First of all he promised that nobody should starve in this country. That was his first and greatest declaration, and one that transcended every other. He has kept that promise, and his reward is to be accused of extravagance, to have his administration pictured as one run by hare-witted idealists who are shoveling out the people's money with no desire but to get rid of it.

When the people asked for bread and a chance to work, he could not deny them with the arguments now advanced by the critics of the New Deal. Franklin D. Roosevelt, may it be said to his everlasting credit, will never plead the statute of limitations against a hungry man.

He promised a stable currency. The American dollar is preeminent today as a money unit. The credit of our Nation is so high that every country in Europe is sending over millions of dollars every week to buy American goods and invest in American securities, and our 3-percent national bonds are worth in the open market more than were worth the high-interest bonds of 3 years ago. And what is the President's reward for having brought about this state of national solvency? Why, they call him inflationist and speak of his taking us off the gold standard as if that were something evil, revolutionary, inexcusable. Yet England, to which his critics refer as an example of all that is wise and just in recovery, preceded us off the gold standard by 2 years.

He subscribed to the platform pledge for the repeal of the eighteenth amendment, which his predecessor even during the '32 campaign had not the courage either to espouse or oppose. That policy not only rid us of the horrible effects of bootlegging, with its murderous gang wars and its almost Nation-wide corruption, but it reestablished industries, the revenues of which had been going to outlaws and the taxes on which were the bribes to city and State and even to national officials.

The Republican National Committee and its acknowledged, or unacknowledged, allies are bent only on the destruction of the Democratic Party and democratic principles. If anybody believed them, it would appear that the Roosevelt administration was accomplishing nothing, that its public works were limited to raking leaves or mowing grass or weeds from streets of cities and performing other trivialities of little worth and no permanent advantage. They never mention the vast number of public buildings that have been and are being erected; of the great dams that are harnessing our rivers; of the thousands of leagues of good roads being laid, the bridges being built, and the innumerable other projects that add to the assets of this country, and that will be of use not only in our day but for generations yet to come. Our enemies even list among the items of the deficit they so loudly bewail and so extravagantly advertise the money advanced to individuals, firms, corporations, farmers, and home owners.

Every one of these loans—for they are only loans—is secured by valid assets. This money will all come back, and meanwhile the interest is being constantly added to the Government's resources. The various loan agencies of the Government are prosperous concerns. Their income today is larger than what they are putting out. Every one of them shows a favorable balance sheet.

The Government is in business; yes. And it is in profitable business. And it will remain in business only for as long as private enterprise fails to take it up. The Government would rather have the banks make the loans than make them itself. It is more eager to get out of business than the American Lobby League is anxious to have it get out of business. And it is getting out of business far more rapidly than the average person thinks.

This has not been a spendthrift administration. It has safeguarded its expenditures to such an extent that it is probable that there has been too much instead of too little red tape in the extending of relief. If you analyze the tenable charges

against the Government distribution of aid to the destitute, they come down to the circumstance that some unworthy person got a few free groceries which he could have paid for, or that here and there men have not earned the meager pay permitted on relief projects—a pay left meager with the deliberate purpose of insuring that the Government should not compete with private enterprise and that no man should remain on the Government pay roll who could make a living by his own efforts. Undoubtedly in the expenditure of billions there has been some leakage, for it was deemed better that a few unworthy ones might get the doles rather than a helpless multitude should go hungry.

I have noted among the utterances of some who were desperately seeking for some method of assailing the administration a statement that the increase in the sales of commodities was due to the money disbursed by the Government. There is at least a basis of truth for this statement. A large part of the purpose of the disbursements was to prime the pump of business so as to get the wheels to moving again. And it has been wholly successful. The money that went for direct relief has been turned over a hundred times; in the purchase of food and clothing, in the payment of the wages of those who manufactured these things, in the capital that went into investment, and into the deposits of bank customers. These, thanks to the New Deal, are able to place their funds with the banks with perfect security that they are not going to be cheated out of them through the dishonesty or incompetence of those who a few years ago used these funds as their own in speculation, and when their speculations went wrong left their depositors to hold the bag.

The Government's Budget is out of balance. It was out of balance 2 years before the term of President Roosevelt began. By the time he came to the White House it was almost as much out of balance as it is now, with the difference that then nothing was being done to wipe out a deficit, while today every move is in that direction. The Government's income is steadily increasing. There is no justification for the fear of towering tax with which the constant effort is being made to scare the people.

This country has had huge deficits before now, and they have been cut down in the ordinary, orderly processes of government as prosperity returned and the Government's income increased. The same procedure and the same result may be looked for now.

As I said before, we are carrying our debt for less than it cost us prior to the advent of Roosevelt to the White House.

I have sketched hastily for you the actual situation and the situation as it is described by the professional and unprofessional purveyors of mendacity who, in their speeches and through the newspapers, are trying to convince this country that its Government is betraying them and that it is bound for the rocks unless another Hoover or a synthetic representative of the same type is put at the head of our Government.

The enemy has access to many newspapers which carry only the antiadministration side. Some of them do this because they are fundamentally Republican newspapers; some because they are owned or controlled by people or corporations of such wealth and magnitude that the effort to impose taxes in accordance with ability to pay is going to cost them something. The result is the same in either case. Many plaster their pages with any absurdity that a Republican spokesman, paid or unpaid, candidate or otherwise, is willing to father.

We Democrats have nothing at all to fear if we do our job and work earnestly, but it would be foolhardy to feel that we can lay down on that job and let the other fellows campaign uncontradicted and unhindered.

We have got not only to keep our own lines intact but it is our duty to see that those Republicans who in 1932 and 1934 put national welfare ahead of partisan spirit, remain true to their new allegiance. We owe these people a debt of gratitude. It was easy for any Democrat to vote for Franklin Roosevelt. It was not so easy for men and women reared in the Republican faith. I have acknowledged the greatness of the service of these before, and I am glad to admit the obligation now and here.

There is still another and, in some respects, an even more important group to which we must appeal. I refer to that great mass of good citizens with slight or no political affiliations.

These are the independents, who vote for whichever candidate they believe to be best for the country, for the policies that they believe will promote the public welfare. We had them all in 1932. I believe we have them all now, for men and women of this class look at and for results and are not likely to be influenced by such interested propaganda as is being poured forth to check the progress of the New Deal. Let me urge on everyone here to hold them close to us. We will always retain our own membership; we will gather to us many of the opposite political faith. But we need the independent voter. He is the individual who really decides elections.

We have had a great administration. We have nothing to apologize for; much less to be ashamed of. Our President and our Congress have saved the country. We have come through the hectic period of depression and reconstruction without great social disturbance, without violence, and with the great principles of the Democratic Party kept intact.

It is up to all of us to keep these great facts before the people, and so I call on you not only to perfect Democratic organizations everywhere but to keep a vigilant eye on the enemy, to nail every lie as fast as it is uttered, to point out the selfish purpose behind every hypocritical attack. That must be our work from now until next November. We must not be content with victory, but must work for a victory so overwhelming as to make it plain forever that democracy is the faith of our people and that loyalty to a great President cannot be broken down even by the flood of money that will be poured out to overwhelm us in the next 10 months.

Just remember as we go into the fight that Franklin D. Roosevelt is the hope of every man who suffers and the foe of every man who does wrong.

NAVAL STORES AND THE AGRICULTURAL PROGRAM

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by Mr. C. F. Speh, secretary of the Control Committee of the Marketing Agreement for Gum Turpentine and Gum Rosin Processors, of Jacksonville, Fla. It has to do with the recent decision of the Supreme Court on the Agricultural Adjustment Administration Act as affecting the turpentine and naval-stores industry.

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

CONTROL COMMITTEE OF THE MARKETING AGREEMENT
FOR GUM TURPENTINE AND GUM ROSIN PROCESSORS,
Jacksonville, Fla., January 9, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: The recent decision of the United States Supreme Court regarding the Agricultural Adjustment Administration has, of course, affected the turpentine industry. I am sure that even the relatively few who have opposed the program will admit that under the conditions facing the industry in 1933 that a restricted production was extremely helpful. This is equally true of the crop adjustment in 1935. Prices improved, whereby the producer was enabled to pay living wages to the hundreds of thousands working in the industry, the producer was able to greatly reduce his debt to the factor, and the timber owner to pay back taxes.

I am confident that other farm products have also benefited, and to such an extent that, even though a crop-adjustment program be considered as a temporary measure, it must be admitted that we are still far from having completed the task of bringing to the farmer the same purchasing power that the manufacturer receives for his goods. Therefore we believe that efforts will be made to pass the necessary legislation to continue farm relief in some form.

The purpose of this letter is to ask that you safeguard the interest of this important southern industry by seeing that naval stores, either as a commodity or as an industry, continue to receive benefits of any agricultural program.

Thanking you for everything you have done for the industry in the past, I remain,

Respectfully,

C. F. SPEH, *Secretary.*

JACKSON DAY ADDRESS BY MR. JUSTICE BUFORD

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent address delivered by Mr. Justice Buford at Madison, Fla., on Jackson Day, January 8, 1936.

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

Mr. Chairman and fellow citizens, we are gathered upon this occasion to celebrate the anniversary which should be cordially celebrated not only by those Americans who are affiliated with the Democratic Party but by all red-blooded, loyal Americans throughout the Nation.

We call this day Jackson Day because to the courage and genius embodied in that great soldier is due credit for the victory which came to American arms on the 8th of January 1815, 121 years ago.

Andrew Jackson was born in the backwoods country near the line between North Carolina and South Carolina. Whether he was born in the one State or the other is not definitely known. Each State claims his nativity. His birth occurred on the 8th day of March 1767, a short time after his father had died of injuries received in handling heavy logs. His parents had come to America the poorest of poor immigrants, hoping to carve out a fortune for themselves in the new land, but the husband and father was cut off in the prime of young manhood, and their hopes were blighted. Jackson's boyhood was that of the average boy in the country where he lived. He soon developed the vices rather than the virtues of the young men of that generation. Before he reached the age of 15 his mother died of yellow fever, which she contracted while nursing soldiers of the Revolution. Then Jackson became his own master. He was a reckless, carefree sort of fellow. Before he reached the age of 18 he had converted what little property his father had acquired into cash and spent it all in riotous living. He had become recognized as what we would call one of the fastest young men of his day. He appeared to find his chief pleasure in horse racing, cock fighting, drinking, and gambling; and yet with it all, by reason of his great courage, his high regard for justice, and his adherence to truth, he acquired and retained the respect and confidence of many of the most substantial people of his acquaintance.

While Jackson was no student, and never became one, he managed to get himself admitted to the bar and licensed to practice law in North Carolina before he was 21 years of age. About the time he reached his majority a great empire in the West which then bore the name of Franklin was being opened up. In 1788

the North Carolina Assembly created three counties included in those settlements along the Cumberland and established therein a superior court district. One John McNairy, who had studied law in the same office of Spruce Macay, where Jackson had studied, was appointed judge of that district. He happened to be one of Andrew Jackson's friends. At the time McNairy was appointed judge he was visiting friends in the Carolinas, and when he returned to the land of the Cumberland, which was then becoming known as the Tennessee region, there went with him a number of his old friends and acquaintances, among whom was Andrew Jackson. In 1789 Jackson was appointed solicitor in Judge McNairy's jurisdiction. In this position he was forceful and effective. The duties of his office required the exercise of physical courage and moral strength. Jackson was passionately devoted to justice. He was diligent and conscientious. It appears that he knew little about grammar and less about punctuation, but what he lacked in book knowledge was compensated for by other qualities possessed by him and which were so much needed in that position. By his fearlessness and fairness he won the confidence of the public, which he never lost. Time will not permit us to dwell on the many interesting events of his youthful career. In 1790 that area between the Ohio River and the north line of Alabama and Mississippi became the Southwestern Territory, and in 1791 the north half became the State of Kentucky. In 1793 the remainder of the territory set up a legislature, and 3 years later delegates met at Knoxville and prepared a frame of government looking toward admission to statehood. Jackson was a member of that convention, and it is a tradition that he proposed the name of Tennessee, which was an Indian name, meaning the Great Crooked River.

When Tennessee was admitted into the Union, Jackson was chosen its Representative in the lower branch of Congress. His career there was brief and uneventful. He served only about a year, when he was appointed to fill the unexpired term of William Blount in the Senate. In 1798 he resigned that post, but while in Philadelphia, then the Capital, he made the acquaintance of such men as John Adams, Jefferson, Randolph, Gallatin, Burr, and Edward Livingston. As a legislator, he was a misfit. The records show that he made only two speeches as a Member of the House and none at all in the Senate, though he did make quite a reputation for possessing a high temper. On his return to Tennessee he was appointed judge of the nisi prius court, which compares with our circuit courts, and, though the salary was only $600 per year, he retained that position for 6 years. In this position again his ignorance of law was compensated for by his common sense, impartiality, and courage.

In 1812 the Congress of the United States declared war against Great Britain. This was entirely to Jackson's liking; he had been impatient for it for years. There was but one thing which he seemed to wish more than to participate in a war with Great Britain and that was to invade the territories of Florida, drive out all foes, and extend the jurisdiction of the United States into the waters of the Gulf, and he insisted upon being allowed to undertake that job.

In December of 1814 a large fleet of British vessels appeared in the Gulf, just off New Orleans, with the purpose of taking the city of New Orleans, then the most important city of all the South, and using that as a base to recover possession of the United States and return its Government to the Crown of Great Britain. Jackson's defense of New Orleans is one of the thrilling stories of all times. He was not only required to meet and fight a foe superior in numbers of men trained and seasoned in warfare under generals of wide experience, armed with modern implements of war, but he was also confronted with all sorts of opposition, even within the city which he proposed to defend, and in the Legislature of Louisiana, which was then in session.

Many of the people of Louisiana resented their severence from France. They had not become reconciled to their position as a part of the United States. They were more than willing to surrender to the British with the hope that they would then be returned to the French or made an independent province. So Jackson had to fight the enemy within as well as the enemy without. He fought both with supreme courage; and when the final battle was won, though Jackson was not a religious man, he firmly believed that his success was due to the intervention of divine Providence and he publicly proclaimed that to be true. There is no reason for us to assume that Jackson's judgment in that regard was not well-founded. If the British had pushed the advantages which they obtained in the battle fought on December 28, 1814, undoubtedly they would have taken the city of New Orleans and with it they might have taken Jackson, but they faltered and delayed and lost. This delay gave Jackson opportunity to establish fortifications and breastworks, to bring his men into better position and to prepare for that which he now realized must be a stand for the life of the Nation. He did prepare and was ready to meet every onslaught made by the British until the night of January 7, 1815. During the days between the last of December and January 7 new troops, new officers, and new equipment had been brought from the British fleet, landed on American soil, and made ready for the charge with which they proposed to end the fight for possession of New Orleans. They intended to advance under cover of darkness and a heavy fog to a position, where when daylight came they would have the Americans under a withering fire, but it appeared that everything which could go wrong with the plans of a general went wrong with the British that night. Only one division of the whole British Army there appeared to be in position at the appointed time. All others were delayed by one cause or another until daylight came, the fog lifted, and they were in view of the enemy but still out of gun range, and found themselves facing an adversary fully prepared to meet their charge.

Despite these adverse happenings, however, the British determined to carry out their plans. For a short while it appeared that Providence was with the British; the fog settled down, so that neither line could be seen by the other. The British advanced, but when their columns were within 300 yards of the American trenches the fog lifted; the British were within range of the American guns and were mowed down like wheat before a reaper. Again and again they rallied and charged, to be met and mowed down by the steady fire of the Americans behind their cotton and mud breastworks. The American losses were seven killed and six wounded, while the British lost most of their officers and men.

In those days news traveled slowly. The record shows that the terms of peace had been agreed on and the war theoretically closed before the Battle of New Orleans began. Neither Jackson nor the British knew of this. Each was fighting to win a war which did not exist. After the battle of January 8, Jackson continued martial law in New Orleans under the theory that a state of war still existed, and he stood prepared to receive the British should they recoup their forces and return.

Jackson ordered the arrest of a citizen for violating martial law. A Federal judge issued a writ of habeas corpus, and thereupon Jackson ordered the arrest of the Federal judge and detained him in prison. Probably the greatest example of Jackson's spirit of compliance with constituted authority was when he was officially notified that the state of war no longer existed, and had ceased to exist before the battle, realizing that he was without authority to hold either the first offender or the Federal judge for violating the martial law, he discharged them. Thereupon the judge ordered Jackson before him to answer to a rule for contempt of court. Jackson divested himself of his uniform, humbly appeared before the judge in civilian clothing, and without protest paid a fine of $1,000 to purge himself of contempt of court. Thirty years later the Congress of the United States authorized the repayment of this fine to Jackson with interest since its payment by him.

Late in January 1815 Jackson returned to Tennessee. He still had in mind, however, the invasion of Florida and he did not let that rest, until early in 1818 he was authorized to proceed against the Creek and Seminole Indians.

As all of you know, Jackson finally with his army invaded Florida without any record authority from Washington. The history of his movements indicates that he was rather fearful that he would be stopped by orders from Washington before he could finish what he set out to do. Whether he really had the consent of authorities at Washington to pursue the course which he did pursue in Florida or not is a question which will never be definitely answered. It is certain that he wrote a letter proposing to do about what he did, and in that letter he stated that any sort of intimation from the President or Secretary of War that such course would be approved would be considered by him as a warrant to proceed. Jackson claimed to have received a letter so framed as to intimate that he should proceed.

There were but two forts of any consequence in Florida at that time, one being at St. Marks and the other at Pensacola. Jackson took St. Marks first. There he found an old Scottish trader by the name of Arbuthnot, who appeared to be in sympathy with the Indians, and who was engaged in trading to the Indians arms and ammunition, as well as other goods which they might require. Arbuthnot was arrested on a charge of furnishing ammunition to the enemy and of conspiring with the enemy against the United States. From St. Marks Jackson proceeded with some force of men to the Suwannee River near the present location of Old Town. There he captured a trading vessel with all its supplies and also captured Robert Ambrister. Ambrister was charged with leading Indians in warfare against the United States.

Perhaps the most potential trial ever held in the State of Florida was the trial of Ambrister and Arbuthnot at St. Marks. They were both British subjects. By Jackson's orders Arbuthnot, who was a civilian and more than 70 years of age, was hanged; while Ambrister, being a soldier, was shot. Jackson did not allow even the trial or the execution to delay his plans to move on to Pensacola. A few days after the execution of Arbuthnot and Ambrister Pensacola was in the hands of Jackson and his troops.

Jackson left the Territory of Florida under the command of subordinate officers as civil and military Governor and hurried elsewhere.

The Spaniards demanded the return of the Florida Territory. The request was complied with. The Spaniards also demanded the summary punishment of Jackson, which request would probably also have been granted had it not been for the defense of Jackson by John Adams, who stood against all others high in authority in the Capital and defended Jackson to the last. Jackson's popularity with the people made it a dangerous business for any man who sought popular favor to attempt to punish Andrew Jackson.

In 1821 Jackson was appointed Governor of Florida. He did not want the post and got rid of it as soon as possible. In fact, he only took it to organize a government in Florida. He took over the government in Florida on July 17, and in November 1821 he was again back at the Hermitage, having resigned the office of Governor of Florida, and for the first time in 32 years was free of the responsibility of either civil or military office. May I interpolate here that two of the members of President Jackson's Cabinet became Governors of Florida. They were Branch and Eaton.

When Jackson returned from Florida he was 54 years of age and was broken in health by exposure, wounds, and disease. He received all his wounds in personal combat. He thought he was

settling down for life to enjoy only the few days which might be left to him in quiet and peace with his wife, his son, and an adopted son, but his days of quietude were not to last. He was soon to be called as a candidate for the Presidency of the United States. He was nominated by a convention in Harrisburg, Pa., in March 1824. The result of the election, however, was Adams' election. Jackson was again put forward as a candidate in 1828 and was elected in that year President of the United States. The campaign of 1828 was a bitter one. The opposition not only persecuted Jackson, but it also defiled the name of his wife and probably hastened her death, which occurred at the very hour when the people of Nashville and all Tennessee had gathered to partake of a farewell banquet in honor of the President-elect.

The difference between the democracy of Jefferson and the democracy of Jackson was that Jackson was not only an advocate of decentralized government and State rights, of which Jefferson had been the great leader, but he was amongst the first to advocate and strongly contend for the right of the voice of all the people in the Government. He not only stood for State rights but he stood for the rights of individuals as against the special interests. A writer has stated succinctly that Jackson's conception of the fundamental principles of our democracy was:

"Sovereignty, under our form of government, resides in the people of the United States. The exercise of the powers of sovereignty is entrusted by the people partly to the National Government and partly to the State governments. This division of functions is made in the Federal Constitution. If differences arise, as they must, as to the precise nature of the division, the decision rests, not with the State legislatures, as Hayne had said, but with the Federal courts, which were established in part for that very purpose. No State has a right to 'nullify' a Federal law; if one State has this right, all must have it; and the result can only be conflicts that would plunge the Government into chaos and the people ultimately into war. If the Constitution is not what the people want, they can amend it; but as long as it stands, the Constitution and all lawful government under it must be obeyed."

By many it was thought that State legislatures had the power to annul the application of acts of Congress within the dissatisfied State. In South Carolina there was much support of this idea. Frederick Austin Ogg, in his The Reign of Andrew Jackson, in speaking of Jackson's attitude toward nullification acts, says:

"And to a South Carolina Congressman who was setting off on a trip home he said, 'Tell them (the nullifiers) from me that they can talk and write resolutions and print threats to their hearts' content. But if one drop of blood be shed there in defiance of the laws of the United States I will hang the first man of them I can get my hands on to the first tree I can find.'

"When Hayne heard of this threat he expressed in Benton's hearing a doubt as to whether the President would really hang anybody. 'I tell you, Hayne,' the Missourian replied, 'when Jackson begins to talk about hanging they can begin to look for the ropes.'"

In this fight for the rights of the people, he made the abolishing of the Bank of the United States his chief objective. His thought was that to allow the money power of the Nation to be controlled by anything except the Nation itself was undemocratic and would defeat free government. No more determined fight was ever waged between conflicting interests than that waged between Jackson and the proponents of the Bank of the United States. The bank had a limited charter. Its period of existence under its charter granted by Congress was about to expire, and Jackson determined that the charter should not be renewed. He won the fight but not without making many enemies and bringing down much condemnation on his own head.

To Jackson may be attributed the inauguration and continuation of the governmental policies requiring the election of many officers by direct vote of the people, amongst the more important of which is that following this principle of Jackson's democracy we have in Florida and many other States today the election of justice of the supreme court by direct voting of the people.

There are many parallels which may be drawn between the conditions which existed at the beginning of and during the Jackson administration as President of the United States and the conditions which have prevailed in this country during the past few years.

The Bank of the United States opened its doors at Philadelphia in 1817 with branches from Portsmouth to New Orleans. In 1828, when Jackson was elected President, there was bitter feeling throughout the country against the bank and its branches. The bank was to the people of that day the personification of big business. The people, as a mass, appeared to believe that it had the power, intent, and purpose to crush all individuals who had not its favor; that by participation in politics it could and would control the destinies not only of the States but also of individual citizens; that it could and would weaken the power of the States and strengthen and centralize the power of the National Government; that it could and would build up or pull down political parties or men as and when its interests would be thereby served without regard to what the result might be to the masses of population of the Nation.

Jackson thought the best way to destroy such an influence was to withhold its authority for existence. Therefore he opposed the granting by Congress of a renewal of the bank's charter. During his first term as President the Congress, after a bitter fight, passed an act extending the charter. Jackson vetoed the act. The veto became the paramount issue in the campaign of 1832. The issue made was whether the people should rule or should submit to being shackled and ruled by a monopolistic money power controlled by some Americans and many foreigners residing in other lands. It was a hard and bitter fight; but when the presidential electors met, Jackson had 219 electoral votes and his opponent, Henry Clay, had 49.

Orators and statesmen of that day pictured the money power in politics as a hideous octopus reaching out to crush and destroy the sovereign will of the masses and to control and grow fat on the earnings and misfortunes of the people. Jackson was the master painter of the picture.

On the other hand, Webster, Clay, Calhoun, and other strong men fought to perpetuate the bank and to retain its power unabated, with warnings that the bank held the lifeblood of the Nation and that to destroy the bank would throttle the life of the Nation. In the end the bank, with its power, went out of existence, and when Jackson left the Executive chair the Nation was out of debt and in control of its own money-issuing machinery. But the fight to control this country through the control of the power of money and wealth has never ceased. The charges and countercharges punctuating the campaign of 1832 could be heard throughout the land with but little variation in 1932, and we shall hear them again in 1936. Then the Democratic leader who fought for what he conceived to be the rights of the masses of American people was Andrew Jackson. Today the Democratic leader who fights in the foreground for many of those ideals for which Jackson stood is Franklin D. Roosevelt.

It appears to me that here, in the beginning of 1936, our country fast approaches a crisis, and the most serious one it has faced since that one which culminated in 1861. To me it appears certain that one result will be a change in our Constitution. Do not let us be persuaded to believe that when we have found the provisions of the Constitution inadequate to allow Congress to enact legislation designed to effectuate a parity between those who earn by the sweat of the brow, who till the fields and wield the spade, the pick, the hammer, the saw, and other tools, and those who earn by the power of the dollar there will be no insistent demand by a majority of the people of these United States for a change in those provisions.

Within a short while I think the question will be not, Shall our Constitution be amended? but How shall our Constitution be amended? Shall it be by broadening and extending the powers of Congress over subject matters to be dealt with and leave standing the safeguards which now obtain, or shall it be by withdrawing the power of the judiciary to determine and adjudicate the validity of, or invalidity of, legislative acts, leaving it to the legislative branch of the Government to legislate as it sees fit and to be its own judge of the extent of its power? God forbid that the latter course be chosen.

There is no sacrilege in proposing to amend the Constitution. Its framers intended that it should be amended, and it has been amended 21 times already. But its amendment should be with caution and careful consideration.

I have been unable to think of a single right guaranteed by the Constitution to the people in mass, or to a citizen, which has not been sought to be divested or abridged by legislative enactment which would have resulted in the destruction of that right had it not been for the timely intervention of the judiciary when properly invoked. The judiciary has not the power, and has never assumed the power, to veto legislative enactments. The province of the judiciary is to take the legislative act which may be attacked and measure it by the yardstick of the Constitution. If the legislative act was not adopted in the manner provided by the Constitution, then it never became a law; or if it was adopted by the manner provided by the Constitution but contains provisions that violate the organic law, then it is an act against and in derogation of the supreme law adopted by the sovereignty, the people of the Commonwealth, and must fall.

In the last analysis it is not the judicial branch of the Government which determines what may or may not be provided in a legislative act, but the people expressing themselves through the supreme law, the Constitution, have predetermined some of the things which the legislative branch of the Government may not do and the manner in which it may and must do certain things. The judiciary only points out the inconsistency, if any exists, between the supreme law and the attempted subordinate law and thereupon adjudicates the validity or invalidity of the legislative act.

If the power of the judiciary is broken down by legislative enactment, by constitutional amendment, by general disregard of its judgments, or by its own unsound and unwarranted judgments and decrees, revolution will follow as surely as night follows the day.

Extend the power of Congress within wise limitations if such be necessary for the public good, but forever retain the power to confine its actions within the limitations which at the time are prescribed by the Constitution, and democracy will survive, otherwise it will perish.

THE FARM PROGRAM

Mr. BLACK. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered at Chicago, Ill., on December 9, 1935, by Edward A. O'Neal, president of the American Farm Bureau Federation, before the seventeenth annual convention of the federation, December 9, 1935, on the subject of "The farm problem."

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

This is a supreme moment for America. I predict its spirit will be written into the pages of history. To the millions of our citi-

zens in all walks of life, who are with us today in soul and flesh, we bring a practical ideal and philosophy for mankind. The challenge of this meeting, for America, is unity and cooperation. Its echo is world-wide.

The President of the United States has just engraved this challenge upon our hearts and minds. We embrace it eagerly, not in the spirit of battle but in the spirit of the two greatest leavening forces of earth, unity and cooperation. These are the levers that are lifting America into the dawn of a new day. They are the hope of a world under which the volcanoes of destruction again are rumbling and seething.

We meet today to safeguard a new civilization. Its emblem is economic justice, not alone for agriculture but for all mankind. In this great crusade agriculture joyfully takes the responsibility of leadership. For agriculture is peace loving and cooperative. Its very philosophy, its mode of life, its conception of service, are all symbolic of peaceful pursuit, peaceful occupation, and peaceful attainment.

This is an epochal meeting. It is an hour of drama. Here is gathered the united army of agricultural leadership. Seated on this platform are the men and women who are shaping the destinies not only of rural America but of the Nation and of the world. For no man lives unto himself. Nor does any group, class, or nation.

These leaders are consecrating their lives to a conception of a new civilization. They preach unity, cooperation, social justice, economic freedom. They pattern their teaching after the greatest teacher of them all. Like His teaching, their work is always for the good of others. It touches the very roots of life. It symbolizes service in every sense of the word. It extends far beyond the material mind of man. It reaches into his soul.

A NEW CIVILIZATION

Truly, this is a supreme moment. This Nation faces a crisis. What we do now affects the welfare of generations to come. In our decisions are involved the life, liberty, and pursuit of happiness for the people of this Nation and of the world. From time immemorial conditions have arisen in every nation affecting the lives and destinies of its people. American history points vividly to such crises. The Declaration of Independence gave us political freedom. The Constitution gave us religious freedom.

Today America faces a decision on which the economic freedom of the great masses of its people is predicated. No more momentous crisis has been faced by America since the founding of our country 159 years ago. Our economic life is at stake. Our future hangs in the balance. We have been approaching this crisis for a long time. Some have been blind to it. Others have laughed it away with a shrug of the shoulder.

The crisis of today cannot be met with the slurs of ridicule. It cannot be met with meaningless and empty phrases and slogans. It cannot be cast aside as something inconsequential. It is not a fleeting and temporary hysteria. It is not the aftermath of a passing emergency. This crisis is deep-rooted. It extends into the very bowels of our Nation. It runs as deep as life itself. It involves the life, liberty, and the pursuit of happiness for all of the people of this Nation. This crisis must be met by the same patriotism as founded this Nation.

THREE CROSSROADS

America stands today at the crossroads of three paths. One path leads into the realm of an incomparable civilization. The other two paths will plunge mankind into the dark ages of conflict and destruction. Which road shall we take? What shall be our decision? What shall guide us in making that decision? Let us survey all three paths. Let us see for ourselves where they end.

All modes of life are governed by man-made systems. Under the rules and regulations made for us, call them what you will, we live and work. These regulations may be laws, the result of habit. Or they may be habits, the result of laws. It matters not. Whatever their origin, they are man-made. They are not the work of a supreme being. If they were, we would have no cause for meeting today. So long as we are governed by man-made conditions we can shape them to our will.

The economic system which has given the world the emoluments of a twentieth century is centuries old. It is synonymous with greatest progress. Its dominant ideal is invested in the sacred and inherent desire of human beings to have, to own, to possess, and to serve. Nothing should be done to eliminate this desire. But much must be done to compel this system to serve all mankind equitably if it is to survive. Human beings are more precious than systems. They are the ones who must be served. We must stop thinking in terms of man-made values. We must think in terms of souls and bodies. We must save souls and bodies from exploitation.

AGRICULTURE'S WARNING

Inherently, agriculture is dedicated to the economic system we call capitalism so long as that system provides opportunity for economic equality. Agriculture stands for ownership and possession by individuals. Land is the primary tool of all production. Agriculture does not subscribe to any economic system which takes from it the individual ownership of that which it prizes and values most highly—property rights. But agriculture believes with all of its strength and spirit that if the economic system upon which this Nation was founded has become warped and outmoded it must be modified and reshaped. So long as this system is man-made, agriculture says it can be modified and reshaped. Agriculture insists that capitalism shall be rebuilt once more around the ideal of economic equality and economic justice.

At the crossroads of these three paths organized agriculture posts three signs. It asks the Nation to read and commit them to memory. One signpost bears this inscription: "Agriculture is capitalism's greatest safeguard and protection against those forces on the left which would destroy capitalism merely for the sake of substituting ideals that are contrary to human nature. Beware of taking this road." The second signpost bears this inscription: "Agriculture is capitalism's greatest bulwark of defense and security against those forces on the right which would destroy capitalism by making it the master instead of the servant of the people. Beware of taking this road."

These two paths are as wide apart as the poles. Yet they lead into the same economic jungle. One enters the realm of chaos from the left. The other enters it from the right. Between these two paths is a third. This is the economic road on which agriculture has traveled from the day this country was founded. The signpost on this road bears this inscription in the immortal words of Thomas Jefferson: "I trust the good sense of our country will see that its greatest prosperity depends on a due balance between agriculture, manufacture, and commerce." This is the road for America to follow.

TRUE ECONOMIC DEMOCRACY

This agricultural path was surveyed and built by our forefathers. Agriculture then was the dominant industry. Finance and commerce were its handmaids, not its masters. This is the path which modern agriculture insists must be kept open so the Nation can travel upon it to permanent economic stability and prosperity for all groups and classes. Years of neglect have made this road almost impassable. But it can be rebuilt. It must be rebuilt. The weeds underfoot must be cut down. The overhanging branches must be pruned back. The chuckholes must be filled in. The parasitical toll bridges across this road must be completely eliminated. Too much toll already has been collected.

Jefferson's immortal words epitomize the philosophy of organized agriculture. Through its platform the American Farm Bureau Federation seeks to rededicate the ideals of the founders of this Nation. It seeks the perpetuation of the economic system under which the Nation may attain its highest degree of spiritual and material values. By recourse to legislative action under the privileges and opportunities of the Constitution it seeks the restoration of the true economic democracy of our forefathers. That is the democracy of George Washington. It is the democracy of Thomas Jefferson. Abraham Lincoln dedicated his life to its cause. Theodore Roosevelt championed it. Woodrow Wilson idealized it. By breathing life into it Franklin Roosevelt has endowed it with practical reality.

SANCTITY OF FARM HOME

What is this program? What is its ideal? What is its focal point? The answers to these questions converge into one picture—the saving of farm homes. The maintenance of a true economic democracy is centered in the sanctity of the farm homes of the Nation. That was the ideal and conception of our forefathers. The mad rush of a mechanized civilization substituted greed for service; acquisition for cooperation; competition for devotion. It unleashed the dogs of industrial war. It set in motion the forces of self-destruction. Man became a mere pawn on the chessboard of corporate greed. He wandered off into no man's land of prejudice, greed, hatred, fear. He forgot the Kingdom of Heaven. What price civilization!

Individuality was destroyed. Economic freedom vanished. Economic opportunity was meshed into the time-clock punching, regimented whirl of the industrial Juggernaut. Economic equality and social justice were brushed aside in the mad rush, in the mad struggle for ruthless, competitive gain. Like an armored tank, this industrial machine rode roughshod over humanity, conquering human souls, destroying human bodies.

When the depression finally came upon us this frenzied philosophy, in the armor of a gigantic machine, had destroyed our courage, had conquered our morale, had blinded our sight, had almost destroyed our vision. In the midst of plenty it had scattered starvation. In the midst of abundance it had created want. In the midst of joy it had caused sorrow and grief. It produced untold privation, suffering, humiliation. It rocked modern society with the sullen fury of an earthquake. It was caught in its own path of destruction. It closed the doors of factories. It turned naked millions into the streets. It filled box cars with the youth of the Nation. It caused crime to increase. Only Mother Earth and her unfathomable resources escaped the destructive fury of the depression. Mother Earth, who sustains all!

ECONOMIC EQUALITY

Shall this philosophy, which has even failed its masters, be permitted to mold again the lives and destinies of peoples and nations? Or shall we supplant it with a new conception of the purpose of man on earth? In the true spirit of cooperation, American agriculture asks for economic equality and social justice as the new American pattern of life, not only for herself but for all groups and classes. Because of her contributions to mankind and civilization, American agriculture has the right to leadership in this crisis. The pages of history reveal that agriculture earned that right long ago by always playing a patriotically sacrificial part in meeting economic crises.

During the World War the responsibility placed upon American agriculture to produce food to win the war was not a mere gesture. It was a genuine responsibility, upon which the salvation of world democracy depended. Fundamentally opposed to war, agriculture responded with all of her resources. If the philosophy of agricul-

ture, expressed in terms of economic equality and social justice, were the philosophy of other economic groups, there might not have been a World War. The chaotic condition of peoples and nations during the years that followed might have been averted.

The years lapsed. Then came the period of economic readjustment. Again American agriculture displayed her patriotism. She decreased her production because it was in the interest of public welfare to eliminate the huge unsalable surpluses of food and fiber which depressed American farm life to starvation levels. In both instances what agriculture did was not motivated by selfish desire, but by a sense of altruism, in which her own interests would be enhanced, not first but last.

There could be no national prosperity so long as economic inequality prevailed for one-third of the total population. Agriculture has produced and will continue to produce food and fiber to sustain life, but she demands a fair return for her services. The proof of agriculture's recent economic contributions is all around you. You cannot escape it. You see it everywhere. In the metropolitan centers, in the open country, in the industrial districts, on the farms, on the country road, on the highway, in the stores, in the banks.

NATION'S DEBT TO AGRICULTURE

Agriculture broke the back of the depression. Attribute the causes for the beginning of economic recovery where you will. It matters not. It was agriculture that stimulated return of purchasing power. It was agriculture that caused the economic spiral to uncoil its springs. To agriculture the Nation again is indebted. Consumers, industrialists, merchants, labor, farmers—all economic groups began to share in recovery when agriculture began to buy. Disagree if you will as to what caused agriculture to start buying. That does not matter. But you cannot put aside the indisputable fact that economic prosperity and economic stability spring from the soil.

The man on the land creates the basic new wealth of this Nation. Depressions may wipe out cities. They may raze to the ground the industrial works of man. They may starve out humanity. They may strip man of his worldly possessions. But they cannot touch the soil. They cannot dam up that fountain from which all wealth springs eternal.

American organized agriculture, under the leadership of the American Farm Bureau Federation, marches down the road to which the hand of Jefferson points. It asks all America to follow. Through its platform the American Farm Bureau Federation seeks to rededicate the ideals of the founders of this Nation. Aloft, so all men can see, the army of the green and gold carries the banner of economic equality into the legislative halls of the Nation. With the aid of a courageous Congress and the help of a President of the United States whose humanitarian interests are unparalleled in the annals of our country, the platform of the American Farm Bureau Federation is written into law. Not all of it, but most of it.

MAN-MADE POLICIES

The man-made policies of the past give way to the man-made policies of the present. The seed of agricultural parity begins to come out of the ground. Parasitical weeds surround it. They seek to crowd out the new plant. They suck away its nourishment. They try to stifle it and keep the sun from it. But the new plant grows. The American Farm Bureau Federation fertilizes it. The army of the green and gold cuts down the weeds. It digs them out of the earth. The new plant flourishes. Other weeds come up. Those cut down grow up again. The more obnoxious and useless weeds are the tougher they are. But the agricultural army does not lose hope. It has faith in the seed it has planted. The faith of farmers is like the Rock of Gibraltar. Nothing can shake it. Not even winds, dust, storms, or floods. The army of green and gold plies its hoes. It cultivates the land once more. The plant of agricultural parity matures. And suddenly it blooms its century-old flower. There is rejoicing throughout the land.

If agriculture was dominated by greed, if its hands were not clean and free of avarice, if it were not actuated by service to the rest of mankind, it would not have the courage to lead in the cause for economic equality. But agriculture knows its cause is a just one. For agriculture has served mankind from the beginning of history. Until the end of history agriculture will continue to serve mankind. It was Theodore Roosevelt who said: "Men and women on the farm stand for what is fundamentally best and most needed in our American lives." Who would fail to subscribe to that statement?

Modern economic society is made up of three large groups. Between these three groups—agriculture, labor, and industry—is divided the national income of the country. The proportion in which that national income is divided by groups determines the degree of welfare enjoyed by the country as a whole. When that proportion is unbalanced, distress occurs. The greater the lack of balance in the distribution of national income the larger the economic distress. Most peculiarly, economic distress comes not only to those whose income is too small but to those whose income is too large. The result is a depression.

NEED FOR BALANCE

The only antidote for depressions is economic equality and social justice. Under the man-made policies of the past these fundamentals were swept away. Industry was permitted to flourish. Agriculture was allowed to decay. Industry and finance were exalted. Agriculture was scorned. Empire upon empire arose in industry and finance. Welding these industrial and financial empires were a series of capitalistic rivets consisting of mergers, interlocking directorates, and interlocking directors. A bewildering hierarchy of holding companies was created. They pyramided on each other, like the leaning Tower of Pisa. The roof was a superimposed financial controlling structure. In this tower was hidden the wealth, resources, business, and power of the Nation. The key to this tower was held by a handful of persons.

This tower was the home of an economic oligarchy controlling more than 80 percent of the total business of the country. In it lived the barons of finance and industry. They issued orders to helpless millions. From its turrets 36 barons, each with an annual income of more than $5,000,000 dollars, looked down upon 36,000,000 vassals, each trying to support an average family of five on an annual income of less than $1,200. Farther and farther reached out the barons to sweep more and more wealth into their tower.

The tower began to sway. The vassals summoned all their strength and resources. They put their broad backs against the tower and tried in vain to hold it up. Sweat poured down their faces. Their arms and legs ached. Their hearts and minds were numb. The tower is falling, they cried. The tower is falling. Run for your lives. We can hold it up no longer. It fell. Down it came, this tower of industry and finance, this stronghold of twentieth century barons. And the crash reverberated around the earth.

MAN MUST WORK

Out of the aftermath of this crash was resurrected an ancient truism. Its philosophy is simple. Its premise is as fundamental as life itself. It was carved into eternity by the Creator of all. It is this: Human beings are not machines. They cannot be mechanized like pig iron or lumber. Human beings were put on this earth by the Supreme Being to work and to create. Any man-made economic system which denies humanity the opportunity of work and creation does not enter into the realm of civilization.

For 17 long years the American Farm Bureau Federation had warned the country that the tower would fall. But its warnings fell on deaf ears. Patiently, meticulously, the Farm Bureau had explained its program of economic salvation to the political and industrial powers of the country. Its explanations fell on deaf ears. Not until 1933, with the advent of the present administration, did the first ray of light break through the agricultural gloom. More has been accomplished for American agriculture during the past 3 years, because an administration has built its national policies on the program of organized agriculture, than during any other comparable period.

Since 1919 the American Farm Bureau Federation has fought the battles of agriculture. It has welded the farmers of the Nation into a constructive, militant organization. It has dedicated itself to the principle of economic equality. It has molded public opinion. It has pled for unity and cooperation. Step by step it has initiated programs to improve every phase of American farm life.

FARM BUREAU'S SERVICE

It has demonstrated the paramount importance of the educational service to the farmers of the Nation by the land-grant agricultural colleges. It is responsible for the broad expansion of county-agent and home-demonstration work and for its place in the replanning of our national economy. The federation has given national impetus to the great place of cooperative endeavor in farm life and farm living. It has visualized what could be done with cooperative enterprises when properly projected and directed. It has taught the value of coordinating and correlating all cooperative services of a commercial character within the protecting shelter of the parent organization, the State farm bureau.

It had brought home to American agriculture the great need for unity in organization, unity in purpose, unity in action, as illustrated graphically in the creation of the National Agricultural Conference. It has demonstrated time and again the irreparable harm that comes from sectionalism and division. It has shown the need for a unified agriculture, an agriculture with a national viewpoint, standing as one man for the greatest good for the greatest number. All this and more your federation had accomplished in the face of terrific opposition, ridicule, abuse, misrepresentation, and even persecution. But it succeeded. Today your federation is credited with the initiation and development of the program which has brought new vision, a new outlook, a new hope, a new spirit, a new confidence, and a new optimism not only to agriculture but to the entire Nation. The agricultural policy established by your federation now is the dominant policy of the Nation.

UNITY AND COOPERATION

Throughout the entire program upon which the American Farm Bureau Federation is built, and much of which it has translated into realities, runs this theme of economic equality, unity, and cooperation. It permeates the whole philosophy of the Agricultural Adjustment Act. It is the underlying theory of the whole philosophy of rural credit. It underlies the conception of the commodity or "honest dollar." It is the background for the beginnings in reciprocal trade treaties and tariffs. It underlies every equitable solution of the problem of taxation. The entire Public Works program is conceived in the spirit of economic equality and social justice. It is the foundation for the relationship between consumer equities and farm parities, which must be brought closer and closer until the distance between them is reduced to a minimum. It governs the relationship between exports and imports. It is the common meeting ground for processing taxes and protective tariffs. It was the basis for the equalization fee and export debenture measures, forerunners of the Agricultural Adjustment Act.

It is the governing motive back of our great program of conservation of all our natural resources. It is the primary motive behind our great program to bring city and country closer through adequate systems of country roads. It is the impelling motive on

which our national rural electrification program is based, through which a more attractive and satisfactory farm life will be created. This theme of equality permeates every effort by your federation to shorten the distance between producers and consumers of farm products, to the mutual advantage of both groups in reducing living costs. This is one of the equivalents in equality in distribution of income.

The contrast between the national policies of yesterday and today is as wide as the difference between day and night. Some of our leaders do not realize the changing times. The farm people do. Overnight, as it were, we have launched the greatest volunteer cooperative movement in modern history. Its genesis is a planned agriculture, a rebuilding of civilization. In it are involved our farms, our streams, our forests, our natural resources. It is a conservation program of a magnitude beyond the dreams of the past. It will earn us the tribute of future generations.

Organized agriculture has saved the day for the Nation. For its reward it asks no special privileges. But it insists that its policies shall be substituted permanently now for the policies which created the depression. Agriculture insists that the Nation's future policies shall no longer jeopardize the rights of citizens. The American Farm Bureau Federation, speaking for agriculture, demands the continuation of all mechanisms which will guarantee economic equality and social justice.

WHAT AGRICULTURE DEMANDS

To restore the purchasing power of the masses we demand the elimination of monopolies. We demand the abandonment of tariff subsidies for especially favored groups. We demand that subsidizing of various industrial and financial groups shall cease. We demand that the power given to the Nation's bankers to contract or expand the volume of money and credit and to lower or raise the value of money shall be rescinded. We demand the elimination of the colossal power of pyramided monopoly to regiment mankind. We demand the regulation of all corporations in the public interest. We ask industry, for its own good, as well as in the interest of public welfare, to accelerate its output at lower price levels so as to absorb unemployment. We demand the installation of a permanent program of social security to remove forever the hazards of life beyond the control of the individual.

If such policies bring us a finer and greater civilization; if their execution saves capitalism; if their adoption brings happiness, contentment, and satisfaction to humanity, the American Farm Bureau Federation is proud of having initiated them. No single project can complete the picture. No one group, acting alone, can attain the goal of the abundant life for all. Unity of action by agriculture, industry, labor, and finance is needed to complete the picture of a new day. Agriculture points the way. It challenges labor and industry to come with it. A program of selfish group imperialism can only lead to destruction. A program of cooperative group action will lead to national enhancement.

MOST GLORIOUS TASK

What a glorious task it is to rebuild and remake a Nation. What greater work can be conceived? Many can destroy. Few can build. In this task, to which you and I have dedicated ourselves, we are far above partisan levels, far above political levels. Political partisanship has no place in our ideals. No political party, no political program, no political candidate can turn thumbs down on our program, on your program, of economic equality and social justice.

The new philosophy of the future has more to do with human souls than with cattle and hogs. It deals more with human rights and human welfare than with crops, mortgages, and interest. It concerns itself more with human beings than with barns, milkhouses, farm machinery, bank buildings, factories, and the wheels of industry. Once upon a time the entire destiniy of American output in industry and agriculture was wrapped up in a spirit of competitive rugged individualism. One farmer's advantages were built upon his neighbor's disadvantages. The ability of a worker to get a job was measured by the number of men who were not successful. One farmer's happiness was built upon the distress of other farmers. Where one business man succeeded hundreds failed.

That day is gone, never to return. In its place has come a different philosophy, a different conception of life and living. Rugged individualism on an empty stomach or an unclothed back is a thing of the past. The rugged individualism which strangled agriculture, industry, and labor is gone forever. In its place has come a new type of cooperation, a cooperation based on economic equality or parity between economic groups. In the building of this cooperation organized agriculture has shown the way. Methods and machinery change from time to time. Principles go on forever. The principle of cooperation will never die.

IN HIS FOOTSTEPS

With those who do not join us in this new conception of a better life, we must be patient and tolerant, but as firm as tempered steel and as unyielding as the sands of time. There are still many who do not believe in our program, but their number is becoming less each day. Some do not believe because they do not wish to believe. Some are opposed for selfish reasons. Some are against us because they do not understand. But we are teachers. It is our job to explain kindly, to teach persuasively, to convert knowingly. Those are the methods of the greatest Teacher of them all.

God give us all strength to complete the great task we have started. We still have much to do before our program is securely built into the new home in which civilization is to live. Rome was not built in a day. The fallacies of years cannot be overthrown in the twinkling of an eye. But the goal to be achieved is so inspiring; the end to be attained is so worth while; the purpose to be accomplished is so significant that no man, no woman, can refrain from contributing to this task.

OUR HANDS ARE CLEAN

To this great work the green and gold army of the American Farm Bureau Federation is dedicated. Its weapons are not those of soldiers but those of educators and organizers. Its tactics are not those of destruction but of conservation. Its weapons are ballots not bullets. Its emblem is the plowshare and the pruning hook, not the sword and the spear. Its ideals are those of service, not of conquest. Its ranks are filled with men and women who fight for righteous causes, not for selfish ones. Its motto is the Golden Rule, not the black flag of piracy. Its molding influence will live long after the grasping purposes of military conquerors have been forgotten. The hands and conscience of the army of the American Farm Bureau Federation are clean. Its cause is right and just. In the words of our Master, "I am come that they might have life, and that they might have it more abundantly." To this cause and into its brotherhood and affiliated sisterhood the American Farm Bureau Federation invites every American farm family.

ADDRESS BY SECRETARY OF WAR DERN AT INAUGURATION OF PHILIPPINE GOVERNMENT

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD the address delivered by Hon. George H. Dern, Secretary of War, on the occasion of the inauguration of the new Philippine government, at Manila, P. I., November 15, 1935.

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

Citizens of the Philippines, I have the distinguished honor to come to you as the representative of the President of the United States to participate in the ceremonies of this momentous occasion. We are about to establish and put into operation the government of the Commonwealth of the Philippines, as ordained by the Congress of the United States. This event is another landmark in your steady progress toward the fulfillment of your aspirations to be a completely independent sovereign nation—ultimately to be realized through the practical, cooperative efforts of two peoples imbued with the same ideals of liberty and self-government.

President Roosevelt asked me to say that his heart is with you on this historic day. A radiogram just received from him asks me to give you the following message:

"Please convey to President Quezon and the Filipino people on the occasion of the birth of the Commonwealth of the Philippines my sincere congratulations on this great forward step in the establishment of popular self-government, and express to them my confidence in their ability to carry out successfully the final steps in the accomplishment of their complete independence.

"FRANKLIN D. ROOSEVELT."

Thirty-seven years ago, through the fortunes of war, the Philippine Islands came under the flag of the United States. It was no premeditated aggression, and there was no thought of territorial aggrandizement.

Even before American occupation the Filipino people had started their struggle for freedom, with which Americans instinctively sympathized. What, then, was to be the attitude of the United States toward a dependency which it had so accidentally acquired? A policy of colonial expansion and exploitation was a departure from our national ideals, and therefore did not commend itself to the American people.

Our decision was soon made. Less than 2 years after American occupation, President McKinley's letter of instructions to the first Philippine Commission laid down these basic principles:

"In all the forms of government and administrative provisions which they are authorized to prescribe, the Commission should bear in mind that the government which they are establishing is designed, not for our satisfaction or for the expression of our theoretical views but for the happiness, peace, and prosperity of the people of the Philippine Islands * * *."

Later he declared:

"It is our purpose to establish in the Philippines a government suitable to the wants and conditions of the inhabitants and to prepare them for self-government and to give them self-government when they are ready for it, and as rapidly as they are ready for it."

That promise was made in good faith. In order that it might be creditably carried out it implied a period of training and preparation. Greedy exploitation was repugnant to our minds. We declared that the good of the dependency—not our own good—must be the first consideration—a new idea, perhaps, in colonial administration. We harked back to the spirit of 1776, and we conceded that the Filipinos had the same rights as we claimed when we were colonists of Great Britain. The question is sometimes asked: "Why does the United States give up so valuable a territorial possession as the Philippine Islands?" The answer is that the value of the islands to the United States does not enter into the calculation. We have proceeded in accordance

with the American conception of the fundamental right of peoples to govern themselves.

Having declared this unprecedented colonial policy, there arose the practical question of how and when it should be carried out. Through no fault of their own, the people of the Philippines had not been trained in the difficult art of self-government, and had never been given an opportunity to demonstrate their capacity to rule themselves. We had no means of knowing whether they had been disciplined, as Anglo-Saxons had been disciplined for centuries, to abide by the expressed will of the majority, however obnoxious that will might be to the minority. Stable popular government is impossible without majority rule.

Moreover, it was difficult for us to comprehend how popular government could be successful without popular education, which we Americans regard as the keystone of the arch of democracy. And so one of the first things we did was to send school teachers over here in large numbers, to establish a progressive educational system. And today universal education is the Philippine ideal as it is the American ideal.

Popular government was begun promptly and developed steadily. The election of municipal and provincial officials was the first step, soon to be followed by an elective lower house of the legislature and somewhat later by a completely elective legislature. And now we are taking the last step.

I need not trace the history of independence legislation. The Tydings-McDuffie Act, passed in 1934 and accepted by the Philippine Legislature, is the result of an earnest effort on the part of the Congress to meet the aims and aspirations of the Filipino people, so far as was consistent with harmonizing the various interests affected thereby. Its enactment is an expression of confidence by the Congress of the United States in the capacity of the Filipino people to carry out successfully the next and final steps in the program for the establishment of an independent Filipino nation.

The prescribed transition period of 10 years before complete independence becomes an accomplished fact seemed advisable and prudent in order to launch the Philippine Republic under the most favorable auspices. It provides adequate safeguards for the interests of both the American and the Filipino people. The problems that must be worked out in this period are vital and must be given the most careful and thorough consideration.

President Roosevelt, in his message to the Congress on March 2, 1934, said:

"* * * May I emphasize that while we desire to grant complete independence at the earliest proper moment, to effect this result without allowing sufficient time for necessary political and economic adjustments would be a definite injustice to the people of the Philippine Islands themselves little short of a denial of independence itself * * *."

The Independence Act is a broad grant to the Filipino people of local government. The enlarged powers granted under this act reside essentially in the people. The Commonwealth government is being organized in accordance with the provisions of your own Constitution, which goes into effect today, and which was formulated and drafted by delegates of your own selection. It is an enlightened, democratic document, and does great credit to the Filipino people. It contains a bill of rights expressing what the American people believe to be the basic principles of free government. Perhaps the greatest heritage that the United States has bequeathed to you is the bill of rights included in both the first and second organic acts of the Congress and carried over into your constitution.

You are about to witness the inauguration of the chief executive whom you have elected by popular vote; and all the agencies of local government will soon be functioning under the provisions of your constitution. Your president and vice president, the members of your supreme court, and the other island officials heretofore appointed by the President of the United States, will take office under the provisions of your own constitution and the laws of your own national assembly. Thus your local affairs pass to your own control, and you have the full responsibility of citizens of the Philippines, upon whose shoulders rests the mantle of government.

I may be pardoned an expression of pride and pleasure in the privilege of witnessing an event resulting from the cooperative efforts of two peoples situated on opposite sides of the globe, but laboring together to establish ultimately a new member of the family of independent nations. There is something unique and inspiring in the spectacle of two peoples voluntarily agreeing to dissolve the bands which unite them, and to go their separate ways; and yet that is the event to which we now eagerly look forward as the final consummation of the program for Philippine independence.

It is a source of satisfaction to the American people to know that the fiscal affairs of your Government are at this time, perhaps, at the best level in its history. Your finances are in excellent condition. Income for the past year exceeded expenditures. There is but a small public debt. Your governmental structure is supported by a prosperous and increasing commerce and by a thriving industry, backed by agricultural, mineral, and forest resources adequate for the maintenance of a high standard of living for all the people.

During my present visit I have been astonished by the fertility of your soil, the diversity and abundance of your crops, the wealth of your mines, the vastness of your forests, the excellence of your harbors, and, greater than all of these, the industry and virtue of your people. With such resources and with good government you should succeed.

With the present change in your government the office of Governor General is abolished. This exalted office has been filled by a long line of distinguished Americans, beginning with that illustrious statesman, William H. Taft, and ending with the able, efficient, and warm-hearted man who has served you during the past 2½ years, the Honorable Frank Murphy. In the discharge of his duties Governor General Murphy has made a record of which his fellow citizens at home are justly proud, and I know that you people of the Philippines honor and love him. I have no doubt that it is a great satisfaction to you that he now becomes the first United States High Commissioner to the Philippines and as such he will be the representative of American sovereignty and authority in your country.

While the American record in the Philippines is not ended, it is drawing to a close. As Secretary Root on one occasion said, "The country which exercises control over a colony is always itself on trial in the public opinion of mankind." We hope, of course, that the world will say of us that our work here has been well done. But especially we hope that you, the people of these islands, may continue to look with grateful appreciation upon the day that set this beautiful land under the sovereignty of the United States and to feel that our sojourn here has been a benediction to you. And I hope, too, that the people of the United States may forever feel a just pride and satisfaction in the monument thus built in your hearts. We shall continue to be united by the bands of comradeship and mutual good will.

I trust that the people of the United States will not forget to be grateful to the men and women who have reflected credit upon their native land by giving their talents, their energies, and their years to the service of their country and yours in this far-away territory.

I should be most unfair, people of the Philippines, if I did not point out that the main credit for the rapid evolution of your popular government is due to yourselves. You have been tried and not found wanting. You have had a passion for independence for many years, and with each new opportunity you have, in the most convincing manner, demonstrated your capacity to perform the varied and intricate tasks of government. In legislation you have shown vision, wisdom, fairness, and restraint, with a statesmanlike grasp of your problems. In administration the Governor General gives unstinted praise to his Filipino associates for their ability and integrity. In drafting your constitution you have shown a profound understanding of the fundamental principles of democracy, and you have produced a document remarkable for its impartial provisions in behalf of all the people. In the judiciary I wish to pay tribute to those distinguished Filipino jurists who, in cooperation with their American colleagues, have made your supreme court an everlasting credit to both the American and the Filipino people.

As Americans, therefore, we do not boast of what we have done here. Rather, we are gratified at having been given the rare privilege of cooperating with you in establishing a new democratic member of the family of nations in the western Pacific.

Mr. President, as generally affecting the affairs of the Filipino people, I feel that you have an exceptional opportunity to carry out the next steps of this vital program. The responsibility for the happiness and well-being of this people is entrusted to the new government under your leadership. President Roosevelt has faith in your devotion to democratic principles and in your ability and that of your colleagues to carry the program through in a manner well calculated to serve the interests of your people. I most cordially wish you every success in the administration of your high office.

And so, citizens of the Philippines, I congratulate you with all my heart upon the consummation of your desires. May your self-rule always be characterized by that enlightened justice which alone can make you a great nation. And may you always have reason to feel that the United States is interested in your welfare and is your true friend.

HISTORY AND DUTIES OF COMPTROLLER GENERAL'S OFFICE

Mr. LOGAN. Mr. President, the night of January 8, 1936, Col. O. R. McGuire, counsel for the Comptroller General of the United States, delivered an address before the Palaver Club, Washington, D. C., on the history and duties of that office. I ask unanimous consent to have the address printed in the RECORD.

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

THE COMPTROLLER GENERAL OF THE UNITED STATES

The office of comptroller in governments is veiled in antiquity. It is said that in jurisprudence and the science of government, as in theology, all roads lead to ancient Rome. Polybius, the historian, writing some 100 years before the beginning of the Christian era, stated that the Roman Senate had first of all control of the public treasury and the power to regulate both the receipts and disbursements of public funds—a power which is generally exercised today by the legislative branches of all popular governments. Of course, the Roman Senate in those early days of world-wide domination could no more perform the vast amount of detailed work attending the receipts and disbursements of public funds than could the Congress of the United States today, when the functions of government in a great country have so largely increased, and so there existed in the Roman scheme of government an officer cor-

responding somewhat to the comptrollers in modern governmental systems.

In an address of October 9, 1935, before the Inquirendo Club, which is published in the November 1935 number of the Federal Bar Association Journal, I called attention to the long and bitter struggle between the Stuart Kings of England, on the one hand, and the House of Commons, on the other, with respect to the control over appropriated moneys. In substance, the Stuart Kings took the position that the function of the Parliament was to appropriate money for the use of their government, and that it was the responsibility of the King and his ministers to apply the money to any purpose they saw fit, regardless of the purposes stated in the appropriation acts. And for a long time the Kings of England were successful in their struggles with Parliament. Finally the House of Commons concluded that the ever-mounting burden of public debt, the waste, extravagance, and even fraud in the expenditure of public money were such that the King and his ministers could no longer be trusted to use the public money for the purposes stated in the appropriation acts without some check to see that they complied with the law, and in the so-called Subsidy Act of 1624 it was provided that the money therein appropriated should be in the custody of treasurers appointed by the Parliament, that the money should be expended by a council of war likewise so appointed, and that the accounts showing the expenditures should be examined and settled by a committee of the House of Commons or by its representatives appointed for that purpose.

In the proposed articles of government drawn up December 16, 1653, for the Cromwellian Commonwealth government, it was expressly provided that the yearly revenue should be paid into the public treasury and should be issued out for the uses as stated in the laws enacted by the legislative branch of the government. Out of the struggles of this period grew the accounting-control system of England, and it is not without interest to note that the Bill of Rights of 1689 specifically provided that it should be illegal for the Crown to expend public money in any other manner than authorized by Parliament.

Contemporaneously Englishmen were flocking to the shores of virgin America, driving the savage Indians to the hinterlands, establishing villages in America, and setting up forms of government to regulate their common affairs. In the Mayflower Compact of 1620, the Pilgrim Fathers agreed among themselves to render obedience to all just and equal laws enacted from time to time by them for the common good, with the result that during the course of more than 100 years we find that at the beginning of the Revolutionary War the Thirteen Colonies had severally established systems modeled closely on the English system of control in the legislative bodies over the safekeeping and expenditure of the public moneys.

These constitutional and statutory provisions adopted by the several Colonies have been collected by me in an article published in the January 1926 number of the Illinois Law Review. I cannot undertake to do more at this time than to state, generally, that it was settled in colonial America that no taxes could be levied or public moneys expended except pursuant to statute originating, in most instances, in the lower house of the respective legislative assemblies. Also, that these lower houses either had an auditor responsible to them to examine and audit the accounts of receipts and expenditure collected or made, as the case might be, by executive officers, or the work was performed by select committees appointed by the respective lower houses of the colonial governments.

With this background of history, it is easy to understand that the Congress, under the Articles of Confederation, found that patriotism is a cloak often worn by rascals and that the conclusion was reached to husband the meager resources of the Confederated Government by the establishment of an accounting system to examine and settle the accounts of the various disbursing officers of that government to see that the public money was expended in accordance with the ordinances, as the statutes of the Congress were then termed. This accounting system under the Articles of Confederation took final form in an ordinance of September 26, 1778, for the rearrangement of the Treasury, wherein it was provided that there should be a Comptroller, an Auditor, a Treasurer, and two Chambers of Accounts appointed by the Congress for a term of 1 year each.

The act of September 2, 1789 (1 Stat. 65), establishing the Treasury Department under the Constitution, provided—over the protest of James Madison, who was then a Member of Congress from Virginia—that the accounting officers of the United States should be bureau officials of the Treasury Department; that they should consist of a Comptroller, an Auditor, and a Treasurer, appointed from time to time by the President by and with the advice and consent of the Senate; that the Auditor should receive and examine all accounts subject to review as a matter of course by the Comptroller; and that the Treasurer should not honor warrants against appropriated funds unless the warrants be countersigned by the Comptroller.

This accounting system functioned from 1789 to March 3, 1817, when it was amended by a statute of that date (3 Stat. 366) to provide for four auditors and for two comptrollers. Subsequently, by a statute of July 2, 1836 (3 Stat. 80), there was added a fifth auditor and later a sixth auditor. The act of March 3, 1817, required the work of review of the settlements made by the auditors to be performed by the comptrollers, the said work being divided more or less arbitrarily between them. By an act of March 3, 1849 (9 Stat. 395), there was created a third comptroller, designated as Commissioner of Customs.

This system existed from March 3, 1817, to July 31, 1894, but such a slow-footed accounting system was wholly inadequate to the growth of the country and was investigated by the so-called Dockery Commission, with the result that there emerged the act of July 31, 1894 (28 Stat. 208), as a rider on an appropriation act, reorganizing the accounting system. The Customs Service had been reorganized by an act of 1890 and the third comptroller, known as Commissioner of Customs, was made an administrative official in the Customs Service and so remains today. The offices of the First and Second Comptroller of the Treasury were abolished, and also the reviews by the comptrollers as a matter of course of the settlements made by the six auditors. There was established in lieu of the offices of First and Second Comptrollers the office of Comptroller, reverting in this respect to the system as established in the Ordinance of 1778, and the original Treasury Act of September 2, 1789, with this difference: that the Comptroller did not revise the settlements of the six auditors except upon request of the claimant, a disbursing officer, whose accounts were involved, or the head of the department or independent establishment concerned.

The Comptroller retained the jurisdiction and responsibility vested in the Comptrollers throughout our history to countersign warrants debiting appropriations and crediting the accounts of disbursing officers on the books of the Treasurer and for any other withdrawals of public moneys from the appropriations. The requisitions of the heads of departments and establishments for warrants were routed through the office of the appropriate auditor, there being one for each of the principal departments of the Government, and one for the State Department and for the miscellaneous esablishments, boards, and commissions. The auditor made a report to the Comptroller as to the state of the disbursing account, and if it was in fair shape the Comptroller countersigned the warrant after it had been signed by the Secretary of the Treasury, placing funds to the credit of the particular disbursing officer and against which he was, and is, required to render his accounts at stated intervals, generally once a month.

In addition to the duties theretofore imposed by law on the Comptrollers of the Treasury, there was expressly provided in the act of July 31, 1894, that the Comptrollers, on the request of the head of department concerned or any disbursing officer should render a decision—termed "advance decisions"—as to whether any proposed expenditure was authorized by an existing appropriation. This decision, when rendered, was required to be followed in the audit and settlement of accounts containing the expenditure, and the procedure was in recognition of the practice which had developed over the course of years for the heads of departments and their subordinates responsible for the expenditure of public moneys to inquire in advance of expenditure whether the appropriation act authorized such an expenditure to be made; that is, whether the Comptroller would cause the appropriate auditor to credit the expenditure in the accounts of the disbursing officer.

The reorganization in 1894 of the accounting system did not go far enough. President Taft's Commission of Economy and Efficiency wrestled with the problem and finally recommended that the accounting system be made independent of all the spending agencies of the Government, including the Treasury Department, which had become one of the greatest of such spending agencies during the course of years, and very largely because that Department long has been famous for the economy, efficiency, and integrity with which it discharges any duty imposed upon it including the construction of public buildings, running a fleet of Coast Guard vessels, public health service, etc. This report also recommended that the offices of the six auditors and Comptroller be combined into one office, so as to bring about a greater degree of uniformity in the settlement and adjustment of claims and accounts. After a period of years the recommendation with modifications was approved in the Budget and Accounting Act of June 10, 1921 (42 Stat. 23, 27).

I have pointed out in my articles in the January 1935 number of the Georgetown Law Journal and in the November 1935 number of the Federal Bar Association Journal that under the Constitution the Congress has unlimited control over the appropriation of public money for any purpose of general welfare which may commend itself to the elected representatives of the people. It is for the Congress, upon the recommendation of the President or his administrative officers, or otherwise, to state in the permanent law or in the appropriation acts the purposes for which such appropriations may be used by the administrative and executive officials of the United States and the procedure which they shall follow in obligating these funds; as, for instance, the utmost publicity in advertising and contracting on behalf of the United States—a procedure which I outlined in an article in the Georgetown Law Journal of 1930. These purposes may be as broad as the Congress may see fit or may be as strictly defined and hedged about as may commend themselves to that august body. Whether the appropriation be broad or restricted, and whether such appropriations are exempted from or made under the general provisions of permanent law applicable to the obligation and expenditure of such funds, it is, in my judgment, the responsibility of the Comptroller General of the United States to see that the spending agencies observe the mandates of the law, whatever those mandates may be.

By this I mean to say that the Comptroller General of the United States is not an executive or administrative official of the United States. It is no part of the function of the Comptroller General to decide for executive and administrative officials whether they shall have one employee or a dozen, one automobile or many automobiles, or otherwise, in their uses of the appropriations made by the Congress, so long as these officials stay within the ambit of the congressional grant of appropriations and make

the expenditures in accordance with the law. The question of policy; that is, the uses and the amount of public money which shall be appropriated for the many thousands of items of expenditure in the Federal Budget is a matter for the legislative branch of the Federal Government; and, as I have stated, the Congress may make this grant as restricted or unlimited as it may deem necessary or desirable.

However, since 1921 the Congress has authorized and directed the Comptroller General to submit to it either general or special reports from time to time as to any contracts entered into contrary to law and reports and recommendations as to needed statutes to secure greater efficiency or economy in the expenditure of public funds, and he is thus empowered to bring to the attention of the Congress any loopholes which may need plugging against waste, extravagance, or fraud in the expenditure of the public money. That is to say, if in daily and hourly contact with the enormous and far-flung expenditures of appropriated moneys, the Comptroller General may see that by an amendment of existing law or by the requirement of a different procedure in the obligating and expenditure of the money there may be obtained a greater measure of economy and efficiency, it is not only his privilege but it is his mandatory duty to bring the matter officially to the attention of the Congress or to the appropriate committee thereof with suggested legislation to effect the needed reform. Furthermore, the heads of the various administrative departments and establishments of the Government are almost without exception extremely jealous of the economy and efficiency with which there is conducted by subordinates the work of their particular departments and establishments. If some subordinate in Washington or in the four corners of the earth should fail to carry out the mandates of the Congress, it is generally sufficient to lay the matter before the head of the department or chief of establishment with the suggestion that there be corrected the erroneous or illegal procedure. In most instances such suggestions are promptly and vigorously adopted by the responsible administrative officials and made the rule for the future guidance of their subordinates.

The smooth and orderly operation of such procedure requires, of course, a great deal of tact and firmness with a sound knowledge of where accounting and control jurisdiction ends and administrative duties begin. The zone between them is a twilight one, and it is not to be overlooked, of course, that in theory—and, happily, largely in practice, especially in the older agencies of the Government with their trained personnel—the administrative officials are experts in their line, and it is a rare instance where they deliberately defy the will of the Congress as expressed in the law. In most instances where they do so the head of the department or establishment concerned will soon bring them to task if the matter is brought to his attention. My official experience leads me to the conclusion that the spending agencies are generally anxious to observe the requirements of the law in the expenditure of public moneys, but they sometimes have great administrative difficulty in finding out what are the requirements of the law and even more frequently in assembling the facts and presenting their problems so as to permit an accurate determination whether the particular proposed expenditure is within the terms of the appropriation sought to be charged and in accordance with the law. It would be a good thing if in this connection the principal fiscal officers of the departments and establishments could serve an apprenticeship of a few weeks each year as subordinates of the Comptroller General so that they could learn the work and be in a better position to advise their administrative superiors as to the routine procedure to be followed.

This is supposed to be a government of law. Of course, in a great administrative organization such as that of the United States Government, we sometimes run across administrative officials, generally subordinates, who think they know better than the Congress and the President what is best for the country, and that the appropriations should be expended in the discretion of such subordinates rather than in accordance with the restrictions and limitations and for the purposes stated in the statutes, or, for that matter, in regulations promulgated by the President and heads of departments for the guidance of their administrative subordinates. It is the primary function of the Comptroller General to see that such men and women are not successful in carrying out their will rather than the will stated by the legislative branch of the Government after long investigations, extended hearings, careful writing of the law, and with the composite knowledge of past practices which may have resulted in waste, extravagance, or, even worse, in the expenditure of public money, which is the aim of all right-thinking people to prevent at all hazards.

Aside from the examination of contracts and the auditing of accounts of disbursing officers, the office of the Comptroller General makes what are known as direct settlement of claims for and against the Government. These claims may arise for deficiencies in pay and allowances of persons working for the Government; they may arise under contracts where doubtful questions of law and fact are involved; or they may arise under special relief statutes. In all of such cases the function of the Comptroller General is to determine, first, whether the claim is one authorized to be paid from the appropriation, and, second, whether the claim is one in accordance with the general principles of law or specific statutes applicable thereto, or both. The settlement of such claims not only requires a thorough knowledge of the financial laws of the United States, prior decisions of the accounting officers, and applicable opinions of the courts, but a high order of judicial ability with an approach to the problem in particular cases absolutely devoid of prejudice. As I have above indicated, the Comptroller General, whoever he may be, is not, under our scheme of government, concerned with questions of policy in the making of appropriations, and it matters not whether he is in agreement with the purposes of particular appropriations or opposed to them; it is his duty to carry out the mandates of the Congress as expressed in the law. If administrative officials and claimants do not agree with the law as enacted by the Congress, they should take their complaints to the Congress, where they may be considered with a view to changing the law if that body should conclude that it is desirable to do so. After all, the legislative power of this Government—the Congress and the President—make the laws and may change them within, of course, the Constitution as it may exist from time to time. The Comptroller General may not amend either the Constitution or the law by interpreting them other than as they are written at the time he is required to interpret them in the discharge of his most responsible duty to the cause of "government of the people, by the people, and for the people."

SUPREME COURT A. A. A. DECISION—EDITORIALS BY VICTOR MURDOCK

Mr. McGILL. Mr. President, I ask unanimous consent to have printed in the RECORD two quite interesting and instructive editorials written by an outstanding and distinguished editor of the State of Kansas, the Honorable Victor Murdock, who formerly was a Member of Congress, and who was also at one time a member of the Federal Trade Commission, and who is now editor in chief of the Wichita Daily Eagle, published at Wichita, Kans., in which the recent decision of the Supreme Court of the United States holding the Agricultural Adjustment Act unconstitutional is discussed. One of these editorials appeared in the Wichita Eagle on January 7, 1936, and is entitled "After A. A. A. What?" The other appeared in that publication on January 8, 1936, and is entitled "The Critical Contest."

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

[From the Wichita (Kans.) Eagle, Jan. 7, 1936]

AFTER A. A. A. WHAT?

With yesterday's sweeping denial of the constitutionality of A. A. A. by a majority of the United States Supreme Court, the question of a substitute for A. A. A. becomes paramount, not only from a political angle but, what is more important, from the economic angle. The Court's negative included a reassertion of a State's sovereign right against Federal legislative invasion, denied the validity of the segregated processing tax, and barred the voluntary contract in its use as a measure of production control.

This cleans the slate for the presentation of an alternative plan which will come within the limitations now judicially defined anew.

That there is such alternative plan is a conviction which all serious-minded citizens will entertain in connection with their knowledge that agriculture, which is basic, fundamental, and paramount in the permanent well-being of this country, must be restored to an economic equity in this Republic. That equity was long left to chance and that plan did not work. It is an equity which must be effectuated. It is not going to happen just of itself.

Immediately the most common proposal for an alternative to A. A. A.—a change in the Constitution—will be to the fore. The chances are against successful resort to this method. There are political factors which make any modification of State sovereignty difficult and, if not impossible, then highly improbable. In any event it is slow.

Can a substitute for A. A. A., not merely for political purposes but for permanent economic restoration of agriculture, be found without slow constitutional change?

It has not been identified to date. But that does not mean it cannot be found and the most likely field for finding it now appears to be in the control within constitutional limits of export surpluses, with compensation to producers in remunerative prices domestically prevailing, and with increased compensation for production, and encouragement in the raising of those agricultural crops which this Nation now imports. The Nation has found tariff duties within the Constitution. It can find these other aids constitutional.

But wherever the country now turns to put agriculture economically back into the picture and whatever the substitute for A. A. A. is finally to be, the Nation has put its hand to the plow, and it cannot, either with justice or profit, turn back.

[From the Wichita (Kans.) Eagle, Jan. 8, 1936]

THE CRITICAL CONTEST

In the A. A. A. decision crisis, there is now one issue. It is fundamental, and not since this Republic was constitutionally created has any issue been more far-reaching. It involves the power of the Supreme Court over the prerogative of Congress to appropriate money. Can Congress now pay money to the farmers under A. A. A. contracts?

The Supreme Court A. A. A. decision says Congress cannot. Congress is now determined to do it. It will have not only the

sympathy but probably the outright support of the President if Congress continues in that determination.

In this contest two recent highly important expressions should be known and kept in mind. The first expression was made by the President last Friday night. It is this: "The carrying out of the laws of the land as enacted by the Congress requires protection until final adjudication by the highest tribunal of the land. The Congress has the right and can find the means to protect its own prerogatives." The second expression was made by Justice Stone, in his dissenting opinion on A. A. A. It is this: "The present act (A. A. A.) is held invalid, not for any want of power in Congress to lay such a tax to defray public expenditures, but because the use to which its proceeds are put is disapproved. The removal of unwise laws from the statute book appeal lies not to the courts but to the ballot and to the processes of democratic government."

Has the prerogative of appropriation in Congress any actual protection against the power of the Supreme Court? Has the Supreme Court the right to stay the hand of Congress in distributing public funds because it does not approve the distribution?

The issue is here clear-cut. It will be made even more so by the determination of Congress to appropriate money to pay the farmers under existing contracts.

The matter is of more moment than the money involved—of vastly more moment. It goes to the fundamentals of this form of government. And as Congress, which has surrendered so many of its prerogatives, is likely to fight for this one, and the Supreme Court is not likely to recede, the contest can be epoch-making.

THE NATIONAL GRANGE LEGISLATIVE PROGRAM

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address on the National Grange Legislative Program, delivered December 21, 1935, at Washington, D. C., by Fred Brenckman, Washington representative of the National Grange.

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

At the Sixty-ninth Annual Convention of the National Grange, held at Sacramento, Calif., last month, a clean-cut and constructive program for American agriculture was adopted. Thirty-five States were represented by voting delegates, and, as usual, there was a large attendance. The oldest of our general farm organizations, the Grange, is composed of farm men and women from all parts of the country. From its inception it has been nonpartisan and has devoted its energies to fostering the interests of rural life and promoting the cause of good government. During the short space allotted to me I shall endeavor to briefly summarize for you the attitude of the Grange regarding some of the more important questions of national concern that were acted upon at our convention.

We are in accord with the views expressed by Mr. George N. Peek, the first speaker on our program today, with reference to the tariff and reciprocity. One of the chief planks in the tariff platform of the Grange is that so long as the protective system prevails, we demand the American market for the American farmer in the case of all commodities which can be advantageously produced in any part of our country. We already have a domestic surplus of practically every agricultural commodity on which tariff concessions have been made to Canada. Foreign imports cannot fail to add to these surpluses and depress the domestic price level of these commodities.

OUR MOST-FAVORED-NATION POLICY

One of the most unfortunate features of the whole situation is that while we receive some concessions from one country—Canada, as Mr. Peek has already pointed out—under the most-favored-nation clause, which in years gone by was written into trade treaties into which we entered with all the leading nations of the world, we must give these nations the same concessions we gave Canada, although they make no concessions to us. Unless these treaties, containing the most-favored-nation clause, can be abrogated or rescinded, the Grange demands the repeal of the Reciprocal Tariff Act of 1934, under which the Canadian pact was made.

The Grange is well aware that agriculture has long suffered under the inequalities of our tariff system. These inequalities operate to bring about a high-price level for protected industrial commodities and a lower price level for agricultural commodities. Seventy-five years ago Abraham Lincoln said that this country could not continue to exist half free and half slave. We are just as firmly convinced that this Nation cannot endure in an economic sense with two price levels, one a high price level for industrial commodities and the other a low price level for agricultural commodities.

In an effort to correct this disparity, Congress 2½ years ago enacted the Agricultural Adjustment Act. The declared purpose of this legislation is to give the farmer price parity with industry on the pre-war basis of 1909–14. The Grange heartily endorses the idea that the farmer should have price parity, which everyone must agree is but a matter of simple justice. If the Supreme Court should find the legislation which has been enacted in this connection unconstitutional, then it will be necessary to take other steps for agricultural equality that cannot be attacked on constitutional grounds.

So long as the Agricultural Adjustment Act remains in force, the Grange advocates:

1. A larger measure of farmer control and less bureaucratic methods of administration.
2. Further cooperation among farmers themselves, both in production and distribution.
3. Greater consideration should be given to the family-sized farm, rather than to encourage agricultural production on a purely commercial basis.
4. Greater privileges and opportunity should be given the tenant farmer.
5. The consumer's interest must be given larger consideration, to the end that consumption may increase rather than decrease.

It is well understood that the program developed under the Agricultural Adjustment Act was designed to meet a pressing emergency. The formulation of a permanent plan, based on sound economics and attuned to the fundamental traditions of Americanism, is a task with which we are still confronted.

CONTROL OF MONOPOLY

Our convention went on record as being strongly in favor of the more stringent control of monopoly. It is self-evident that the blessings of political liberty cannot be fully enjoyed under a system which permits monopolies and monopolistic practices to rob the people of the fruits of their toil, reducing them to a state of economic vassalage.

To all practical intents and purposes, the Sherman antitrust law has been suspended during recent years. Under the N. R. A., fortunately invalidated by the Supreme Court, we actually created several hundred trusts and monopolies and commissioned them to prey upon the people.

We look with particular disfavor upon the attempts which are being made to fasten a transportation monopoly upon the people of the country. The motor carriers' bill, passed at the last session, was the first step in this direction. It is our purpose to fight the water carriers' bill, which is still pending.

We demand that the Sherman antitrust law be enforced, and that it be clarified and strengthened so as to enable us to cope with present-day conditions.

We approve of the program of the administration for the prevention of soil erosion. The most precious inheritance we have received from the distant past is the fertile soil. Students of the subject tell us that for every pound of plant food that is used in the production of crops, 20 pounds are being washed down into the sea, or blown away by the winds, as in the case of the great dust storms that devastated large areas of the Middle West during the past few years.

MEASURES FOR SOCIAL SECURITY

In keeping with its traditions for constructive reform the Grange reaffirmed its stand in favor of workable measures for social security and old-age pensions on a contributory basis. The Grange does not look with favor upon any plan that would discourage thrift and personal effort during the productive years of life. In his message to Congress on this subject last winter, President Roosevelt wisely said:

"It is overwhelmingly important to avoid any danger of permanently discrediting a sound and necessary policy of Federal legislation for economic security by attempting to apply it on too ambitious a scale before actual experience has provided guidance for the permanently safe direction of such efforts. The place of such a fundamental in our future civilization is too precious to be jeopardized now by extravagant action."

It cannot be too strongly emphasized that there can be no such thing as personal or individual security that is not based upon national security. Any plan that would wreck the United States Government would certainly reduce us all to bankruptcy individually.

GRANGE ATTITUDE TOWARD CONSTITUTION

While the Grange does not look upon the Constitution of the United States as sacred, in the sense that it should not be changed in its minor details, and after mature consideration, we are firmly convinced that the checks and balances contained in the Constitution as between the legislative, executive, and judicial departments of the Government must be preserved. During the past 150 years the American people, under our present Constitution, have had a greater measure of liberty and prosperity than has ever before been enjoyed by any nation.

This explains why the convention of the National Grange expressed its abiding faith in the excellence and fundamental soundness of the basic law of the land. There are those who advocate that the Constitution should be amended in such a manner as to greatly expand the powers of the Federal Government in certain directions.

Recognizing the fact, however, that this could not be done without restricting in a corresponding degree the rights of States and of individuals, the Grange does not look with favor upon this proposal.

There are those also who would advocate that the Supreme Court should be deprived of the power to declare an act of Congress unconstitutional. To raise this point would make it appear that the Court had abused its powers in this connection. How far this is from the truth may be gathered from the statement that from the foundation of the Government down to the present time, Congress enacted approximately 24,000 public laws. Of this number only 59 have been declared unconstitutional by the Court.

CONGRESS AND THE SUPREME COURT

If ours is to remain a government of laws and not of men, the right of the Supreme Court to set aside acts of Congress that clearly violate the provisions of the Constitution must be preserved. Otherwise, to what agency could we turn to prevent a temporary majority from making a "scrap of paper" of the Constitution and destroying the liberties of the people? Again, it is not fair for Congress to enact legislation which common sense tells us is unconstitutional, and then have anyone attempt to place the blame upon the Supreme Court when it performs its sworn duty in passing upon such mongrel measures.

"But", someone may say, "what check is there on the Supreme Court? Is our Government to be ruled by a judicial oligarchy?"

The answer to this question is that the very first article of the Constitution makes provision for the impeachment of those who violate the trust reposed in them, and justices of the Supreme Court are not immune under this clause.

It is almost needless to say that the National Grange would vigorously oppose any attempt to deprive our highest judicial tribunal of a right which it has so sparingly and prudently exercised.

DEDICATION OF WILLIAM JOEL STONE MEMORIAL—ADDRESS BY SENATOR CLARK

Mr. TRUMAN. Mr. President, I ask unanimous consent to have inserted in the RECORD the address of my colleague [Mr. CLARK] at the dedication of the memorial to Hon. William Joel Stone, former Senator from Missouri, at Nevada, Mo., October 11, 1935.

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

The State of Missouri today somewhat tardily honors itself by honoring the memory of one of its greatest statesmen, one of its best beloved leaders, one of its best and bravest citizens, William Joel Stone, who served this Commonwealth with distinction and great ability as Representative in Congress and as Governor, and who as a Senator of the United States gallantly wrote his name among the immortals as a great American patriot by his efforts to keep this country out of war.

To my mind it is singularly appropriate that this memorial dedicated by his grateful fellow citizens to a great Missourian should be erected in Nevada. Here he came as a struggling young attorney. Here he first established himself. Here his shining talents and great force of character first won general public recognition. Here he was honored by his first public office, that of prosecuting attorney of Vernon County. Here he first evidenced those great gifts for organization and political leadership which to this day make him unique in Missouri history. From here by the favor of the citizens of this congressional district he went forth to take his place upon the stage of national affairs, which he occupied with ever-increasing importance from that day to the day of his death. From this town he later went forth to become the chief magistrate of the imperial State of Missouri. Here he was borne by his own desire and that of his family when loaded with age and honors he came back from Washington to sleep the long sleep in the soil of the adopted State which loved him so much and which he had served so honorably and so faithfully.

Senator Stone was one of that outstanding line of Missourians who were born in Kentucky. The influence of the "dark and bloody ground", as the Indians called Kentucky, upon the social and political life of Missouri from the days when Daniel Boone, dispossessed of his property in Kentucky, came to Missouri to establish a new home is an epic in itself. In our own time it was a circumstance worthy of note that Gov. David R. Francis, who preceded Senator Stone in the governorship, Senator Stone himself, and my father, his long-time friend and associate, were all born in adjoining counties in the same congressional district in Kentucky within a year or two of each other. I once heard Governor Francis, in presiding over a meeting at the Jefferson Memorial in St. Louis at which Senator Stone and my father were the principal speakers refer to that fact in his introductory remarks. When my father came to speak he said that it was entirely true that he and Senator Stone and Governor Francis had all been born in the same congressional district in Kentucky. And he added that he had no doubt whatever that in the years that the three of them had been occupying important positions in the public service in this State there had been many who had fervently wished that they had all three remained in the same congressional district in Kentucky.

Born in Madison County, Ky., Senator Stone came to Missouri as a youth and was a student and graduate of the University of Missouri. He early developed the capacity for making enduring friendships and the talent for leadership in public affairs which were to distinguish him so much in his later life.

After leaving the University of Missouri, for some unaccountable reason, he spent a year or two in Indiana, and then, with that common sense which so much became him, he returned to Missouri, which was to be the field of his great activities, and located at Nevada, in Vernon County.

I shall not take time on this occasion to recount his early struggles to establish a foothold here although, as one who loved him very deeply and very sincerely and who has indulged the hope that someday I might have the opportunity of writing a biography of him which would do justice to his memory, I have collected many reminiscences of those early trials. But there are men in this audience today who knew Senator Stone before I was born who know that story better than I possibly can.

In 1884, at the age of 36, he was sent to Congress from this district and entered upon that brilliant career of leadership which only terminated when he was brought back to be interred in the soil of his beloved State here in Nevada.

We look upon this splendid statue here today, an excellent likeness, graven by a skillful hand; but there are many present, old men who knew him in his youth, younger men like myself who were privileged to be his friends and followers in his later days, who know that the handiwork of no sculptor, however cunning, could fully express the Stone we knew. Like that other great son of Kentucky, Henry Clay, the vivacity of his expression, the infusion of his personality, the play of his emotions, which contributed so tremendously to his power in the court, on the stump or in the Senate, were things which could not be graven in marble or bronze. One had to see him in action to understand his power, but once seen the impression was never to be forgotten.

We who knew him and loved him will always remember his appearance and deportment more clearly than it can ever be expressed in words or in effigy, no matter how splendid. A man of kingly bearing, tall and spare as the thoroughbred horses of his native State but broad and strong for a long race; a person commanding and graceful; a face which gave play to his emotions; his eyes dark and lustrous, which were the reflection of his brave soul. He had that God-given quality of making men his friends and binding their souls to his with hooks stronger than those of steel. He was a leader of men.

He was one of the greatest Governors of Missouri. Perhaps no greater tribute could possibly be paid to his administration of that great office than to remark upon the fact that he was the only Governor of Missouri since the Civil War ever to be elected to any other office after the conclusion of his term as Governor. He retired from the governorship as the undisputed leader of his party's organization in the State. No one has ever questioned Senator Stone's preeminent talents as a political organizer and leader. My father, who had had some experience in such matters and was an acute observer, wrote him down in his own book of recollections as the greatest political general Missouri ever saw.

Today I wish to speak of him as the statesman he was rather than to emphasize those qualities of political management in which he was so adept. And yet, since politics, as we use the term is after all but the instrumentality of statesmanship, I think it not improper in paying tribute to his memory to briefly mention those attributes which contributed so largely to the political history of Missouri and of the United States.

Senator Stone possessed in the highest degree the qualifications for political leadership—the far-seeing sagacity, the penetrating judgment of men, the power to attract friends and bind them to him, the infinite patience necessary to harmonize differences between those who professing allegiance to the same principles and the same party might have allowed personal differences to jeopardize the common cause, the industry necessary for the performance of the multitudinous tasks of detail which go with the maintenance of a political organization or a successful organization of any sort.

From the time of his service in the House of Representatives in the late eighties he was recognized throughout the Nation as one of the greatest of the counselors and chieftains of his party. Twice he managed campaigns of fellow Missourians for the Presidency of the United States. Twice he stood in the forefront of the battle and gave unsparingly of his great talents and his great personal influence in the struggle to bring to Missouri the highest office in the world. Twice he saw his friend with the nomination of his party for that great office almost within his grasp and then saw it snatched away by the perfidy and treason of one man—the same in both instances. As the son of one of those men, I know that I say what my father would wish me to say—what he would say himself if he could be here to say it—when I voice the very deep appreciation and affection and gratitude which he felt and his wife and children will always feel to Senator Stone for the generous, invaluable, and unceasing support which he rendered in that great campaign. The friendship between them was never broken, and for years in prosperity or in adversity, through evil or through good report, they stood side by side for what they believed to be right.

Senator Stone was elected to the Senate of the United States in 1902 and immediately took front rank in that body. His wide experience as a Member of Congress, as Governor of Missouri, and as Democratic national committeeman, his vast acquaintanceship, his proven reputation for sagacity and leadership relieved him of the necessity of passing through that period of apprenticeship usually required of new Senators. And during the years of his service as a member of the minority in the Senate his stature and influence constantly increased. He could have been the titular as well as the actual leader of his party in the Senate had he so desired, but for reasons of his own declined the honor.

I shall not undertake today to describe in detail the record of his brilliant senatorial career. It is written in the legislative history of the country. As an effective legislator he has had few equals in the Congress.

And then came days to try men's souls, days when to cling to the dictates of sanity and patriotism, to resist the hysteria and the propaganda which was hurrying this Nation into the shambles of war was to incur ostracism and abuse and cries of treason from

those who sought to profit by plunging this country into war echoed by the deluded many who mistook hysteria for patriotism and propaganda for reason.

By a long course of unconscionable conduct on the part of some of the leading nations of the world, set off by the act of a fanatic, the world was plunged into the bloody chaos of the greatest conflict in history.

We know now that from the outbreak of the war in Europe insidious and persistent efforts were made on the part of both groups of belligerents to involve us in the struggle. Both were guilty of violating the neutral rights which we asserted. In this country propaganda on both sides ran riot. International bankers engaged in floating loans in this country for one group of belligerents exerted all the vast resources of their powerful financial connections to bring this country to the support of their clients' interests. Munition makers able to sell their wares only to the same group by reason of its control of the seas spent millions for propaganda to stir our people to the same purpose. Men seemed to lose their reason in the common madness of the hour. An American Ambassador, than whom better men have been hung for treason, actively aided the government to which he was accredited in the violation of the rights being asserted by our Government to the free navigation of the seas. An unofficial ambassador, holding no office whatever under our Constitution, roamed around Europe promising to commit our Nation to war in certain contingencies. But in all that time a little group of men high in positions of responsibility stood boldly forth in opposition to the policy of embarking this country in the war. At the head of this group stood that great Missourian, William J. Stone.

I would on no account wish to appear to do or say anything unseemly on this solemn occasion, and it may seem to some that even the mention of those controversial questions may fall within that category. But I have waited for nearly 20 years for an opportunity to do such justice as I am able to the memory of a great man for the course he then pursued. To my mind any discussion of his public career would be inadequate which did not pay tribute to his manly and patriotic course in that great crisis of our Nation's fate and of his own career. In my view, it was then that he reached the heights of statesmanship.

As chairman of the great Senate Committee on Foreign Relations, as one of the chief constitutional advisers of the President, as the most powerful single legislative influence on matters involving our international relations, Senator Stone from the beginning resolutely set his face against the course of permitting this Nation to be dragged into war to protect the profits of a few individuals. His course from first to last was thoroughly consistent. He clearly saw that the course being pursued of allowing our citizens as a mass to put their financial eggs in the nest of one set of combatants must inevitably lead us into the war if the war lasted long enough to drag us in. He supported this view with all the eloquence and force of which he was master. In one historic conference, at which my father and the leaders of the House and Senate were also present, he bitterly protested a course which he thought was likely to involve us in a war about which we had no concern.

I think I violate no confidence after all these years when I say on the highest authority that he received assurances on which he believed that he could absolutely rely that his fears were groundless and that there were no commitments on the part of our Government which could lead us into war. He participated actively and potently in the historic campaign of 1916 waged on the issue: "He kept us out of war." Six months later we were engaged with all our energies in the "war to end war" and to "make the world safe for democracy." What hollow mockery those slogans seem today!

In the winter of 1917, during the short session of the then-existing Congress, President Wilson suddenly sent to Congress a demand for the authorization of a so-called policy of armed-ship neutrality, which, in effect, meant that we were to permit the arming of our merchant vessels and actually to go to war without declaring war.

It was then that Senator Stone rose to his greatest heights. He fulfilled in the highest degree the best traditions of that long line of Missouri statesmen from the time of Benton down who in times of stress have adhered to their own convictions of their own responsibilities under their own oaths of office, refusing either to be seduced by the smiles of official favor or to be intimidated by the threats of mobs. He was adamant in his opposition to a course which he wisely considered could only lead us into war. He temporarily gave up his great position as chairman of the Foreign Relations Committee to bare his breast to the storm and stand as the leader of the "little group of willful men", as President Wilson denominated them, against the involvement of this country in war. The measure was defeated by the expiration of the Congress on the day of President Wilson's second inaugural.

Then a storm broke upon the head of that devoted few the like of which has seldom been seen in our history. Abuse of the scurviest sort was heaped upon them. Their motives were impugned, and those who were nearest and dearest to them were not spared the pangs of imputations of the lowest purposes for their high official acts. I know from intimate contact with Senator Stone and from daily conversations with him how deeply he felt the wounds which he realized were being inflicted upon his family and intimate friends by the storm of abuse which was whirling about his head. But he had done and was doing what he thought was right and what he believed to be his duty under his oath of office, and in him was no variation or shadow of turning.

It has always seemed to me the great paradox of the war madness which gripped us in 1917 that no considerable public comment was ever aroused by the public confession of President Wilson that he had been wrong on the armed-ship policy and that Stone, La Follette, Norris, and their associates had been right. With the failure of that measure in the Congress, the President obtained from the Attorney General a ruling to the effect that he did not need the sanction of legislation to put it into effect—and he proceeded to put it into effect without any act of Congress. Less than a month later he made a dramatic appearance to ask for a declaration of war. He tacitly admitted that the policy for which he had fought and for opposing which Senator Stone had been so viciously attacked had led to a ghastly condition, vastly more intolerable than war—which was precisely what the hard-beset little group which had opposed the measure had predicted. But in the general hysteria this admission was overlooked.

May I be pardoned for narrating a personal incident which has recurred to my mind thousands of times since the war. During the interval when the storm was at its height after the defeat of the armed-ships bill and before the declaration of war, I was in Senator Stone's office, as I was nearly every day during a period of several years. The question of this battle came up. I still cherish in my memory his expressions about it. I never loved or respected him so much as on that occasion—the last time in this life that I was privileged to have a long conversation with him. He made it perfectly plain to me that he was not insensible to the pain which the storm of abuse to which he was then being subjected would cause his family and friends, but that he had done what he believed to be right and had no apology to offer to any living human being for the course he had pursued. And then, walking across the room, he looked out the window and said: "Bennett, we are going to have a war. I am going to vote against it, but I am not foolish enough to think I can stop it. And it will be the worst thing that ever happened to this country. It is not the lives it will cost—although God knows that it is enough to break a man's heart to think of the flower of our youth being killed and maimed and blinded. Some of you won't come back, and some of you who do will wish they had not. And it is not the money it will cost, although your great-grandchildren, if you get back and have any, will not see the payment of that debt. The worst of it is that after we win the war—and we will win it because we are too big and powerful a nation not to win the struggle in the exhaustion of all the adversaries—after we win the war we will never have the same sort of country again we have always had." Across the years it seems to me that the voice of Senator Stone comes to me as though it were yesterday, the voice of prophecy which has been fulfilled.

Well, we had our war. We had our war with all the fanfare of trumpets, with all the blood and agony and misery and suffering. We had our war which left a debt which our great-grandchildren will not be able to pass off. The whole world has been passing through the fiery furnace of the aftermath of war. Brutal dictatorships are in the ascendant in nearly every land as a result of the war to make the world safe for democracy. Our own terrific economic depression is as completely a part of the war as the shells which were fired on the western front.

And across the years I still see the figure of that man looking out to the light, willing to sacrifice his own political life in a protest against these things coming into being.

He died as patriotically and as bravely for his country as any soldier who died in battle. We should cherish his memory.

Governor Park, on behalf of the Stone Memorial Commission, I present the monument of its honored citizen. I close as I began by saying that the State honors itself more than Senator Stone. His real memorial is in the hearts of the people for his great public services. For whether or not monuments of bronze and marble endure, William Joel Stone marches with the immortals.

TAXATION OF ESTATES

Mr. THOMAS of Utah. Mr. President, I ask that an editorial containing a letter written by Mr. Robert P. Scripps to Mr. G. B. Parker, and published in the Washington Daily News of January 10, 1936, be printed in the RECORD. The views of Mr. Scripps so nearly coincide with my own that I am greatly impressed by his argument. I was one of the conspicuous minority that voted against the high taxes on estates. This amazed many of my constituents, who, correctly, had never identified me with the big interests. My reasoning then was logical, and it is today. Estates seldom have a high percentage of cash in hand, and, unfortunately, that is all the Government is willing to take, thus forcing liquidation. It is not economical to break up going concerns in an attempt to collect an unwise tax. I hold no brief for scions of rich families and am willing to tax them on their inheritances; but I am unwilling to close a shop, stop the wheels of an industrial plant, or place a building on the auction block so that the devisee may raise money to pay his tax. There are, indeed, countries in which it is, in my opinion, absolutely necessary actually to break up great estates because so many of those estates have ceased to be used for productive purposes. In the United States, owing to the

extent of our land, estates in and of themselves have not become antisocial in their nature, and there is no real reason for their being broken up or liquidated; in fact, the reverse is true; it is better that they continue as going concerns in order to prevent a tendency toward economic stagnation. Mr. Scripps has offered the solution, and we may recover the tax without penalizing pay rolls and production.

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

[From the Washington Daily News of Jan. 10, 1936]

A TAX-CREDIT PLAN

With a half billion dollars already looming up in the Federal tax picture, as a result of the A. A. A. decision, further tax legislation at the present session of Congress seems likely. Should the bonus pass, another vast sum must be raised. Therefore, despite the reluctance of Congress to deal with taxation in a campaign year, the problem begins to appear inescapable.

In this connection, as well as in connection with the job of raising the maximum amount of money under tax laws already existent, we believe the following letter from Robert P. Scripps, to be pertinent; that it states a problem which, could it be solved, would result automatically in a much improved state of health in the Federal Treasury. The letter:

Mr. G. B. PARKER,
Editor in Chief, the Scripps-Howard Newspapers,
Washington, D. C.

DEAR MR. PARKER: The thesis of this letter is that, regardless of how we come out of the depression, or who is elected this year, Government debts and probable future and continuing responsibilities are such that continued high Federal taxes are inevitable, and that at this time profitable discussion must be, not of how much we pay, but of how we pay it, and what with.

The chief point I wish to make is that conceivably most of the drag on business, industry, and finance that the contemplation of high taxes produces would be eliminated should the Government itself provide a guaranteed credit medium, on a long-term basis, for the payment of a large part of the Federal tax bill.

As an experienced payer of income, estate, and inheritance taxes, as well as controlling stockholder of these newspapers, perhaps it is about time that I go on record as still believing in the principles of visible, graduated, and ability-to-pay taxation which these levies represent. As you know, I have been executor and trustee for two large estates, the beneficiary of these estates, and the receiver of income calling for upper-bracket income-tax payments.

Without underwriting all or any present Federal Government expenditures, I am not objecting here to any of them. This country has faced—perhaps is still facing—an economic emergency. It is at least doubtful if any administration could have done a better or more economical job under the circumstances than has the present one.

Still, I do know that there would not be any business at all in this country did we not maintain a strong and active Government, able to meet just such relief and reconstruction emergency as that referred to, and that I would rather pay as large a part as possible of my share of maintaining it through these out-in-the-open personal income and estate taxes than through any other form of taxes that I know of—especially concealed ones like sales taxes, tariffs, corporation taxes, and special ones like taxes on tobacco, liquor, gasoline, etc.

The purpose of taxation ought to be to produce necessary revenues without hindering, crippling, or killing off business—the goose that lays the egg. This is something that our present laws do not exactly do.

After the death of E. W. Scripps in 1926 there was a good market for bonds, so that the financing of the obligations of his estate presented no great difficulty. However, as was proved in 1930, that was largely a matter of chance, and chance has no place in sound business or financing.

The fact is that profits, as the Treasury Department counts them, are frequently "paper", although tax claims against them are "cash on demand."

Estates consist of stocks, bonds, real estate, livestock, notes, or other items which fluctuate widely with the market, often regardless of intrinsic values. Tax claims against these are also "cash on demand", sometimes when cash is hardest to get.

One result is that credit is disturbed. Mergers, liquidations, changes of control and management take place. A great element of uncertainty is introduced into the conduct of businesses, both large and small.

Effectiveness and continuity of management of the going businesses in the control of which they function really represent a principal asset of most large, and therefore heavily taxable estates, and any tax-forced management change strikes directly at this asset. But beyond this, in every such case, there will be policy and employment changes affecting perhaps hundreds of thousands of workers and their families, so making this question a social as well as a merely fiscal or economic one.

To guard against this chaos, especially with respect to estate and inheritance taxes, many business leaders carry excessive cash or liquid reserves, instead of employing this capital in the development of their businesses and the employment of workers. These men are forced to create large personal fortunes, which they do not need, by the very tax laws which some feel should be the instruments for the wider distribution of wealth.

Other men, when tax liabilities loom suddenly, go to their commercial or investment bankers for funds—which may or may not be readily available. The bankers assume a sort of tax-farming function; sometimes they also assume an unwarranted control over enterprises built up without their aid.

As witnessed during recent depression years, some estates, normally sound, are forced into bankruptcy by the sudden imposition of tax liabilities, so that there is nothing left for the Government to collect on.

With respect to income taxes, it is not unusual for normally profitable transactions to be delayed, or abandoned altogether, because of the taxes involved. In the latter case, of course, the Government gets nothing.

What I want to stress is that in all of these cases it is not generally the amount of the tax itself that is discouraging, that holds up action, and that harasses responsible management, but the difficulty of financing payment in cash, or of absorbing into an otherwise reasonable balance sheet a new large Government "cash on demand" obligation.

What I would like to see thoroughly explored in our editorial columns, and indeed in Congress and the administration, is the possibility of our Government doing its own banking, extending its own credit to solvent income- and estate-tax payers. This could be accomplished through acceptance by the Government of long-term notes or other paper, payable in annual installments in the 15- to 25-year period that sellers and buyers of bonds are used to, at interest rates approximating those on industrial bonds.

If such taxpayers are really solvent, or if profits really exist, the Government could not over a long period lose anything, while Government income would be stabilized.

As stated above, the direct benefit would be that a large part of the uncertainty and financial "fear" element would be taken out of our national business operation.

Also, having faith in the essential patriotism of the majority of American business, industrial, and financial leaders, I believe that there would certainly be less apprehension of or opposition to reasonable Government expenditures—even emergency expenditures—simply because they seem large at the moment.

Sincerely,

ROBERT P. SCRIPPS.

WORK OF BUREAU OF MINES

Mr. DAVIS. Mr. President, Pennsylvania is the foremost mining State in the Union, producing annually in normal years nearly a billion dollars' worth of minerals, and the United States leads all the nations of the world in wealth of mineral resources. Because of this fact, and because from early youth I have had a part in the uses and development of these resources, I have a real interest in the welfare of the great mineral industries, and especially in the health and safety of the million or more men who work in and around the mines.

At the last session of Congress I addressed you regarding the mining industry, and again today I wish to invite your attention to the pressing needs of that important industry and of those who serve it. In my previous address I appealed to you in behalf of the Bureau of Mines, one of the most efficient organizations in the Federal Government, and one which has been given relatively small appropriations for its work, so vital to the well-being of the Nation. I am glad to say that later on the Congress gave the Bureau of Mines some much-deserved support, although, in my opinion, much more was needed.

Mr. President, it is strange that so few of us realize the magnitude of the mineral industries; that we have such a faint idea of the vital importance of the hundred or more commercial minerals produced in the United States. Without the unceasing supply of tremendous amounts of these minerals, our great Nation would languish and dwindle to a puny, poverty-stricken state. Light, heat, and power would no longer be at our command. Transportation in all its forms would slacken and stop. Means of communication, such as the telephone, telegraph, and radio, would no longer function. The wheels of industry would cease to whir; our luxuries, comforts, and very necessities would vanish; our civilization perish and decay.

Minerals are not only produced in every State but they are produced in 2,024 of the 3,071 counties of the United States, and in the remaining 1,047 counties the manufacturing industry depends widely upon the mineral supply. The population of the counties in which mining is the principal industry totaled more than 40,000,000 in 1930.

While about 1,700,000 men find employment in the mining industries, at least 25,000,000 people are directly or indirectly dependent upon the extraction and processing of mineral

products for their livelihood. In my State of Pennsylvania alone we have an army of some 400,000 miners.

Products of the mines and oil wells form about three-fourths of the tonnage and more than half of the revenue freight carried by the Nation's railroads. When you add the tremendous additional tonnage created from the outputs of smelters, refineries, lime, cement, and brick works, you begin to realize something of how much our vast transportation network depends upon minerals. An interesting thing right here is that in Pennsylvania the number of miles of track laid underground in the mines is greater than the mileage of railway tracks spread over the surface of the State.

Of the entire wealth of the United States, conservatively valued in 1932 at more than $163,000,000,000, between 60 and 70 percent had its origin in the mineral industries. Our average annual production of all minerals for 10 years before the depression was five and one-third billion dollars, and when these minerals are processed or fabricated into what every man, woman, and child in the United States must have, the value is multiplied several times.

Mr. President, here are just a few figures that literally take one's breath. Since the beginning of the nineteenth century our country has produced more than 1,000,000,000 ounces of gold, about 12,000,000,000 ounces of silver, 40,000,000,000 pounds of zinc, 100,000,000,000 pounds of copper, 136,000,000,000 pounds of lead. In the past 25 years, while the annual value of farm production increased 17 percent, the annual value of mineral production increased 77 percent. Truly, we live in the age of mineral utilization. And in the face of this situation, in which the Nation depends so absolutely on the production of the mines, the oil wells, and the quarries, we appropriate less funds for the work of the Bureau of Mines than we do for the study of insects and about the same as for narcotics or fish.

At a time when thousands of our citizens are being slain by speeding motor cars and other thousands are slaughtered as the result of various kinds of industrial accidents, the lifesaving activities of the Bureau of Mines offers a refreshing, a stimulating, an inspiring contrast. Mr. President, every year in the United States the hideous monster that we call "accident" disables nearly 10,000,000 people. If all this pain and anguish were concentrated in my own State of Pennsylvania, it would mean that every citizen in this, the second State in the Union, would be laid low. The Nation's annual accident toll concentrated in Pittsburgh would cripple for life half the people in that splendid metropolis or it would kill every person in the bustling city of Allentown.

Before the Bureau of Mines came into existence in 1910 all good Americans were horrified at the frequently occurring explosion disasters in our mines, and especially in our coal mines. An explosion occurred in the State of West Virginia in December 1907 which wiped out 361 lives at one quick stroke. Another explosion occurred in Pennsylvania 13 days later destroying 239 lives. In December 1909 the tragic mine fire at Cherry, Ill., killed 259 men. In fact, the main reason for the establishment of the Bureau of Mines was the public demand that the Federal Government do something to eliminate, or at least to reduce, these terrible disasters.

That the Bureau has done its work well in response to this demand is shown by the fact that in the 5-year period before the Bureau of Mines was established by Congress (1907 to 1911, inclusive) there were 82 major mine disasters with 2,662 fatalities in the production of about 2,355,000,000 tons of coal, while in the past 5 years (1930–34, inclusive) there were but 27 such disasters, fatalities being but 455, in the production of about 2,137,000,000 tons of coal. Thus the fatality rate per million tons of coal produced dropped more than 80 percent. In 1933 there was but 1 major coal-mine explosion disaster and it cost 7 lives; there was only 1 in 1934 with 17 deaths; and in 1935 there were only 2 with a total of 22 deaths.

Explosion disasters, lurid as they are, never have been responsible for more than 20 percent of our coal-mine fatalities, and, even without reference to the good work done in the prevention of explosion disasters, the Bureau of Mines has aided materially in attaining the approximately 50-percent reduction in fatal and nonfatal accidents in recent years. In the 5-year period, 1907–11, there were 13,806 fatal accidents in our coal mines, or an average of 2,761 annually, while during the past 5 years the total was 6,955, or 1,391 per year, a reduction of nearly 50 percent. The fatality rate per million tons of coal mined has been reduced by 45 percent. So it is evident that since the Bureau of Mines came into existence wonderful progress has been made in reducing accidents in our coal mines.

Mr. President, I shall take but a few minutes to mention certain methods developed by the Bureau in its highly successful campaign to make the miner's job a safer one. In many bituminous-coal mines there frequently occur accumulations of dangerous gases which, if ignited by sparks or flame, may cause an explosion that may spread to all parts of the mine and take a terrible toll of death and destruction. To lessen the danger of such disasters, the Bureau has developed a system of testing electric locomotives, coal-cutting machines, and other electrical equipment, and of approving as "explosion proof" only such types of machines as have passed these rigid safety tests. The "permissible" explosive, which produces only a short flame, has largely replaced the dangerous longer-flame black blasting powder. "Closed" electric lamps—or safety lamps in which the flame is surrounded by a fine wire gauze—are being used in increasing numbers.

Falls of mine roof cause half the accidental deaths in coal mines, picking the miners off singly or in groups of two or three, something like the sniper does in battle. Methods for lessening the danger from this cause have been devised by the Bureau.

Near Pittsburgh the Bureau of Mines owns an experimental mine, one of the most remarkable mines in the world, operated for the sole purpose of obtaining scientific facts to be used in making safer the lot of the coal miner. In this mine the Bureau has shown that accumulation of fine coal dust in mines may easily cause a terrible explosion; and it has shown further that a proper distribution of rock dust in the mine may prevent or limit such explosions. Just a few years ago an explosion that occurred in a large Illincis coal mine was limited by the use of rock dust to a small section, which undoubtedly saved the lives of some 1,200 miners then at work.

The Bureau of Mines, since its creation, has worked steadily at the training of the miner in first-aid methods, which may help him to save the life or limb of his fellow miner when accident befalls. The Bureau also trains the miner in mine rescue methods, showing him just how to explore a mine wrecked by fire or explosion with the least danger to himself and with the greatest assurance of rendering effective aid to his buddies trapped by the disaster. More than 900,000 miners have been trained effectively in first-aid and mine rescue methods and hundreds of lives have been saved as a direct result of this training. Soon there will be a legion of a million miners trained, not in the arts of war, but in the ways of mercy—men who are bent not on sending their fellow men to the hospital or the grave, but on helping them back to their wives and children in the little house on the hill. In peak years the Bureau trained more than 100,000 miners annually, but reductions in its funds have decreased the number trained annually to one-half.

Mr. President, in my former address I told you that in 1930 the Bureau had 11 mine rescue cars scattered through the various mining regions of the United States and Alaska, and reminded you that because of lack of funds only 2 of the 11 cars were in operation. I plead for an allotment of funds to restore to activity at least some of these cars. Later on the Senate agreed to give $27,000 to the Bureau for this work for the fiscal year 1935–36, but the item was stricken out in conference. In my opinion, this action was a mistake, as the mining industry needs these cars and needs them badly. Surely the United States can afford to spend $27,000 on an activity designed wholly for the protection of the lives and limbs of the men who work in our mines. My own State, which now has one of these cars doing wonderful work in the anthracite region, would like much to have at least two

or three more engaged in spreading health and safety information in the bituminous mining regions, where upward of 100,000 men are engaged in the dangerous work of producing coal for the benefit of you and me and of the people who are our constituents.

The Bureau's safety recommendations are being adopted by an increasing number of mine operators, and as a result many coal mines, metal mines, and quarries are producing large tonnages of material and are working for long periods of time without fatal accidents and even without accidents causing any lost time.

It has been estimated that, if the fatality rates noted during the years immediately preceding the Bureau's establishment had continued to prevail since that time, the number of lives lost during the last 24 years as the result of coal-mine disasters would have been at least 24,300 greater than the record shows. This reveals an annual saving of about 1,000 lives. Reduction in the number of fatal accidents is credited with the annual saving of an additional 1,000 lives, while an annual average of 50,000 nonfatal accidents in coal mines alone have been very largely prevented by the Bureau's vigilance and teachings. Unfortunately, even now more than 1,000 coal miners are being killed annually, so that the struggle for safety cannot be allowed to slacken.

With the accident rate from all causes mounting ever upward, the miner, working underground and exposed to many forms of danger, is safer than ever before; and I am confident that if the safety field workers of the Bureau of Mines, the men who actually put over safety ideas to our miners in their homes and at their working places, were sufficiently increased, the accidents at the mines could be reduced another 50 percent or more within a very few years.

Certainly, Mr. President, in view of these facts, it is no time to be niggardly with the Bureau of Mines. Certainly none of us would care to be in the slightest degree responsible for the occurrence of even one coal-mine disaster. Let us then give serious thought to these matters when the time comes to consider the appropriation of the comparatively small increase in funds which is required to restore the Bureau's safety activities to the basis on which it was formerly able to do such effective work for the cause of humanity. The additional funds given for the Bureau's safety work last year helped some, but it left the Federal Government with a woefully inadequate force to forward the health and safety of the legions who daily risk their lives in producing the minerals without which we could not live.

Splendidly rewarded as have been its efforts in saving the lives and safeguarding the health of the miners, it is not alone in this humanitarian field that the Bureau of Mines has accomplished great good. The products of agriculture are harvested and consumed, and the next season's planting will usually produce another crop of practically the same value. This, however, is not the case with minerals. Our coal, our iron, our oil and gas, once taken from the earth, cannot be renewed. The mineral resources of this country have required long ages for their accumulation, and of these resources we have but the one supply. In its fundamental research on the conservation of these irreplaceable mineral resources the work of the Bureau of Mines has been of the utmost value to the Nation.

In past years, notably before the establishment of the Bureau, wastes of our bounteous stores of mineral wealth, greater than the mineral resources of any other nation, were literally shocking. At one time probably a third of the coal was left in the mine in such condition that it could not be recovered in the future. Millions of dollars' worth of that valuable fuel, natural gas, were turned loose into the atmosphere. There were wastes in the mining of the essential metals, gold, silver, copper, lead, and zinc, and further wastes in the treatment of these ores. The tailings from gold mines, the slags from copper smelters, and the dumps from mines and manufactories were often literal monuments of waste.

This unpleasant picture of mineral waste has, however, been wonderfully brightened. The Bureau of Mines would be the last to claim all of the credit for the stimulation of research which has created millions upon millions of new wealth from the mineral discards of the past. But the Bureau has been a focal point around which the forces of scientific study and research have rallied. Men working patiently with test tube and retort in the laboratories of our universities and our great industrial enterprises have cooperated with the Bureau, have exchanged information with the Bureau's scientific workers, and the net result has been of almost inconceivable value to the Nation.

In the case of metal mining, this work includes studies of processes of ore treatment, with a view to reducing costs and increasing the percentage of mineral which may be recovered. It is only through such new knowledge that many of our important metal-mining districts have been able to continue operations in these recent years of low prices. In the Mississippi Valley lead and zinc mines the development of certain processes, actively fostered by the Bureau, has resulted in the recovery of millions of dollars worth of metals which formerly were not recovered. Many mines which otherwise would have been too low grade to work have, through these improved processes, been enabled to continue operations. Large piles of tailing from previous milling operations have been re-treated, and values recovered which otherwise would have been lost. Thousands of men have thus been given employment.

In the Rocky Mountain States the development of the process of selective flotation has made possible the mining of millions of tons of complex ores containing lead, zinc, copper, iron, and so forth, in which the minerals are so closely interlocked that it had not been possible to separate them into commercial products by previously known methods. The life of some of the important western mining districts, in which a shortage of commercial ore was becoming apparent, has thus been indefinitely prolonged.

Mr. President, the United States has long led the world in the production of oil and natural gas. The newspaper reader, scanning accounts of the opening of prolific new oil and gas fields, may fancy that the supply of these precious fuels will last forever. But these vast stores from Nature's storehouse, which required millions of years for their accumulation, can be dissipated in a few years if proper conservation measures are not employed. In past years wastes running into millions of dollars annually have occurred. Present wastes of natural gas have been estimated at a million dollars daily. Rich oil fields have been flooded by encroaching water, and huge reserves almost impossible to recover have been trapped underground.

The Bureau of Mines has resumed with greater vigor its studies relating to the prevention of wastes in the production of petroleum and natural gas.

The Bureau of Mines has made studies of numerous technical problems in fields and plants that are of vital importance to oil operators and refiners with the aim to eliminate waste, promote economic methods of controlling production, and determine more efficient ways of manufacturing and utilizing petroleum and natural gas. The operator has been shown how to win his battle against encroaching underground waters. Methods have been developed to prevent heavy evaporation losses from oil tanks and costly leaks from pipe lines. Wastes in refining processes have been stopped. All of these measures are reflected in direct benefits to the driver of the little family "flivver" and to the householder who heats his home with oil fuel or natural gas.

The value of our annual production of nonmetallic minerals—asbestos, asphalt, cement, clay, feldspar, gypsum, lime, mica, phosphate rock, salt, sulphur, talc, and so on—reaches huge figures. These nonmetallic minerals are of great importance. They insulate and safeguard energy, line our furnaces, form our crucibles, encase our spark plugs, form the bulk of industrial and commercial structures, and surface our roads and streets. They now create more new wealth each year than the metals and only slightly less than coal or petroleum.

In this field the Bureau of Mines has rendered great assistance in the development of native materials, which in many cases have displaced minerals imported from foreign countries. A notable example is the development of an

American potash industry. Until recently the American farmer depended on foreign monopolies for the potash needed to replenish the soil. As a result of a potash exploration program, conducted in New Mexico and Texas by the Bureau of Mines and the Geological Survey, huge reserves of potash-bearing salts were discovered and American potash is now being extensively mined and used.

Before the establishment of the Bureau of Mines little was known of the characteristics of the many different kinds of coal mined in more than 30 States. Guesswork, rather than sound scientific principle, figured largely in fuel-burning practice. Boilers were wasteful and coals specially adapted for certain uses were being used for entirely different purposes. Studies conducted by the Bureau of Mines fuel engineers have changed all this sort of thing. Thousands upon thousands of coals have been analyzed; they have been burned under boilers, coked, and briquetted; they have been tested for their gas-producing qualities. The Bureau has been a pioneer in the study of fuel combustion and the transmission of heat, and it has contributed greatly to a clearer knowledge of the combustion of coal and the designing of boiler furnaces. It is now possible to select the particular coal best adapted for any particular purpose, and this information has been of immeasurable benefit to the fuel consumer all the way from "dad" fretting with the little household furnace to the highly paid combustion engineer designing the great boiler plant generating thousands of horsepower.

Mr. President, business cannot function efficiently unless it keeps its books and knows the facts about its own doings. The Bureau collects and disseminates statistical data and studies the economics of production, distribution, conservation, and storage of the numerous essential minerals. Results of these studies are used widely by the mineral industries to keep in touch with market trends and to solve business problems.

The Bureau of Mines endeavors to bring the mineral buyer and seller together by distributing lists of possible buyers and sellers of merchantable minerals. It gives publicity to possible new uses for minerals and calls attention to inadequately utilized sources of minerals and to discoveries of any sort that promise to afford opportunity for larger or more profitable use of the Nation's natural resources.

Because of the seriousness of the national economic situation this phase of the Bureau's work has been reorganized and enlarged; it is now able to supply exhaustive figures and economic analyses, and it hopes to build up constructive suggestions that will help the several mineral industries in making their plans. It is realized that the rate of mineral output must be adjusted to the world's ability to consume, and the Bureau is building up a service that will give a world-wide picture of production and consumption capacity. A specialist has been stationed in Europe as a first step in studying what the mineral producers of the United States will have to expect from foreign competitors.

The Bureau of Mines, seriously crippled in the past by reduced appropriations, has been able in the present fiscal year, as the result of better recognition by Congress of its needs, to resume to some extent certain useful studies that had been suspended because of lack of funds. It has resumed studies designed to increase the safety of explosives used in mining. It is working on methods of making motor fuel from coal and lignite, looking forward to the time when, after the exhaustion of petroleum reserves, an oil-from-coal industry will be a national necessity. It is studying low-temperature coking of coal in the effort to find a solution for the smokeless-fuel problem and to find uses for byproduct oils and tars. It is conducting further studies to determine the characteristics of the different coals, whether they are suitable for making gas or coke, and what chemicals can be derived from them.

Vast hydroelectric power developments at Boulder Dam, Muscle Shoals, and other Federal projects emphasize the need for possible outlets for surplus power. The Bureau is studying the possibilities for employing this power in utilizing mineral deposits.

The Bureau of Mines has again taken up studies relating to the health of miners, dust diseases, effects of gases, high humidity, and temperatures.

Mr. President, with the limited time available it has been possible to tell in only the most general way something of the magnitude of the Nation's mineral industries, of the enormous wealth drawn from the mines, of the millions of people who owe their livelihood to mineral products, and of that branch of the Federal Government which serves the mineral industries. I hope that I may have been able to present a few facts worthy of serious thought when the time comes to consider appropriations for the United States Bureau of Mines.

WAR DEBTS, DISARMAMENT, CURRENCY STABILIZATION, AND WORLD TRADE

The VICE PRESIDENT. Resolutions coming over from a previous day are in order.

The Chief Clerk proceeded to read the resolution (S. Res. 141) submitted by Mr. TYDINGS on May 21, 1935, favoring conferences with foreign governments on war debts and certain other international matters.

Mr. ROBINSON. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

INDUSTRY AND BUSINESS COMMITTEE FOR N. R. A.

The Chief Clerk proceeded to read the resolution (S. Res. 142) submitted by Mr. NYE on May 21, 1935, making inquiry as to whether members of the industry and business committee for N. R. A. extension are, or have been, officials or employees of the National Recovery Administration or of code authorities.

Mr. NYE. Mr. President, as the author of this resolution I ask for its indefinite postponement.

The VICE PRESIDENT. Without objection, the resolution will be indefinitely postponed.

APPOINTMENT AND CONFIRMATION OF CERTAIN FEDERAL EMPLOYEES

The Chief Clerk proceeded to read the resolution (S. Res. 152) submitted by Mr. GORE on June 15, 1935, calling on the Comptroller General for information concerning appointees or employees of the Government receiving compensation at the rate of $4,000 per annum or more.

Mr. ROBINSON. Mr. President, I think this resolution should also go over, and I so request.

The VICE PRESIDENT. Without objection, the resolution will go over.

CONSTITUTIONALITY OF BITUMINOUS-COAL CONSERVATION BILL

The Chief Clerk proceeded to read the resolution (S. Res. 167) calling upon the Attorney General for an opinion with respect to the constitutionality of H. R. 8479, the Bituminous Coal Conservation Act of 1935, submitted by Mr. BYRD on July 9, 1935.

Mr. ROBINSON. Mr. President, since this resolution was introduced the bill to which it relates has been disposed of. It is not the practice of the Senate or of the other branch of Congress to ask opinions of the Attorney General concerning legislation that is pending. I ask that the resolution be referred to the Committee on the Judiciary.

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

ESTABLISHMENT OF AIR CORPS TECHNICAL SCHOOL

The VICE PRESIDENT. The calendar is in order.

Mr. ROBINSON. Mr. President, a special order has been set for today, Senate bill 3398, a bill to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps.

I am informed by the senior Senator from Illinois [Mr. LEWIS] that the junior Senator from Illinois [Mr. DIETERICH] is ill and unable to be in attendance on the Senate today. It is satisfactory to the senior Senator from Colorado [Mr. COSTIGAN] and the junior Senator from Colorado [Mr. ADAMS]—and, indeed, I make this suggestion at their

request—that I ask unanimous consent that the special order go over to the next legislative day, and I submit the request.

The VICE PRESIDENT. Is there objection?

Mr. LEWIS. Mr. President, I feel that it is only fair to say that, in addition to the courtesy suggested by the able leader on this side, I have made the statement that nothing was to be done today regarding the special order, and that whatever was done, it should be construed as not at all interfering with the status of the measure within the special order. I join in the request that the matter may go over until my colleague can reach the Senate.

Mr. COSTIGAN. Mr. President, it should perhaps be stated to the Senate that last August, shortly before the close of the session, the bill mentioned by the able Senator from Arkansas [Mr. ROBINSON] was made a special order of the Senate for the third day of the present session. By unanimous consent its consideration has been twice continued for the convenience and by request of the Senators from Illinois. We have no objection to their present new request for further continuance under the conditions specified. I wish merely to indicate our readiness to do what is proper at this time to facilitate the prompt consideration of the measure; also the wish of the Senators who are sponsors for the bill to proceed to a vote. It is my understanding that the effect of today's unanimous-consent request, if approved, will be to bring the bill before the Senate at the earliest practicable moment in accordance with the intent of the special order when originally made by unanimous consent.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

CONSIDERATION OF THE CALENDAR ON THURSDAY

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent, and I ask the attention of the Senator from Oregon [Mr. MCNARY].

I ask unanimous consent that the call of the calendar under the present order be dispensed with, and that on Thursday morning next, after the conclusion of the morning business, the Senate proceed to the call of unobjected bills on the calendar.

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

MEASUREMENT OF VESSELS USING THE PANAMA CANAL

Mr. GORE. Mr. President, I move that the Senate proceed to the immediate consideration of the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes.

Mr. ROBINSON. Mr. President, the Senator from New York [Mr. COPELAND] has indicated his interest in this bill; and with a view to obtaining his presence, I shall suggest the absence of a quorum pending the motion of the Senator from Oklahoma.

The VICE PRESIDENT. The Chair would like to state the rule as he understands it, although he is not quite certain about it. If the motion of the Senator from Oklahoma should prevail, it would displace the order just made by the Senate with reference to the bill in which the Senators from Colorado and Illinois are interested.

Mr. ROBINSON. No; it would not.

Mr. MCNARY. That is a special order and will take its place following the unfinished business.

The VICE PRESIDENT. Certainly it would take its place following the bill just referred to, but this bill would have to be disposed of.

Mr. ROBINSON. But the special order has been postponed until another day, and the Senator from Oklahoma has been seeking to get consideration of his bill for several weeks. During the last session he attempted to bring it forward, and there was difficulty in finding opportunity. My thought is that we should proceed to the consideration of the bill; that the opportunity should be afforded the Senator from Oklahoma to have the bill taken up. The special order has been postponed, and there is now nothing before the Senate.

Mr. MCNARY. Mr. President, of course I do not desire to impede the progress of this session of the Congress. The bill in question has come up very unexpectedly. No notice has been given of the pending motion. I desire to ask the Senator from Oklahoma if the consideration of the bill would lead to any controversy? Is there any particular opposition to the bill? Is it controversial in character?

Mr. GORE. I think it will lead to some controversy. The bill relates to the Panama Canal tolls, and there is some controversy in connection with its passage. The passage of the bill will be resisted by some of the shipping concerns of the country, and I think one or two Senators desire to be heard. Of course, every opportunity will be afforded Senators to present their views on the subject.

Mr. MCNARY. That being the case, the Senator from Oklahoma would not hope to dispose of the bill today?

Mr. GORE. I should not think so; no, sir.

Mr. MCNARY. Is it the desire of the Senator to proceed to the consideration of the bill today?

Mr. GORE. Yes. The Senators who are opposed to the bill are familiar with its terms and its objects.

Mr. ROBINSON. Mr. President, I have no objection to the motion being put; but I shall then suggest the absence of a quorum in order that Senators who are interested in the bill may have an opportunity to be present.

Mr. MCNARY. Mr. President, I have not quite concluded.

Mr. ROBINSON. I beg the Senator's pardon.

Mr. MCNARY. I am advised that there are two or three Members on the Republican side of the Chamber who are opposed to the legislation, or at least will offer some amendments to the bill. Those Members are not present. They may appear on the quorum call. However, I should oppose final disposition of the matter today, because we have had no notice that it was to be taken up.

Mr. GORE. Mr. President, I think there would be no possibility of final passage of the bill today.

Mr. MCNARY. I think it would be eminently fair if we should proceed for a certain length of time in the discussion of the bill and then adjourn until another day.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Oregon that the Senator from Oklahoma indicated that in his opinion the bill cannot be completed today. My suggestion is that when the Senate shall have proceeded with the matter, and the true situation respecting it shall have developed, we can then make an arrangement about it.

Mr. MCNARY. Very well. That is fair.

Mr. ROBINSON. There is no disposition on the part of the Senator from Oklahoma to press for immediate action on the bill. His desire is to secure consideration of the bill, and a reasonably prompt determination of it.

Mr. MCNARY. I am satisfied with that fair attitude on the part of the Senator from Oklahoma. I only suggested that we not proceed with impetuosity, but let the final consideration of the bill be had when there are some Members present who are now absent, Members who probably would be here had they had notice that the motion now pending would be made.

Personally I have no objection to the bill being made the unfinished business under the motion, but I do desire to have a clear understanding that the Senate will not proceed to a final conclusion of the bill today, and that we may have opportunity at a future time further to consider it.

Mr. COPELAND. Mr. President, I was absent from the Chamber temporarily when this question arose. May I ask what the pending motion is?

The VICE PRESIDENT. The Senator from Oklahoma [Mr. GORE] has moved that the Senate proceed to the consideration of Senate bill 2288, to provide for the measurement of vessels using the Panama Canal, and for other purposes.

Mr. COPELAND. Mr. President, if I may be permitted a word, let me say that the bill is not new. It has been presented several times to the Senate during the years I have been here. I served on a subcommittee of the Committee on Commerce which considered the bill some years ago, and the Committee on Commerce decided against the measure.

It is my conviction that the bill is not in the public interest. I have said so on every occasion when the measure has been discussed, and I now repeat the statement.

When the bill was presented to the Senate it was referred to the Committee on Interoceanic Canals—a committee which, as I understand, has to do with the material, construction, and repairs of the Canal and other matters relating to the Canal itself. This particular bill relates to tolls, the tax upon vessels which are sent through the Canal. It is a matter which has to do with shipping. For that reason, when the question of reference arose, I made a vigorous protest that the bill ought not to have been referred to the Committee on Interoceanic Canals. It was then agreed that there should be a joint hearing between the Commerce Committee and the Committee on Interoceanic Canals. Without any reference to the sentiment of the Commerce Committee, the bill was reported to the calendar. I think I am right in saying that the bill, having been studied by the Committee on Commerce and its defects pointed out, ought not to become a law.

Now the question arises as to whether or not, under these circumstances, the bill should be considered at this time. I still believe it is a measure which should receive the attention of the Commerce Committee before it is brought formally before the Senate. I hesitate to say these things because of my love and respect for the chairman of the Committee on Interoceanic Canals; but I feel that it is a waste of the time of the Senate to discuss the matter, because, in my view, it is not in the public interest that the bill should be passed.

For a long time there has been a conviction on the part of the Governor of the Canal Zone, or somebody in authority there, that a new system of measurement ought to be applied. It would result in a material increase in the cost of operating American ships. There are abundant arguments against the bill. I understand that in the Committee on Interoceanic Canals itself there was a minority report on the bill. Now the question is whether or not it is right, at this particular period of the session of Congress, to take time to consider this measure. Personally, I think it ought not to be considered now. Certainly it ought not to be considered until the Commerce Committee shall have had an opportunity to consider the subject on its merits and to make a report on the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma [Mr. GORE].

Mr. McNARY. Mr. President, I desire a more thorough understanding with the Senator from Oklahoma that he will not proceed with the bill to final conclusion today. Then I should not object to making it the unfinished business.

Mr. GORE. Mr. President, I think there would be no possibility of completing the consideration of the bill today. As indicated by the Senator from New York [Mr. COPELAND], he has been for many years unfavorable to the proposed legislation. There are two Senators that I know of on the other side of the Chamber—the Senator from Maine [Mr. WHITE] and the Senator from New Jersey [Mr. BARBOUR]—who share the views of the Senator from New York. However, this proposed legislation has been pending in one or the other branches of Congress for more than 20 years. Beginning, I believe, with President Wilson, it has been recommended by every President since his administration. It has been recommended by every Secretary of War since the completion of the Canal and the ruling which created the anomalous and chaotic condition which the proposed legislation is designed to correct. It has been favored, I believe, by every Governor of the Canal Zone since the ruling of the Attorney General which precipitated this confused situation.

I hold in my hand a letter from the President, addressed to me within the last few days, requesting that this measure be taken up and enacted into law. This bill relates to a dual system of measuring vessels which transit the Canal.

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

Mr. GORE. I yield.

Mr. ROBINSON. I think the more orderly procedure is first to take up the bill, and then to discuss it. I understand the Senator from Oregon has merely requested assurance that the bill shall not be sent to a final vote today.

Mr. McNARY. Yes.

Mr. ROBINSON. The Senator from Oklahoma says he does not anticipate that it shall be voted on today.

Mr. GORE. There are Senators who desire to be heard and will be afforded every opportunity to be heard.

Mr. McNARY. Mr. President, that is not a direct answer. It is possible that speeches directed to the measure will not be concluded today; but I desire definite assurance that final action shall not be taken today. If the Senator so desires, it is easy for him to give me that assurance. I am willing to go forward with the consideration of the bill, but I do not want it to be concluded today.

Mr. ROBINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill, and that final disposition of the bill be not taken on this day.

The VICE PRESIDENT. Is there objection?

Mr. COPELAND. Mr. President, I did not hear the latter part of the request.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent that the Senate proceed to the consideration of the bill, but that the Senate not conclude its deliberations on the bill today. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, which was read, as follows:

Be it enacted, etc., That section 412 of title 2 of the Canal Zone Code, approved June 19, 1934, is hereby amended to read as follows:

"Tolls on merchant vessels, Army and Navy transports, colliers, hospital ships, supply ships, and yachts shall be based on net vessel-tons of 100 cubic feet each of actual earning capacity, determined in accordance with the 'Rules for the measurement of vessels for the Panama Canal' prescribed by proclamation of the President, November 21, 1913, and as may be amended from time to time by order of the President, and shall not exceed $1 per net vessel-ton so determined, nor be less than 60 cents per net vessel-ton so determined, on laden vessels, and on vessels in ballast without passengers or cargo shall be less than the rate of tolls for vessels with passengers or cargo: *Provided*, That tolls shall not be levied on a deck load, which is defined, for the purposes of this act, as cargo situated in a space which is at all times exposed to the weather and the sea and which space is not included in the net tonnage determined under the said 'Rules for the measurement of vessels for the Panama Canal', except on tonnage of such deck loads which is in excess of 20 percent of the net tonnage of a vessel so determined.

"Tolls on other floating craft shall be levied on displacement tonnage at rates to be prescribed by the President. In addition to the tolls based on measurement or displacement tonnage, tolls may be levied on passengers at rates prescribed by the President but not to exceed $1.50 for each passenger. The levy of tolls is subject to the provisions of article XIX of the convention between the United States of America and the Republic of Panama, entered into November 18, 1903, and of article I of the treaty between the United States of America and the Republic of Colombia, proclaimed March 30, 1922."

SEC. 2. The President is authorized to appoint a special committee of three members, to serve for not more than 6 months, for the purpose of making a study and investigation of the rules for the measurement of vessels using the Panama Canal and the tolls that should be charged therefor and holding hearings thereon at which interested parties shall have full opportunity to present their views. Such committee shall report to the President upon said matters prior to January 1, 1936, and shall make such advisory recommendations of changes and modifications of the Rules for the Measurement of Vessels for the Panama Canal as they find necessary or desirable to provide a practical, just, and equitable system of measuring such vessels and levying such tolls. Members of such committee shall be paid compensation at the rate of $825 per month, except that a member who is an officer or employee of the United States shall receive no compensation in addition to his compensation as such officer or employee. Such committee is authorized to appoint such employees as may be necessary for the execution of its functions under this act.

SEC. 3. This act shall take effect on the date of its enactment, except that section 1 shall take effect on September 1, 1936.

Mr. GORE. Mr. President, as I was saying a moment ago, there are two systems for the measurement of vessels transiting a canal; we have two such systems of rules in the United States. One is known as the United States registry rules; the other is known as the Panama Canal rules of measurement. The latter system was developed soon after the Panama Canal was completed. The rules were drafted and formulated by Dr. Emory R. Johnson, an expert on this subject, who devoted several years to a

thorough investigation of different systems of measuring vessels transiting canals. A voluminous report was submitted on the subject. The President formulated the Panama Canal rules of measurement based on the Johnson report. They went into effect.

In addition to that, we have what is known as the United States registry rules of measurement. Those rules have a long history. They evolved out of this circumstance: As a matter of comity, each commercial nation, for purposes of harbor dues and port charges, accepts the measurement of tonnage of vessels of other nations as determined by their own registry. When a registered American vessel enters the port of Liverpool the measurement of its tonnage, as fixed by our rules, is accepted as final by the port authorities in Liverpool. When an English vessel enters the port of New York the English rules of measurement and tonnage are accepted, as a matter of comity, by the port authorities in New York.

The result of that system has been that each country has endeavored by its rules of measurement to reduce the registered tonnage of its vessels in order to lessen the port charges and harbor dues when the vessels enter foreign ports. That has been the main objective and consideration which from time to time has resulted in the reduction of the tonnage of vessels registered in various countries. For instance, within the last few years the Commissioner of Navigation has made changes in the United States rules of measurement which enable American vessels to pay reduced charges when they enter foreign ports. That system of rules or that consideration designed to reduce port charges in foreign ports did not control in formulating the rules of measurement for the Panama Canal. The Panama Canal system of measurement is based on the cargo-carrying capacity of the ships; the Panama Canal rules are based on the earning capacity of the ships transiting the Canal; which is a proper standard when tolls are to be imposed on vessels passing through the Canal.

I can cite one instance which is not typical. It is extreme, but yet it points the result. An English ship, known as the *Empress of Britain*, when it transits the Suez Canal pays tolls of approximately $29,443 per transit. When that vessel transits the Panama Canal it pays $18,941.25 toll charges. One reason for that great disparity is the fact that, under United States registry rules, a deck which provides passenger facilities is exempt. This ship, one of the stateliest that sail the seas, has one recreation deck. It had a cloakroom on that deck for the accommodation of passengers. The owners of the ship converted that cloakroom into a so-called cabin, put a bed or a couch in that room, and by that simple device lifted that entire deck out of the Panama Canal rules, because it brought that deck under the United States registry rules.

As I indicated a moment ago, this confusion—this dual system—resulted from a decision of the Attorney General of the United States some 20 years ago, holding that the act of Congress was based on the Emory Johnson report, which I have already mentioned. Congress passed a law authorizing the President to promulgate a system of rules of measurement and toll charges for the Panama Canal, but the act of Congress used the words "net registered tons"; and the Attorney General held, as a result of that language, that in case of conflict the United States registry rules controlled. As a result, a number of devices may be employed, which I shall instance before this debate shall have been concluded. Let me illustrate now: When an opening is placed in the weather deck of a vessel and is then covered the deck below is lifted out of the requirement to pay tolls. That is due to United States rules of registry. Fourteen Japanese vessels constructed last year, and transiting the Canal for the first time last year, by this simple device have reduced the toll charges which they are required to pay some 30 percent. Thus, the tolls which are imposed and charged are made subject largely to the arbitrary will—and I will say, not offensively, the selfish interests—of the owners of vessels by simply making a hole or a tonnage opening in the weather deck not less than 4 by 18 feet, I believe. The deck below is relieved of the requirement to pay tolls. The old Japanese vessels, some 22 in number, had not been constructed with a view to taking advantage of that loophole in the regulations, but recently 2 of their 22 vessels by a slight change in their structure have been able to reduce their toll charges.

Details will illustrate this point. The vessels had coal bunkers. They used to be coal-burning vessels; they are not now—they burn oil. They carry oil in two containers in the bottom of the vessel, and by the simple device of cutting a door between the old coal bunkers and the engine room they lifted out of the payment of tolls the entire space formerly occupied by the coal bunkers. The vessels do not use the coal bunkers. Cutting the door is of no substantial service; it is of no service at all, but simply by that device, permissible under the United States rules of registry, the vessels escape the payment of the tolls which they ought to pay on the bunkerage space. I shall submit more detailed figures before the debate is over, instancing other cases where vessel owners, merely by making a hole or tonnage opening in the deck, have reduced their toll charges.

The 14 new Japanese vessels measure, under United States registry rules, 204,000 tons, while under the Panama rules of measurement they measure 297,000 tons; but, owing to this dual system, they pay tolls on the 204,000 tons, instead of paying, as they should pay, on 297,000 tons. Their tonnage under United States registry rules is only 70 percent of their Panama Canal tonnage, as ascertained by the Panama Canal rules. So they enjoy a subsidy of approximately 33 percent simply by cutting holes or tonnage openings in the weather deck, and covering them, and thus they regulate the tolls which the American Government levies on ships transiting the Panama Canal, instead of the Government of the United States determining what the charges shall be.

The pending bill will do away with that dual system; one standard will be established, and each and every vessel will be required to pay on its earning capacity, no more and no less. Some ships may be subjected to increased charges by the change, because they have, I might say, abused the privilege at their hands, though "abused" is hardly the proper word, because the dual system of measurement permitted them to do that thing. They have simply availed themselves of the confusion or the conflict between the two sets of measurement rules, and they were within the law, but they pass through the Canal without paying on their earning capacity, without paying the charges which are really due.

There is no purpose in this proposed legislation to increase the aggregate revenues of the Canal. The annual budget of the Canal is about $26,000,000. The operating expenses are about $10,000,000 a year; the service charge on the debt and the return on the capitalized value of the Canal is somewhat over $15,000,000 a year. There is no purpose to increase the aggregate receipts or to cast any burden of that sort on the shipping interests of this or any other country; but the design is to equalize the charges, to put all vessels on the same basis, to apply the same standard to all, requiring each and every one to pay on its earning capacity or its cargo-carrying capacity, and not refer to the discretion of a shipowner the charges which he shall pay and which shall be collected on a vessel availing itself of the privilege of passing through this canal.

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

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. GORE. I yield.

Mr. DUFFY. If I understand the situation correctly, after the holes or tonnage openings are cut in the decks, as the Senator has described, and then are covered up, the ship companies use the lower deck for cargo-carrying purposes in exactly the same way they did before the tonnage opening was cut in the deck, and by this device are exempted under the present situation from paying tolls on the deck which is thus utilized.

Mr. GORE. That is the point. It is a mere fiction. I have referred to Japanese ships, but I have nothing invidious

to say against Japanese ships or any other vessels. Our own vessels, by cutting a tonnage opening in the decks and by covering that opening—battening down the openings, I believe they call it—use the space below that deck exactly as they used it before. They make this opening watertight. They protect the freight. They use this space for exactly the same purpose, and yet it is exempted from the payment of tolls merely because of cutting this gash in the deck and providing in the space below what are called scupper pipes to let the theoretical water escape, the constructive floods which never pass through the opening above, never reach the deck below, and never interfere with the freight-carrying capacity or any other portion of the ship. Under the United States registry rules of measurement that tonnage opening in the deck exempts the space below, but under the Panama Canal rules that hole in the deck would not reduce the charges which this Government would collect from vessels passing through that great highway.

Mr. President, I wish to print in the RECORD at this point the letter to which I have referred, addressed to me by the President.

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

THE WHITE HOUSE,
Washington, January 6, 1936.

Hon. THOMAS P. GORE,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

DEAR SENATOR GORE: The enactment of bill S. 2288 providing for the measurement of vessels using the Panama Canal, which was favorably reported by your committee on May 15, 1935, is essential to the proper management of the Canal.

The existing unsatisfactory, unfair, dual system of measurement whereby tolls charges are based on one tonnage, and the limiting factor on another different and smaller tonnage subject to manipulation, should be abolished. Control over the amount of tolls charged should be regained, and the apparently endless reduction in tolls paid should be stopped. The enactment of the bill will result in the reestablishment of the system originally intended which through certain technicalities, has become ineffective.

There has already been too much delay in the enactment of this remedial legislation attempts to secure which have been made for a good many years by those charged with the administration of the Canal.

The House has passed a similar bill on four different occasions, and I now urge that you make an earnest endeavor to secure its passage by the Senate at an early date.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. GORE. I desire also to have printed in the RECORD at this point a letter which I received this morning from Governor Schley, of the Panama Canal Zone. The Governor wrote the letter at my instance. It is a clear and succinct statement of the disadvantages of the present toll system and the advantages which would result from the enactment of the pending legislation. I hope Senators will read the letters as they appear in the RECORD.

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

THE PANAMA CANAL,
Washington, January 11, 1936.

Hon. THOMAS P. GORE,
Chairman, Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

MY DEAR SENATOR GORE: I consider that the prompt enactment of remedial legislation contained in section 1 of the bill, S. 2288, "To provide for the measurement of vessels using the Panama Canal, and for other purposes", is essential for the proper management of the Panama Canal. The enactment of this law will correct the only feature of the Canal's operation which is not based on merit, equity, and efficiency.

The purpose of this legislation as set forth in the voluminous hearings held by your committee and by the House committee on similar legislation is to effect a readjustment not prompted by protests but to accomplish certain well-defined results beneficial not only to shipping interests but to the United States, the objects being: First, to reestablish in the present law the system originally intended by the Congress, which through certain technicalities has become ineffective—a system patterned after that in general use for ship canals which had operated successfully over a period of many years and which is designed to avoid the inequalities that this legislation aims to wipe out; second, to abolish the unsatisfactory, unfair, dual system of measurement whereby tolls charges are based on one tonnage and the limiting factor on another different and smaller tonnage subject to manipulation; third, to stop further and apparently endless reduction in tolls paid.

The present system, having no justification in equity among the several types of ships, should be considered as a form of subsidy to certain types at the expense of other types. Each measurement concession granted to our own merchant marine is enjoyed equally by all foreign vessels using the Panama Canal, thus gaining for them greater reduction in tonnage as a basis for tolls than may be obtained by them under the measurement rules of their own countries. At the Panama Canal every class of vessel which fails to pay its proper share of the tolls includes foreign-flag vessels. Those foreign-flag passenger and general cargo vessels now have the advantage of this indirect subsidy even when they are in competition with American-flag vessels in the unprotected foreign trade.

Since the aggregate tolls, based on the 1934 statistics, would be less under the proposed plan at the 90-cent rate than was actually collected in that year, it is obvious that any increase to any single company is an increase incident to the change to a fair system, and the extent of such increase is the measure by which that single company is now enjoying special privilege over fellow shipowners. While the 1935 figures do not present quite as favorable a picture as the 1934 statistics, this is due to the fact that more vessels took advantage of the opportunity to reduce their paying tonnage by making structural alterations, as was predicted. Especially did the Japanese vessels take every advantage of the regulations on new construction, and they are now reconditioning their old vessels, as is hereinafter stated.

In your report, No. 624, on the bill you refer to American vessels which had made structural changes for the purpose of reducing their tolls charges, and state that the enactment of the proposed legislation "would, in the main, require them to make no larger payments than they had been making prior to such structural alterations, and would effect only the withdrawal from them of a special advantage of which they had availed themselves by making such alterations."

A detailed recheck of the figures submitted in the testimony of representatives of some of the steamship companies at the hearings fully bears out the statement made by you. Some of the figures submitted by representatives of steamship companies were very much exaggerated. In the case of one general passenger and cargo line, where it was testified that the annual increase in tolls would be $400,000, the actual figures show an increase of $263,000, and even this increase would be further reduced under the proposed revision of the Panama Canal rules, so that this company would then pay approximately $50,000 less than before making structural alterations. In the case of a line that testified to an increase of between $290,000 to $300,000 through the adoption of this legislation, the actual figures show an increase of less than $64,000 at the 90-cent rate, or $94,000 less than this line paid prior to the making of structural alterations.

The figures relating to a number of large passenger vessels clearly show that the contemplated reduction in space included in net tonnage due to its use for public rooms or for crews serving passengers will so reduce the amount of tolls being charged such vessels under the revised Panama Canal rules that, at a 90-cent-per-ton rate, the amount paid by such vessels will in nearly every case be less than the amount paid prior to the time structural alterations were made for the purpose of reducing tolls that might be charge under the limitation based on United States rules.

[Detailed figures upon which this is based are given in attached statement.]

The question involved in this legislation is not one of choosing one of two systems. The Panama Canal rules are definitely established as the basis of toll charges. Vessels are measured and certificates issued by the Department of Commerce in all American ports and by foreign measurement officials in ports throughout the world. Every vessel transiting the Canal is given a Panama Canal certificate setting forth its tonnage, and this is retained on board along with other ship's documents. It is not a second Federal system of measurement of vessels. It is a system for vessels which use the Panama Canal, American and foreign, and has no effect on American ships which do not use the Canal. It is not a duplication of effort; and the defeat of this bill will not remove the necessity for Panama Canal measurement, but the passage of the bill will make the measurement of foreign vessels under United State registry rules unnecessary. Under the present system the United States registry rules are used only as a limiting factor, a purpose for which they are entirely unsuited not only in theory but as judged by 20 years' experience and the conditions existing today. United States registry rules may be entirely suitable for the purposes for which they are devised, namely, to determine port charges and harbor dues in ports throughout the world in competition with foreign vessels whose measured tonnage has also been reduced to a minimum by their governments to meet such competition. Each system has its proper functions and neither one should be allowed to interfere with the other. The limiting factor should be on the price per ton Panama Canal measurement, as provided in bill S. 2288; then any warranted reduction in tolls can be accomplished by reduction in the price per ton rather than in fictitious reduction in the tonnage of the vessel.

While revenue to be expected from the transit of vessels through the Panama Canal may not be comparable with a private enterprize such as the Suez Canal, that revenue is determined by the rate per ton. The Suez Canal measurement system is considered sound by disinterested specialists. The Panama Canal system of measurement followed closely along Suez lines and, in the light of experience, is considered an improvement on that system. The Panama Canal rules are not obsolete nor in need of modification,

but can be revised to bring them up to date in view of the development of ship design and of the experience gained over a period of 20 years. These rules were so designed as not to retard the natural development of ship construction or to penalize provisions for the safety and comfort of passengers and crew. Such changes as are contemplated, whether or not section 2 of the bill is adopted, will not be numerous. The features with which they deal are practically all known. They will in each instance favor the ship, and were rather fully explained by Panama Canal representatives at the hearings.

The following in regard to Japanese vessels is quoted from my annual report for the fiscal year 1935:

"In the hearings on the Senate bill last year it was pointed out that Japan had not taken full advantage of the rules regarding exemption of cargo spaces on freight ships, but that they were beginning to do so. During 1934 the 84 Japanese vessels making 258 *transits* showed a United States net tonnage of 1,133,535 tons and a Panama Canal net of 1,413,305, the United States net forming 80.2 percent of the Panama Canal net. In 1935 there were 14 newly constructed Japanese vessels which arrived for the first time. These made 47 transits during the year. For the 47 transits the United States net tonnage of these newly constructed vessels, which had taken advantage of the exemption of cargo spaces allowed under the United States rules, amounted to 204,976 tons, while the Panama Canal tonnage was 294,349 tons, the United States tonnage thus amounting to only 70.1 percent of the Panama Canal net tonnage. As there were still some of the older Japanese vessels transiting the Canal, for the total traffic for the year the United States net was 75.8 percent of the Panama Canal net, or a reduction of 5.5 percent in tons and toll charges from last year's (1934) figures. This will undoubtedly be lowered considerably more during 1936 as the older vessels are replaced or reconditioned to take advantage of the rules. This accounts, in part at least, for the substantial drop in the percentage for all vessels in 1935."

The passage of this bill will not increase the aggregate of the toll collections; it will eliminate inequalities in charges between different vessels; it will stop the making of structural changes in vessels which in many cases reduce the safety of the vessels at sea; it will make unnecessary the measurement of vessels transiting the Canal, except under one set of rules especially adapted to the purpose, such rules being an improvement upon though similar to those applicable to the Suez Canal; it will eliminate an expensive indirect subsidy which up to now has accrued to foreign vessels in much greater proportion than to United States vessels; it will stop the apparently endless reduction in tolls paid by a vessel; and it will so fix Panama Canal income that a change therein will be effected, as it should be, by a change in the rate per ton ordered by the President within the limits prescribed by Congress rather than by arbitrary changes in the measurement of vessels.

It is my considered opinion that the best interests of the United States require the enactment of this legislation. The Secretary of War in his last annual report urgently recommended its enactment, and the President recently stated that its enactment had already been too long delayed.

Very sincerely yours, J. L. SCHLEY, *Governor.*

STATEMENT IN REGARD TO PARTICULAR SHIPS—ACCOMPANYING LETTER FROM THE GOVERNOR OF THE PANAMA CANAL TO SENATOR GORE, CHAIRMAN OF SENATE COMMITTEE ON INTEROCEANIC CANALS, DATED JANUARY 11, 1936

The steamship *Virginia* paid $15,086 in tolls prior to reconditioning. Her Panama Canal net tonnage is now 18,170, and with contemplated reduction by an estimated allowance of 1,135 tons for public rooms and an additional allowance of 825 tons for space not now allowed for that part of her crew serving passengers, her Panama Canal net would be reduced to 16,210 tons, which at 90 cents a ton equals $14,589, or $497 less per transit than tolls paid prior to reconditioning. Figures for the steamship *Pennsylvania* are approximately the same, while the steamship *California* would pay approximately $800 less per transit. These three vessels are operated by the International Mercantile Marine Co. (Panama-Pacific Line).

The steamship *President Wilson*, of the Dollar Line, paid $10,433 prior to reconditioning. After allowing 410 tons for public rooms and 280 tons for the crew, this vessel would pay tolls on 9,511 Panama Canal net tons at 90 cents per ton, a total of $8,560, or $1,873 less than prior to reconditioning.

The Grace Line steamship *Santa Rosa* paid $7,267 prior to reconditioning. After allowing 500 tons for public rooms and 337 tons for the crew, this vessel would pay on 8,830 Panama Canal net tons, at 90 cents per ton, a total of $7,542, which is $274 more than before reconditioning.

The figures given above are conservative, and in some cases the savings to ships might be even more.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. GORE. I am glad to yield.

Mr. VANDENBERG. In what fashion does the Senator propose to change section 2?

Mr. GORE. I intend to move to strike out section 2. Section 2 provides that the President shall appoint a special committee of three members to make a study of the rules for the measurement of vessels using the Panama Canal and the tolls that should be charged therefor. It has been some 20 years since the former study was made. I thought it would be in the interest of enlightened legislation and administration that new rules should be formulated in the light of a study and research made at this time, in the light of recent improvements in vessel construction. Section 2 seems to have drawn the fire of the opposition to the measure, and in order to accommodate them and obviate their objection to that section, I shall move to strike it out.

Mr. McNARY. Mr. President, has the Senator from Oklahoma concluded his remarks?

Mr. GORE. Yes; for the time being.

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

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

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

Mr. LEWIS. I wish to announce the absence, because of temporary illness, of my colleague the junior Senator from Illinois [Mr. DIETERICH].

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

Mr. ROBINSON. Mr. President, I inquire if the Senator from Maine [Mr. WHITE] is ready to proceed?

Mr. McNARY. The Senator from Maine is not ready today.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, unless some Senator desires to proceed with the discussion of the bill under consideration, I desire to move an executive session. I hear nothing to the contrary; so 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. SHEPPARD in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing two nominations), which were referred to the appropriate committees.

(For nominations this day received and nominations withdrawn see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Maj. Gen. Malin Craig, United States Army (vice Gen. Douglas MacArthur, Chief of Staff, relieved on October 1, 1935), to be general, while holding office as Chief of Staff of the Army, with rank from October 2, 1935, under the provisions of law; and also the nominations of several other general officers of the Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. The nominations will be placed on the Executive Calendar. If there be no further reports of committees, the calendar is in order.

TREATIES

The Chief Clerk announced Executive E (73d Cong., 2d sess.), the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928, as first in order on the calendar.

Mr. PITTMAN. I ask that the treaty go over.

The PRESIDING OFFICER. Without objection, the treaty will be passed over.

THE JUDICIARY

The Chief Clerk read the nomination of Joseph B. Keenan, of Ohio, to be Assistant to the Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Brien McMahon, of Connecticut, to be Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk proceeded to announce sundry nominations in the Diplomatic and Foreign Service.

Mr. PITTMAN. Mr. President, these nominations are all in the nature of promotions. They have been unanimously approved by the Foreign Relations Committee and by the Senators from whose States the appointees come. Therefore I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The Chief Clerk read the nomination of Wade H. Brown to be postmaster at Jane Lew, W. Va.

The PRESIDING OFFICER. This nomination is adversely reported. The question is, Will the Senate advise and consent to the nomination? [Putting the question.] The noes have it, and the nomination is rejected.

Mr. ROBINSON. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

ORDER FOR ADJOURNMENT TO THURSDAY

The Senate resumed legislative session.

Mr. ROBINSON. I ask unanimous consent that when the Senate completes its labor today it adjourn until 12 o'clock noon on next Thursday.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBINSON. I also ask unanimous consent that the committees of the Senate may have leave to report during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE WESLEY LLOYD, OF WASHINGTON

Mr. SCHWELLENBACH. Mr. President, it is my sad duty to announce to the Senate the death of Hon. WESLEY LLOYD, of Tacoma, Wash., late a Representative from the State of Washington. I ask the Chair to lay before the Senate the resolutions from the House of Representatives.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read the resolution (H. Res. 390), as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
January 10, 1936.

Resolved, That the House has heard with profound sorrow of the death of Hon. WESLEY LLOYD, a Representative from the State of Washington.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. SCHWELLENBACH. I send to the desk resolutions for which I ask immediate consideration.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 218) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WESLEY LLOYD, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatitves to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. The Chair appoints, as the committee on the part of the Senate, the Senator from Washington [Mr. BONE] and the Senator from Nebraska [Mr. BURKE].

Mr. SCHWELLENBACH. Mr. President, as a further mark of respect to the memory of the late Representative LLOYD, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 26 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Thursday, January 16, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 13, 1936

UNITED STATES ATTORNEY

Charles F. Uhl, of Pennsylvania, to be United States attorney, western district of Pennsylvania. (Mr. Uhl is now serving under an appointment by court.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Paxton Sterrett Campbell, Infantry, with rank from November 1, 1934.

Capt. Thomas Edmund Mahoney, Infantry, with rank from October 5, 1929.

TO CORPS OF ENGINEERS

Second Lt. William Loveland Rogers, Infantry, December 20, 1935, with rank from June 12, 1934.

TO CAVALRY

Second Lt. John Baird Shinberger, Infantry, with rank from June 13, 1933.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lt. Col. James Macdonald Lockett, Infantry, from January 1, 1936.

Lt. Col. Jesse Cyrus Drain, Infantry, from January 1, 1936.

Lt. Col. Charles Henry Rice, Infantry, from January 1, 1936.

TO BE LIEUTENANT COLONELS

Maj. John Kennard, Cavalry, from January 1, 1936.

Maj. John Bellinger Thompson, Cavalry, from January 1, 1936.

Maj. Hamner Huston, Signal Corps, from January 1, 1936.

Maj. Jens Anderson Doe, Infantry, from January 1, 1936.

TO BE MAJORS

Capt. Horace Benjamin Smith, Infantry, from January 1, 1936.

Capt. Barlow Winston, Quartermaster Corps, from January 1, 1936.

Capt. Maurice Rose, Cavalry, from January 1, 1936.

Capt. Chester Morse Willingham, Infantry, from January 1, 1936.

Capt. Gene Russell Mauger, Cavalry, from January 1, 1936.

Capt. Joseph Jerome Fraser, Infantry, from January 1, 1936.

Capt. Frank L. Burns, Infantry, from January 1, 1936.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. George J. Meyers to be a rear admiral in the Navy from the 1st day of December 1935.

The following-named captains to be rear admirals in the Navy from the 1st day of January 1936:

Edward J. Marquart
Gilbert J. Rowcliff

Commander Richard B. Coffman to be a captain in the Navy from the 30th day of June 1935.

The following-named commanders to be captains in the Navy from the 1st day of July 1935:

Richmond K. Turner
Alexander M. Charlton (an additional number in grade)

The following-named commanders to be captains in the Navy from the 1st day of September 1935:

Henry F. D. Davis (an additional number in grade)
Oscar Smith
Herbert A. Jones

Commander Henry T. Markland to be a captain in the Navy from the 1st day of December 1935.

Commander Abel T. Bidwell to be a captain in the Navy from the 1st day of January 1936.

The following-named lieutenant commanders to be commanders in the Navy from the 30th day of June 1935:

Robert A. Dyer, 3d	Robert P. Luker
Paul W. Fletcher	Oliver O. Kessing
James E. Boak	John H. Brown, Jr.
Francis K. O'Brien	Ralph G. Pennoyer
Karl R. Shears	Arthur C. Davis
Robert C. Starkey	Arthur D. Struble

Lt. Comdr. Louis R. Moore to be a commander in the Navy from the 1st day of July 1935.

Lt. Comdr. Edward E. Hazlett, Jr., to be a commander in the Navy from the 1st day of August 1935.

Lt. Comdr. Scott Umsted to be a commander in the Navy from the 9th day of August 1935.

Lt. Comdr. Powell M. Rhea to be a commander in the Navy from the 1st day of September 1935.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of October 1935:

Hubert E. Paddock
Theodore E. Chandler

Lt. Comdr. William S. Popham to be a commander in the Navy from the 1st day of December 1935.

Lt. William H. Galbraith to be a lieutenant commander in the Navy from the 1st day of August 1934.

Lt. Robert Bolton, Jr., to be a lieutenant commander in the Navy from the 1st day of June 1935.

The following-named lieutenants to be lieutenant commanders in the Navy from the 30th day of June 1935:

Herbert G. Hopwood	Charles B. McVay, 3d
Frederick W. McMahon	Paul R. Heineman
Carroll L. Tyler	Drayton Harrison
Harold C. Fitz	Maurice E. Curts
Samuel H. Arthur, an additional number in grade.	Jennings B. Dow
	Charles F. Grisham
Paul W. Steinhagen	William L. Peterson
Maurice E. Hatch	Harry F. Carlson
Forrest M. O'Leary	James E. Dyer

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July 1935:

Steven W. Callaway	Mead S. Pearson
William M. McDade	Clarence F. Swanson
James J. McGlynn	James B. Donnelly
Russell C. Bartman	Robert Holmes Smith
Clarence V. Lee	Thomas B. Brittain

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of August 1935:

John E. Whelchel	Oscar A. Weller
Winfield S. Cunningham	Roy W. M. Graham

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of September 1935:

William G. Tomlinson	Martin J. Gillan, Jr.
Maurice E. Browder	Edmond P. Speight

Lt. Charles D. Edmunds to be a lieutenant commander in the Navy from the 1st day of October 1935.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of October 1935:

Willard M. Downes
Elmer S. Stoker
Neill D. Brantly

Lt. (Jr. Gr.) Willis A. Lent to be a lieutenant in the Navy from the 1st day of July 1934.

Lt. (Jr. Gr.) Thomas C. Thomas to be a lieutenant in the Navy from the 1st day of September 1934.

Lt. (Jr. Gr.) Franklin W. Slaven to be a lieutenant in the Navy from the 1st day of October 1934.

Lt. (Jr. Gr.) Terrence R. Cowie to be a lieutenant in the Navy from the 12th day of December 1934.

Lt. (Jr. Gr.) James M. Miller to be a lieutenant in the Navy from the 27th day of December 1934.

Lt. (Jr. Gr.) George E. Fee to be a lieutenant in the Navy from the 1st day of April 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of May 1935:

Douglas E. Smith
Francis R. Stolz
Charles A. Bond

Lt. (Jr. Gr.) Richard W. Reither to be a lieutenant in the Navy from the 1st day of June 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 30th day of June 1935:

Jesse C. Sowell	Howard T. Orville
Herbert P. Rice	Oliver F. Naquin
Edward L. Schleif	James D. Taylor, 3d
William O. Gallery	William L. Benson
Thomas Burrowes	Waldeman N. Christensen
Donald C. Varian	Hunter Wood, Jr.
Carleton C. Hoffner	Roland B. Vanasse
Lee F. Sugnet	William R. Headden
Charles S. Weeks	Barton E. Bacon, Jr.
Kenneth C. Hurd	Watson T. Singer
William L. Wright	Paul C. Crosley
Warren W. Johnson	Edward L. Beck
Rex S. Caldwell	George A. Leahey, Jr.
William L. Turney	Raymond R. Lyons
James H. Carrington	William A. New
Malcolm D. Sylvester	William H. Truesdell
Albert E. Jarrell	Richard Davis, Jr.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July 1935:

William H. Standley, Jr.	Walter S. Mayer, Jr.
Frank P. Tibbitts	Julian B. Jordan
Fremont B. Eggers	Warren P. Mowatt
John S. Chitwood	James O. Banks, Jr.
Fred R. Stickney	Carter A. Printup
Harold H. Pickens	George F. O'Keefe
Reuben T. Thornton, Jr.	

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of August 1935:

Herman E. Schieke	Aubrey B. Leggett
Cecil L. Blackwell	Bennett W. Wright
Theodore Wolcott	Samuel D. Simpson
Carroll D. Reynolds	William G. Beecher, Jr.

Lt. (Jr. Gr.) Walter B. Davidson to be a lieutenant in the Navy from the 9th day of August 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of September 1935:

Tillett S. Daniel	Reginald C. Johnson
Joseph M. Carson	Austin C. Behan

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of September 1935:

Harold F. Dearth
William S. Howard, Jr.
Hamilton L. Stone

Lt. (Jr. Gr.) John B. Brown to be a lieutenant in the Navy from the 6th day of September 1935.

Lt. (Jr. Gr.) Joseph H. Nevins, Jr., to be a lieutenant in the Navy from the 12th day of September 1935.

Lt. (Jr. Gr.) Thomas C. Parker to be a lieutenant in the Navy from the 17th day of September 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of October 1935:

Harry B. Heneberger
Max H. Bailey
Clarence E. Gregerson

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 2d day of June 1935:

Edwin W. Hurst	Edmond G. Konrad
Charles M. Keyes	Martin M. Koivisto
Chauncey S. Willard	George L. Hutchinson
William E. Townsend	John A. Moore
Gordon W. Underwood	John J. McCormick
Anthony H. Dropp	Fred Connaway
Paul H. Harrington	James A. Flenniken
Richard V. Gregory	George S. James, Jr.
Alfred L. Cope	Everett L. Phares
Charles J. Odend'hal, Jr.	Joseph F. Witherow, Jr.
William T. Zink, Jr.	John D. Lamade
Richard H. Blair	David H. McDonald
William A. Thorn	Louis W. Mang
William Outerson	William J. Catlett, Jr.
John D. Andrew	Robert E. Goodgame, Jr.
William E. Kenna	Lloyd H. McAlpine
George P. Rogers	William J. Widhelm
Frank D. Latta	Clifford A. Johnson
Charles S. Hutchings	John O. Speer
Daniel C. Goodman	Lloyd W. Parrish
Lawrence W. Smythe	Jack A. Binns
Charles K. Mallory, Jr.	John D. Shea
Francis E. Nuessle	Charles E. Perkins
George M. Ottinger	Harry E. Townsend
Frederick Wolsieffer	Charles H. Everett, Jr.
John P. Lunger	Philip D. Quirk
Brooks J. Harral	

Lt. (Jr. Gr.) Samuel A. McCornock to be a lieutenant (junior grade) in the Navy, from the 2d day of June 1935, to correct error in spelling of name as previously nominated and confirmed.

Midshipman John F. Mooney, Jr., to be an ensign in the Navy, revocable for 2 years, from the 6th day of June 1935.

The following-named former midshipmen of the Naval Academy class of 1933 to be ensigns in the Navy, revocable for 2 years, from the 29th day of August 1935, in accordance with the act of Congress approved August 29, 1935:

Henry H. Strozier	Russell Kefauver
Kerfoot B. Smith	James L. Jordan
Francis R. Drake	Charles H. Keyser
Seth S. Searcy, Jr.	Philip K. Sherman, Jr.
William B. Porter	William C. P. Bellinger, Jr.
Clarence M. White, Jr.	Carl G. Drescher
Ned J. Wentz	Glenn L. Dunagan

Medical Director John M. Brister to be a medical director in the Navy, with the rank of rear admiral, from the 16th day of October 1930.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of July 1935:

Clyde B. Camerer
Joseph J. A. McMullin

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 30th day of June 1935:

Brython P. Davis	Guy B. McArthur
Percy W. Dreifus	John G. Powell
Albin L. Lindall	Raymond B. Storch
William T. Lineberry	Otto W. Grisier
Benjamin F. Norwood	George D. Thompson
Eben E. Smith	Claude R. Riney
Edwin D. McMorries	Robert E. S. Kelley
Walter J. Pennell	Lewis G. Jordan

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, from the 30th day of June 1935:

Clark E. Morrow
Harold A. Daniels

Asst. Dental Surg. (Temporary) Wilbur N. Van Zile to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 1st day of June 1935.

The following-named citizens to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), from the 3d day of September 1935:

Stanley W. Smith, a citizen of Illinois.
Alfred F. White, a citizen of Massachusetts.
Joseph W. Campbell, a citizen of Pennsylvania.
James L. Townsend, a citizen of Virginia.
James J. Dempsey, a citizen of Pennsylvania.
Joseph L. Parker, a citizen of Virginia.

Pay Inspector Duette W. Rose to be a pay director in the Navy, with the rank of captain, from the 1st day of July 1935.

The following-named lieutenants to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the dates stated opposite their names:

John K. Lynch, June 3, 1927.
George W. Bauernschmidt, June 10, 1928.
Austin S. Keeth, February 18, 1929.
Walter E. Gist, July 26, 1929.
Malcolm W. Pemberton, May 10, 1930.
Ralph J. Arnold, April 1, 1931.
John J. Jecklin, October 1, 1931.
Julian J. Levasseur, December 1, 1931.
Joseph E. Wolowsky, September 1, 1932.
James B. Ricketts, May 21, 1933.
Francis M. Hook, July 1, 1933.
James J. Cunningham, June 30, 1934.

Lt. James R. Hanna to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 24th day of July 1935.

The following-named lieutenants (junior grade) to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), to rank from the dates stated opposite their names:

Charles J. Naumilket, February 25, 1928.
Yates Stirling, 3d, June 3, 1929.
William A. Gerth, June 3, 1929.
Walter E. Fratzke, June 3, 1929.
John C. Bernet, June 2, 1930.
William L. Knickerbocker, June 2, 1930.
Byron C. Gwinn, June 2, 1930.
Donald S. Gordon, June 7, 1931.
Walter N. Gray, June 7, 1931.
Allan McL. Gray, June 6, 1932.
Milton C. Dickinson, June 6, 1932.
Albert P. Kohlhas, Jr., June 5, 1933.
Jack Agnew, June 5, 1933.
Lee DeV. Boyle, June 5, 1933.
Hiram W. Spence, June 5, 1933.
Carlos M. Charneco, June 5, 1933.
Albert Konigsberg, June 5, 1933.
Hugh C. Haynsworth, Jr., June 5, 1933.
George W. Foott, Jr., June 5, 1933.
Jesse S. McAfee, June 4, 1934.
Charles R. Almgren, June 4, 1934.
Carl A. Lizberg, June 4, 1934.
John F. Castree, June 4, 1934.
Bryant A. Chandler, June 4, 1934.
John W. Crumpacker, June 4, 1934.
John F. Just, June 4, 1934.
Robert M. Bowstrom, June 4, 1934.
Sidney A. Ernst, June 2, 1935.
Hugh L. Hendrick, Jr., June 2, 1935.
George C. Hunter, June 2, 1935.
Thomas J. Montgomery, June 2, 1935.
Ralph M. Humes, June 2, 1935.
John C. DeWitt, Jr., June 2, 1935.
Lawrence Smith, June 2, 1935.
Carl F. Faires, Jr., June 2, 1935.

The following-named lieutenants (junior grade) to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 2d day of June 1935:

J. Harry Hayes

Frederick O. Vaughan

Chaplain Thomas F. Regan to be a chaplain in the Navy, with the rank of commander, from the 30th day of June 1935.

Naval Constructor Alva B. Court to be a naval constructor in the Navy, with the rank of captain, from the 1st day of July 1929.

Naval Constructor Lew M. Atkins to be a naval constructor in the Navy, with the rank of captain, from the 7th day of January 1930.

Naval Constructor Philip G. Lauman to be a naval constructor in the Navy, with the rank of captain, from the 1st day of December 1931.

Naval Constructor Ralph T. Hanson to be a naval constructor in the Navy, with the rank of captain, from the 1st day of January 1932.

The following-named electricians to be chief electricians in the Navy, to rank with but after ensign, from the 1st day of October 1934:

William J. McPhee

Elwood L. Knaus

Radio Electrician Clifton Evans, Jr., to be a chief radio electrician in the Navy, to rank with but after ensign, from the 1st day of October 1935.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 1st day of October 1935:

Daniel Osburg

Edward H. Brady

Clarence L. Price

Carpenter Joseph T. Zumsteg to be a chief carpenter in the Navy, to rank with but after ensign, from the 1st day of October 1934.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 5th day of September 1935:

Ollie Z. Whitt

Inman F. Elliott

The following-named lieutenant commanders to be lieutenant commanders in the Navy from the dates stated opposite their names to correct the date of rank as previously nominated and confirmed:

Thomas J. Bay, June 1, 1934.
Albert McI. Wright, June 29, 1934.
William B. Goggins, June 30, 1934.
Earl LeR. Sackett, June 30, 1934.
Felix L. Johnson, July 1, 1934.
Marcy M. Dupre, Jr., July 1, 1934.
Marion E. Crist, August 1, 1934.
Benton W. Decker, September 1, 1934.
Warner W. Angerer, September 1, 1934.
Edward E. Pare, September 1, 1934.
Richard S. Morse, September 8, 1934.
Robert D. Threshie, October 1, 1934.
John Perry, October 1, 1934.
Felix L. Baker, November 1, 1934.
Oberlin C. Laird, December 12, 1934.
Thomas S. Combs, December 12, 1934.
Leo B. Schulten, January 1, 1935.
Lewis Corman, January 1, 1935.
Hugh E. Haven, January 27, 1935.
Robert E. Melling, February 1, 1935.
Robert E. Robinson, Jr., April 1, 1935.

Delmer S. Fahrney, an additional number in grade, May 1, 1935.

John B. Longstaff, May 31, 1935.

The following-named lieutenants to be lieutenants in the Navy from the dates stated opposite their names to correct the date of rank as previously nominated and confirmed:

Elijah W. Irish, March 1, 1934.
Burton L. Doggett, March 6, 1934.
Harrell W. Hall, March 10, 1934.
Joseph W. Adams, Jr., April 1, 1934.
Hugh J. Martin, May 1, 1934.
Harold B. Edgar, May 10, 1934.
Neville L. McDowell, May 17, 1934.
Edward F. Gallagher, June 1, 1934.
Joseph M. Worthington, June 29, 1934.
Edward N. Parker, June 30, 1934.
Stanley P. Moseley, July 1, 1934.
Edward K. Walker, July 5, 1934.
Robert E. Cronin, August 1, 1934.
Cecil B. Gill, September 1, 1934.
Eugene E. Paro, September 8, 1934.
Bruce D. Kelley, October 1, 1934.
Franklin D. Karns, Jr., October 13, 1934.
Morton C. Mumma, Jr., October 27, 1934.
Anthony L. Rorschach, November 1, 1934.
Chester C. Smith, November 7, 1934.
George C. Wright, November 10, 1934.
David M. Tyree, November 11, 1934.
Jackson S. Champlin, December 1, 1934.
Clarence C. Ray, December 12, 1934.
Clarence E. Haugen, December 28, 1934.
Wilfred B. Goulett, January 1, 1935.
Lewis S. Parks, January 14, 1935.
Harman A. Bell, Jr., January 27, 1935.
Harold C. Pound, February 1, 1935.
Roger B. Nickerson, February 19, 1935.
Merle Van Metre, March 1, 1935.
Cameron Briggs, May 1, 1935.
William L. Messmer, May 22, 1935.
Clement R. Criddle, May 31, 1935.
William J. O'Brien, June 1, 1935.
Frederick N. Kivette, June 6, 1935:

The following-named naval constructors to be commanders in the Navy, for aeronautical engineering duty only, from the dates stated opposite their names, in accordance with the act of Congress approved June 5, 1935:

Walter W. Webster, September 18, 1922.
Garland Fulton, October 19, 1922.
Samuel J. Zeigler, Jr., June 30, 1925.
Ernest M. Pace, Jr., June 30, 1925.
Donald Royce, June 30, 1934.
William Nelson, June 30, 1935.
Frederick W. Pennoyer, Jr., June 30, 1935.

The following-named naval constructors to be lieutenant commanders in the Navy, for aeronautical engineering duty only, from the dates stated opposite their names, in accordance with the act of Congress approved June 5, 1935:

Henry R. Oster, September 23, 1926.
Lawrence B. Richardson, September 23, 1926.
James R. Allen, August 27, 1927.
Charles A. Nicholson, 2d, August 27, 1927.
Ralph S. Barnaby, June 30, 1931.
Raymond D. MacCart, July 1, 1931.
Walter S. Diehl, July 1, 1931.
Lucien M. Grant, June 30, 1932.
George V. Whittle, September 1, 1933.
Roland G. Mayer, September 1, 1933.
Cornelius V. S. Knox, March 1, 1934.
Karl Schmidt, May 1, 1934.
Lloyd Harrison, June 1, 1934.
Lisle J. Maxson, June 1, 1934.
Calvin M. Bolster, June 1, 1934.

The following-named naval constructors to be lieutenants in the Navy, for aeronautical engineering duty only, from the dates stated opposite their name, in accordance with the act of Congress approved June 5, 1935.

Carlyle L. Helber, June 3, 1928.
Nicholas A. Draim, June 3, 1928.
Alden R. Sanborn, June 3, 1928.
John B. Pearson, Jr., June 5, 1930.
Robert S. Hatcher, June 20, 1932.
Edward W. Clexton, June 20, 1932.

Assistant Paymaster Earnest G. Campbell to be an ensign in the Navy from the 1st day of June 1933, in accordance with the provisions of an act of Congress approved July 22, 1935.

POSTMASTERS

ALABAMA

Walton P. LeMay to be postmaster at Joe Wheeler Dam, Ala. Office became Presidential January 1, 1936.

Rawley F. Hall to be postmaster at Prichard, Ala., in place of Z. L. Persons, resigned.

William A Coleman to be postmaster at Samson, Ala., in place of E. P. Johnson. Incumbent's commission expired February 4, 1935.

ALASKA

May Kennedy to be postmaster at Palmer, Alaska. Office became Presidential January 1, 1936.

ARIZONA

Nott E. Guild to be postmaster at Florence, Ariz., in place of M. A. McGee. Incumbent's commission expired February 14, 1935.

CALIFORNIA

Clarence A. Acton to be postmaster at Inglewood, Calif., in place of C. A. Acton. Incumbent's commission expired January 9, 1936.

Frank J. Bole to be postmaster at Monrovia, Calif., in place of H. L. Kellogg. Incumbent's commission expired December 16, 1933.

COLORADO

Mae L. Sharpe to be postmaster at Gilman, Colo. Office became Presidential July 1, 1935.

Ira O. Martin to be postmaster at Keenesburg, Colo., in place of E. M. Beggs, removed.

CONNECTICUT

Nelson E. Welch to be postmaster at Somers, Conn., in place of N. E. Welch. Incumbent's commission expired January 9, 1936.

FLORIDA

Schubert S. Welling to be postmaster at Babson Park, Fla., in place of C. T. Daves, resigned.

Ora S. Goforth to be postmaster at Caryville, Fla. Office became Presidential July 1, 1935.

Albert S. Herlong, Jr., to be postmaster at Leesburg, Fla., in place of L. A. Morris. Incumbent's commission expired February 14, 1935.

GEORGIA

Sara A. Sandifer to be postmaster at Locust Grove, Ga. Office became Presidential July 1, 1935.

William A. Pattillo to be postmaster at Macon, Ga., in place of F. B. Stephens, deceased.

Jesse W. Slade to be postmaster at Zebulon, Ga., in place of Robert Barron. Incumbent's commission expired February 25, 1935.

IDAHO

Edward J. Doyle to be postmaster at Bonners Ferry, Idaho, in place of J. W. Reid. Incumbent's commission expired February 14, 1935.

ILLINOIS

Rupert R. Barkley to be postmaster at Casey, Ill., in place of C. H. Collins. Incumbent's commission expired January 7, 1936.

Elsie Irene Minier to be postmaster at Sheldon, Ill., in place of J. W. Maddin. Incumbent's commission expired January 22, 1935.

INDIANA

Harry L. Korner to be postmaster at Star City, Ind., in place of N. H. Brown, removed.

IOWA

Wilford S. Smiley to be postmaster at Grinnell, Iowa, in place of A. M. Burton, retired.

Noah T. Nixon to be postmaster at Lorimor, Iowa, in place of J. O. Weitgenant, failed to qualify.

Philip J. Carolan to be postmaster at Ridgeway, Iowa, in place of Matilda Johnson. Incumbent's commission expired December 18, 1933.

Herbert B. Heyer to be postmaster at Sumner, Iowa, in place of P. F. Wilharm. Incumbent's commission expired February 14, 1935.

KENTUCKY

Maude Heltsley to be postmaster at Drakesboro, Ky., in place of Hazel O'Neill. Incumbent's commission expired December 20, 1934.

MAINE

Herbert L. Osgood to be postmaster at Mattawamkeag, Maine. Office became Presidential July 1, 1934.

MICHIGAN

Frederick H. Smith, Jr., to be postmaster at Arcadia, Mich. Office became Presidential July 1, 1935.

Esse S. Martin to be postmaster at Honor, Mich. Office became Presidential July 1, 1935.

MINNESOTA

Alfred Erickson to be postmaster at Bronson, Minn., in place of R. R. Swanson. Incumbent's commission expired February 25, 1935.

Oscar A. Olson to be postmaster at Keewatin, Minn., in place of C. E. Sarff. Incumbent's commission expired February 20, 1935.

Charles Mechura to be postmaster at Lonsdale, Minn., in place of J. J. Barta. Incumbent's commission expired February 25, 1935.

Alvi Hanord Auenson to be postmaster at Ulen, Minn., in place of O. E. Reiersgord. Incumbent's commission expired February 20, 1935.

MISSISSIPPI

Georgia A. Humes to be postmaster at Crosby, Miss. Office became Presidential July 1, 1935.

MISSOURI

Garnett B. Sturgis to be postmaster at Eureka, Mo., in place of Clarence Wehrle. Incumbent's commission expired January 22, 1935.

George W. Daniels to be postmaster at Novinger, Mo., in place of C. R. Truitt. Incumbent's commission expired February 20, 1935.

NEW HAMPSHIRE

Wilfred J. M. Tremblay to be postmaster at Lebanon, N. H., in place of F. J. Bryant, retired.

NEW JERSEY

Francis W. Lyman to be postmaster at Lincoln Park, N. J., in place of H. F. Reder, removed.

Anthony V. Gross to be postmaster at Passaic, N. J., in place of J. H. Osborn. Incumbent's commission expired January 28, 1935.

George Nock to be postmaster at Pompton Plains, N. J., in place of F. G. Brochu, removed.

NEW YORK

Dorris E. Boss to be postmaster at Dalton, N. Y. Office became Presidential July 1, 1935.

Henry Karchmer to be postmaster at Kiamesha, N. Y., in place of A. D. Bailey. Incumbent's commission expired January 8, 1934.

Ward Kilpatrick to be postmaster at Windsor, N. Y., in place of B. W. Russell. Incumbent's commission expired February 5, 1935.

NORTH DAKOTA

Hugh H. Parsons to be postmaster at Fessenden, N. Dak., in place of H. H. Parsons. Incumbent's commission expired January 7, 1936.

OHIO

Howard M. Stanley to be postmaster at Albany, Ohio, in place of T. D. Ziggafoos. Incumbent's commission expired January 7, 1936.

Charles U. Read to be postmaster at Upper Sandusky, Ohio, in place of K. H. Hale, transferred.

Julius A. Stark to be postmaster at Wooster, Ohio, in place of F. C. Redick, deceased.

OKLAHOMA

James R. Hankla to be postmaster at Geary, Okla., in place of A. L. Stahlheber. Incumbent's commission expired April 28, 1934.

Tip J. Hammons to be postmaster at Hammon, Okla., in place of C. H. Hager, resigned.

James M. Crabtree to be postmaster at Weatherford, Okla., in place of A. H. Bergthold, resigned.

PENNSYLVANIA

Jennie Moran to be postmaster at Braddock, Pa., in place of A. J. Argall, removed.

Edward C. Bishop to be postmaster at Cresson, Pa., in place of J. F. Parrish. Incumbent's commission expired December 18, 1932.

Lawrence J. Welsh to be postmaster at Jeddo, Pa., in place of J. K. Ellis. Incumbent's commission expired May 29, 1934.

Alfred E. Cavalcante to be postmaster at McClellandtown, Pa. Office became Presidential July 1, 1935.

James Uhler Fetherolf to be postmaster at Nazareth, Pa., in place of W. E. Henry, transferred.

RHODE ISLAND

Edgar J. Peloquin to be postmaster at Manville, R. I., in place of Jonothan Bateman. Incumbent's commission expired December 18, 1934.

SOUTH CAROLINA

Robert A. Deason to be postmaster at Barnwell, S. C., in place of W. M. Harris. Incumbent's commission expired January 22, 1931.

TENNESSEE

Claude G. Taylor to be postmaster at Mountain Home, Tenn. Office became Presidential January 1, 1936.

Herman C. Mantooth to be postmaster at Newport, Tenn., in place of R. T. Campbell, resigned.

TEXAS

Wiley Fox to be postmaster at Dumas, Tex., in place of Wiley Fox. Incumbent's commission expired January 8, 1936.

Frank Benton Crush to be postmaster at Garland, Tex., in place of C. D. Crossman. Incumbent's commission expired February 4, 1935.

Hattie M. Culpepper to be postmaster at Palmer, Tex., in place of H. M. Culpepper. Incumbent's commission expired January 8, 1936.

Walter Kurz to be postmaster at Somerset, Tex. Office became Presidential July 1, 1935.

VERMONT

James J. Ransehousen to be postmaster at Bridgewater, Vt., in place of W. B. Needham. Incumbent's commission expired February 25, 1935.

Agnes M. Bullard to be postmaster at Marshfield, Vt., in place of A. T. Davis. Incumbent's commission expired February 4, 1935.

WASHINGTON

Joseph L. Milner to be postmaster at Almira, Wash., in place of J. L. Milner. Incumbent's commission expired January 8, 1936.

Almon D. Hannan to be postmaster at Bothell, Wash., in place of E. F. Gregory, removed.

Clara R. Monk to be postmaster at Granite Falls, Wash., in place of C. R. Bockmier. Incumbent's commission expired February 6, 1935.

Bert B. Schmitz to be postmaster at Waterville, Wash., in place of M. W. Miller. Incumbent's commission expired February 25, 1935.

WEST VIRGINIA

Joseph L. Dorsett to be postmaster at Minden, W. Va. Office became Presidential July 1, 1935.

WYOMING

William G. Haas to be postmaster at Cheyenne, Wyo., in place of W. G. Haas. Incumbent's commission expires April 12, 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 13, 1936

ASSISTANT TO THE ATTORNEY GENERAL

Joseph B. Keenan to be Assistant to the Attorney General.

ASSISTANT ATTORNEY GENERAL

Brien McMahon to be Assistant Attorney General.

PROMOTIONS IN THE DIPLOMATIC AND FOREIGN SERVICE

TO BE CONSULS GENERAL

Ralph C. Busser
Walter A. Leonard

TO BE SECRETARIES IN THE DIPLOMATIC SERVICE

William L. Peck	Frederic C. Fornes, Jr.
Julian L. Pinkerton	Archibald E. Gray

TO BE FOREIGN SERVICE OFFICERS OF CLASS 1

Thomas D. Bowman	Jay Pierrepont Moffat
Coert du Bois	R. Henry Norweb
Arthur C. Frost	Robert M. Scotten
J. Klahr Huddle	James B. Stewart
Frank P. Lockhart	Edwin C. Wilson

TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

Walter A. Adams	Herschel V. Johnson
Joseph W. Ballantine	Paul Knabenshue
Pierre de L. Boal	Frank C. Lee
Charles R. Cameron	Leland B. Morris
H. Merle Cochran	Lowell C. Pinkerton
Monnett B. Davis	Edward L. Reed
Erle R. Dickover	John Farr Simmons
Eugene H. Dooman	S. Pinkney Tuck
Prentiss B. Gilbert	George Wadsworth
Joseph E. Jacobs	

TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Maynard B. Barnes	Joseph F. McGurk
William C. Burdett	Robert D. Murphy
Raymond E. Cox	Myrl S. Myers
Nathaniel P. Davis	H. Earle Russell
John G. Erhardt	Clarence J. Spiker
Carol H. Foster	Harold H. Tittmann, Jr.
Charles Bridgham Hosmer	Avra M. Warren
Paul R. Josselyn	Orme Wilson

TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Willard L. Beaulac	Karl deG. MacVitty
J. Webb Benton	H. Freeman Matthews
William P. Blocker	George R. Merrell, Jr.
Richard F. Boyce	Hugh Millard
Howard Bucknell, Jr.	Orsen N. Nielsen
Richard P. Butrick	Walter H. Schoellkopf
Cecil M. P. Cross	Rudolf E. Schoenfeld
Hugh S. Fullerton	Harold Shantz
Edward M. Groth	George P. Shaw
Robert W. Heingartner	Samuel Sokobin
George D. Hopper	Francis R. Stewart
James Hugh Keeley, Jr.	Harold S. Tewell
Robert B. Macatee	Howard K. Travers

TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

Hiram A. Boucher	Loy W. Henderson
Herbert S. Bursley	C. Porter Kuykendall
J. Rives Childs	James E. McKenna
Edward S. Crocker, 2d	Alfred T. Nester
Curtis T. Everett	Sydney B. Redecker
Harold D. Finley	Laurence E. Salisbury
Samuel J. Fletcher	Lester L. Schnare
Walter A. Foote	Edwin F. Stanton
Waldemar J. Gallman	Leo D. Sturgeon
Raymond H. Geist	Fletcher Warren
Stuart E. Grummon	Samuel H. Wiley
Stanley Hawks	Rollin R. Winslow

TO BE FOREIGN SERVICE OFFICERS OF CLASS 6

Clayson W. Aldridge	C. Paul Fletcher
George Atcheson, Jr.	Herndon W. Goforth
Russell M. Brooks	Eugene M. Hinkle
John H. Bruins	David McK. Key
Joseph F. Burt	Marcel E. Malige

Austin R. Preston
Edwin Schoenrich
William A. Smale
Sheridan Talbott
Frederik van den Arend
John Carter Vincent

TO BE FOREIGN SERVICE OFFICERS OF CLASS 7

Franklin B. Atwood
Roy W. Baker
William A. Bickers
Ellis A. Bonnet
Robert L. Buell
John M. Cabot
J. Holbrook Chapman
Augustus S. Chase
Cabot Coville
Alexander P. Cruger
Walton C. Ferris
Fayette J. Flexer
Knowlton V. Hicks
Frederick W. Hinke
Julius C. Holmes
Carlton Hurst
John B. Ketcham
Rufus H. Lane, Jr.
John H. Lord
John McArdle
John H. Morgan
James E. Parks
William L. Peck
Joseph P. Ragland
William T. Turner

TO BE FOREIGN SERVICE OFFICERS OF CLASS 8; AND CONSULS

Garrett G. Ackerson, Jr.
Stuart Allen
John M. Allison
Burton Y. Berry
Charles E. Bohlen
James C. H. Bonbright
David H. Buffum
Gordon L. Burke
Edmund J. Dorsz
Andrew W. Edson
Dorsey Gassaway Fisher
Frederic C. Fornes, Jr.
Willard Galbraith
James W. Gantenbein
George M. Graves
Archibald E. Gray
Bernard Gufler
Claude H. Hall, Jr.
Monroe B. Hall
Thomas A. Hickok
Charles A. Hutchinson
Robert Janz
Robert P. Joyce
Stephen E. C. Kendrick
Hervé J. L'Heureux
John H. Madonne
Thomas J. Maleady
Ralph Miller
Sheldon T. Mills
Harold B. Minor
Gerald A. Mokma
James B. Pilcher
James W. Riddleberger
Alan N. Steyne
Edward G. Trueblood
Edward T. Wailes
Walter N. Walmsley, Jr.

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Hector C. Adam, Jr.
E. Tomlin Bailey
Russell W. Benton
Roswell C. Beverstock
M. Williams Blake
William F. Busser
Richard W. Byrd
David K. Caldwell
Glion Curtis, Jr.
Harry M. Donaldson
Perry Ellis
John K. Emmerson
James Espy
Andrew B. Foster
Owen W. Gaines
Richard D. Gatewood
Albert R. Goodman
Norris S. Haselton
Beppo R. Johansen
U. Alexis Johnson
Douglas MacArthur, 2d
Elbert G. Mathews
Robert B. Memminger
Charles S. Millet
Bolard More
John Ordway
Marselis C. Parsons, Jr.
Edward E. Rice
W. Garland Richardson
George F. Scherer
Max W. Schmidt
John S. Service
William P. Snow
Carl W. Strom
E. Paul Tenney
S. Roger Tyler, Jr.
Louis Woodruff Wallner, Jr.
T. Eliot Weil
Duncan M. White
Ivan B. White
William E. Yuni

POSTMASTERS

ARKANSAS

Philip G. Gates, Crossett.
Leola Garner, Plainview.
William F. Bryant, Quitman.

ILLINOIS

Dorothy A. O'Donnell, Grafton.
John T. O'Brien, Harvard.
Edwin C. F. Braun, Lebanon.
Eugene Hoerrmann, Manhattan.
Etta Lutz, Mendota.
Angus D. Irey, Monmouth.
Alice May Pulley, Pittsburg.
Clarence J. Hanen, St. Anne.
Michael Sparks, St. Francisville.
John R. Slater, Savanna.
John W. Norris, Washington.
Daniel H. Desmond, Woodstock.

KANSAS

William Merrifield, Agra.
Ferdinand Scharping, Hillsboro.
Edward Tacha, Jennings.
Anna H. Smith, Morland.
Rollie David, Russell Springs.
Harry F. Sloan, Selden.

MICHIGAN

Elburn H. Shelp, Bancroft.
John H. Sauvola, Chassell.
Bernice J. LaPointe, Erie.
Grover W. Allen, Grass Lake.
Kathleen L. Bouchey, Hillman.
Louis J. Vanderburg, Holland.
James N. Mulvenna, Hudson.
Joseph A. Picard, Jackson.
Guy D. Thompson, Lapeer.
Ernest B. Kelly, Mason.
Matt F. Bilek, Menominee.
Martha Swaney, Morenci.
Robert D. Tripp, Petoskey.
Stanley A. Horning, Portland.
Alonzo A. Strong, Reed City.
Arthur E. O'Neill, Saline.
Joseph B. Comiskey, South Lyon.
Clark M. Pomeroy, Sterling.
Hilda Webber, Trenary.
William Stahl, Van Dyke.
Jesse L. Whitney, Washington.
Francis E. Benjamin, Whitehall.
Robert H. Peacock, Yale.

NEBRASKA

Sterling F. Amick, Weeping Water.

NEW YORK

Daniel S. Foster, Saranac Lake.

OKLAHOMA

Eddie A. Blackmon, Crescent.

WASHINGTON

George E. Starr, Seattle.

WITHDRAWALS

Executive nominations withdrawn from the Senate January 13, 1936

STATE ADMINISTRATOR IN THE WORKS PROGRESS ADMINISTRATION

C. B. Treadway, of Florida, to be State administrator in the Works Progress Administration for the State of Florida.

POSTMASTER

NORTH DAKOTA

Fred C. Maier to be postmaster at Zeeland, in the State of North Dakota.

REJECTION

Executive nomination rejected by the Senate January 13, 1936

POSTMASTER

WEST VIRGINIA

Wade H. Brown to be postmaster at Jane Lew, in the State of West Virginia.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 13, 1936

The House met at 12 o'clock noon.

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

O Thou who art the Father of our souls, supremely wise and good, dispenser of all our needs, let Thy blessing descend upon us in all its fullness. Quicken the good spirit in us and help us to fulfill the common duties of life patiently, promptly, efficiently, and without ostentation. We bless Thee for every movement that tends to bring men together into one great brotherhood. O let this broad, generous spirit possess all peoples of all races and creeds and join them in one great family. Thus shall be fulfilled that prayer which falls daily from countless lips: "Thy kingdom come, Thy will be done on earth as it is in heaven." Heavenly Father, lead us forth to enact this prayer in our attitude toward all nations. Through Christ our Savior. Amen.

The Journal of the proceedings of Friday, January 10, 1936, was read and approved.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

THE FUNDAMENTAL ISSUE

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech I made by radio over the N. B. C. system last Friday night.

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

There was no objection.

Mr. WADSWORTH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech, which I delivered over the radio last Friday night:

Events have been occurring with great rapidity here in Washington since the Congress convened on January 3—only a week ago. Some of them have been of dramatic interest. I think it fair to say that the season was opened by a political rally which was held in the Hall of the House of Representatives at the Capitol at 9 o'clock in the evening of the 3d. The historic room had been turned over to the electricians and engineers of the broadcasting companies, who set up, strategically, a large number of microphones, connected them up with insulated cables, strung the cables along the floor, up the wall, and out of a window, from which aperture they finally hooked up with the publicity powerhouse used for occasions of this sort. Along the rail of the gallery were mounted and trained upon the Speaker's platform a battery of cameras, looking for all the world like machine guns peeping over a parapet. The vast floor was crowded with officeholders, three-fourths of them partisans of the party in power and the remainder members of the despised opposition. I should qualify this description by saying that among the officeholders none of the judiciary was present. Members of the Supreme Court do not attend political rallies, and, besides, we realize now that they were very, very busy upon other matters at that time. The gentleman who presided over the meeting and frequently led in the applause was Mr. John Garner, who, in the event of disturbance, could rely upon the assistance of Mr. JOSEPH BYRNES, who sat at his left.

The speaker of the evening was the candidate at the head of the ticket, Mr. Franklin Roosevelt. His appearance upon the platform was the signal for a prolonged burst of handclapping, lusty cheers, and triumphant whoops from the great throng of his supporters. That the stage setting might be more effective, a group of powerful electric lights, swung in a bracket from the ceiling, cast its rays upon his countenance just as he reached his place. It was very effective and drew forth an additional demonstration, which reminded me of Madison Square Garden at its best. Most of the speech was political and of the campaign variety. The speaker extolled his achievements without limit and excoriated his opponents without mercy, to the evident delight of a very large majority of his listeners, who expressed their approval frequently in the conventional manner. True, one or two of his statements were greeted with satirical applause or derisive laughter from the little group in opposition, but I suppose one should not be surprised at this under the circumstances. They were getting pretty rough treatment. In any event, their demonstration lent color to the scene. Apparently colorful publicity is an essential ingredient in public discussions these days, and what more advantageous place can be found for it than in the Hall of the House of Representatives? The speech lasted from 45 to 50 minutes, including the interruptions. The program of the administration, generally known as the New Deal, was described as being a "fairly rounded whole." There was nothing more to be done about it. It was complete.

Some of us remembered that N. I. R. A., which the speaker once described as the most important and far-reaching legislation ever enacted by the American Congress, and, of course, an extraordinarily important part of the so-called New Deal, had fallen by the wayside. Mr. Roosevelt forgot that. He also forgot, conveniently, that whatever recovery has taken place in the industries of the country has taken place since the N. I. R. A. was declared unconstitutional by a unanimous Supreme Court. With happy confidence he challenged the opposition to repeal any of his measures. Probably he did not suspect that the Supreme Court at that very moment was giving consideration to some of them, and that within 3 days the whole Triple A structure would tumble to the bottom of the fairly well rounded "hole"—invalid under our Constitution. The speech contained no analysis of the condition of the country, no detailed description of the workings of recently enacted measures, and no recommendations whatsoever for additional legislative enactments. At its conclusion the usual demonstration took place, the candidate retired, and the meeting adjourned. Thus did the President fulfill that duty laid upon him by the Constitution of giving to the Congress information of the state of the Union. All in all it was an extraordinary performance. Witnessed from the gallery it presented a spectacle never to be forgotten—the first of its kind in the history of the Government. Also, it was one which, I hope, will never be repeated. Some of us may be old-fashioned, but, be that as it may, we adhere to the belief that when the President of the United States seeks to perform his duties under the Constitution and to give information to Congress, a coordinate and independent branch of our Government, he should actually give information and should give it in an atmosphere notable for serious attention to public problems, for restraint in utterance, and for dignity.

The second important event was the transmission of the Budget message to the Congress. It was read in the House of Representatives shortly after noon of Monday, January 6. In it the President laid down the financial program of the administration as far as it applies to the regular departments of the Government. His estimate of receipts and expenditures in these same regular departments led him to conclude and announce that the so-called regular Budget would be balanced at the end of the next fiscal year. The expenditures for the regular departments are to be larger than they were last year and very considerably larger than they were the year before. In fact, it now becomes perfectly clear that instead of reducing the regular expenditure of the Federal Government by 25 percent, the appropriations as recommended by the President are much larger than when he took office. And we now know that we have a far more expensive Government, and to support it we will have to tax the people more heavily than ever before in time of peace. The promised reduction has been forgotten. But, more serious than this, the President in his Budget message says he is not able to estimate the funds which the Government must expend in the next fiscal year for relief. Everyone knows that relief expenditures will be pretty heavy at best. Whatever they may come to—$1,000,000,000 or $2,000,000,000—they must be added to the regular expenditures. This means that we shall have a deficit for the fiscal year 1937 in whatever sum is spent for relief. No one knows today what the deficit will amount to. It presents a grim prospect, for we cannot go on piling up deficits and debts indefinitely. Sooner or later a collapse will come. What a pity it is that the appropriations made for the support of the regular activities of Government have not been reduced by that promised 25 percent. Had that been done, we could have come mighty near balancing the whole Budget by the end of 1937, despite relief expenditures. As it is, no one knows when it will be balanced. And every thoughtful person knows that the longer it is deferred the greater the danger of inflation. I pause to remind you that the word "thrift" never appears in the Roosevelt vocabulary.

At the very moment that the Budget message was being read by the Clerk of the House of Representatives, Mr. Justice Roberts, sitting with his eight colleagues, was reading the opinion of the Supreme Court on the so-called Triple A case. There were no microphones, no cameras, no spotlights, no demonstrations, no interruptions. Every person present realized that the Constitution of the United States was being construed and interpreted in one of its most vital features; that the members of the Court, far removed from political turmoil and passion, had listened to all the arguments relating to the power of the Federal Government as outlined in the Constitution, that they had weighed every word uttered or written which bore upon the question, and that, finally, one of their number was expounding, on behalf of a 2-to-1 majority, the kind of government we are living under. The Court held that in passing and attempting to enforce the Agricultural Adjustment Act the Congress had exceeded the powers delegated to it in the Constitution; the Court reminded the Congress and the country that the authors of the Constitution, after delegating certain specific powers to the Congress, set forth in black and white, had added a provision to the effect that all those powers not delegated to the Congress nor forbidden to the States are reserved to the States and to the people—this last in the tenth amendment. Among the powers delegated there cannot be found any power to regulate farm production. In fact, no such thing was ever dreamed of until very recently. True, the power to levy taxes is conferred upon the Congress, but the Court held that this power to tax cannot be

used by the Congress as a device for the exercise of other powers which are reserved to the States and to the people, such as the power to regulate the operation of a farm.

In a series of striking illustrations the Court demonstrates that if the power to tax can be used as a device for the seizing of power to regulate a farm, then it could be used in the seizing of power to regulate anything and everything—the very daily lives of the people. Manifestly such a construction would result eventually in taking away from the States all of the powers reserved to them in the Constitution, and, finally, in the utter destruction of the Federal Union of States and the right of local self-government—the very thing which the Constitution was intended to prevent. This decision, coupled with the famous N. I. R. A. decision of June 1935, completes the demolition of most of the New Deal program. The authors and defenders of the Constitution down through the generations have realized that the love of liberty is inherent in the soul of man and that its possession is the most precious of all possessions. Knowing this, they decided at the very beginning, and they have maintained it until this day, that the centralization of power, the concentration of it in the hands of an imperial government, would inevitably result in substituting despotism for liberty. History oft repeated has demonstrated this. Therefore, they said, we will set up a National Government and give it certain powers—powers sufficient to enable it to preside over the destinies of the Nation as a whole—but we will forbid it to seize any other powers until we, the people in the several States, give our consent through the adoption of an appropriate amendment to the fundamental law. But one ideal inspires this philosophy. It is the ideal of liberty which men have pursued for thousands of years and which has never flourished anywhere upon the face of the earth so gloriously as it has flourished right here in the United States.

If liberty is to be lost to us and to our children, then it must be lost as the result of our own deliberate determination to surrender it. No one will deny that there are many well-intentioned people who believe that we have reached a stage in our development at which it is necessary that the individual should be subject to the regulation of a central government as he attempts to earn his living from day to day. Controlled by the President and a group of his advisors who believe with him, the Congress has passed a series of acts within the last 3 years with this objective in view. At the beginning the program was started under the plea of an emergency, but as it developed from month to month it soon became apparent that the President intended that it should be permanent. With a rollicking, boyish recklessness he has led his Congress along this road at a terrific pace, passing measure after measure, regardless of doubts as to their validity, regardless of the warnings of thoughtful men who were convinced, in ever-increasing numbers, that the whole thing flew straight in the face of those limitations which the Constitution imposes upon congressional power in the interest of liberty. Heedless of warnings they hastened to spread their system. They set up a huge bureaucracy numbering thousands and thousands clothed with power to delve into the affairs of the people, and finally, the power to punish men with fines and imprisonment if they dared attempt to earn their living in a way not prescribed by the central government.

The amazing thing is that Mr. Roosevelt and his followers call themselves liberals. They do these things in the name of the more abundant life. Can life be abundant, in the best sense of the word, to a farmer who is threatened with a jail sentence for raising and selling potatoes in excess of the quantity prescribed for him by the Government at Washington? Is that man a liberal who insists that his neighbor shall be fined and sent to jail for selling his product or his services at a price differing from the figure fixed by the bureaucracy? If this is the more abundant life, and if these people are liberals, then a great many of us have misconstrued the meaning of those words. Some may say that we should not be excited about all these things any more, for the Supreme Court has pointed out the utter nullity of these two remarkable measures, N. I. R. A. and Triple A. Let me suggest in all seriousness that the people who are imbued with the philosophy of the New Deal are not content with these rebuffs. They are wondering tonight how they can retrieve their program. There is but one way, as I see it, by which they can proceed if, indeed, they are to proceed in orderly fashion, and that is by proposing a new amendment to the Constitution specifically granting to the Congress the power to regulate all industry, all agriculture, and all local business transactions, and by persuading two-thirds of the Members of each House of Congress to submit such an amendment to the people in the several States, and finally by persuading the people in three-fourths of the States to ratify it. That is the orderly and logical method of procedure under our form of government. Will Mr. Roosevelt try it? If he does not, then he admits that the jig is up. If he does, he will be acting consistently with all his exhortations of the last 3 years, and, moreover, he will have placed the fundamental issue squarely before the people. In such an event I have no doubt whatsoever of the result. The people of America, by an enormous majority, will demonstrate that, like their ancestors, they prefer to be masters of their government rather than its subjects.

CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, we are very anxious to proceed with as much dispatch as possible on the appropriation bill. For this reason I ask unanimous consent at this time that business in order on Calendar Wednesday of this week may be dispensed with.

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

There was no objection.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that proceedings on the motion to discharge the Committee on Ways and Means from further consideration of the bill (H. R. 1) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates and for controlled expansion of the currency be postponed for 2 weeks.

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

Mr. FISH. Mr. Speaker, I object.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I hope the gentleman from New York with withdraw his objection. The Vinson-Patman-McCormack bill to pay adjusted-service certificates passed the House several days ago. This is another bill, H. R. 1, to pay the adjusted-service certificates. Two hundred and eighteen Members of the House signed a motion to discharge the Committee on Ways and Means from further consideration of this bill. We could force consideration of it today. We feel that by postponing it 2 weeks there will be no necessity for any action to be taken on it, because we believe that in the meantime the matter will be adjusted; but in the event something should happen to prevent its adjustment we have this bill here to protect all our rights. We have two ways of handling this situation: One by unanimous consent, the other by getting a majority to vote to discharge the committee and not make a motion for present consideration which will result in the bill being referred to the calendar and our rights will be preserved in that way.

I have talked to many Members of the House about it, and all of them have agreed that this is the proper procedure. Under the circumstances, I wish the gentleman would not object but would be willing for the matter to go over 2 weeks.

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

Mr. PATMAN. Certainly.

Mr. FISH. Mr. Speaker, I objected because this petition has been hanging over the head of the House for a long time. I am opposed to it. I should like to get it out of the way. Furthermore, we have just passed a bill to pay the adjusted-service certificates, and it is now in the hands of the Senate. I do not like the idea of having a motion for payment of the veterans through inflation outstanding as a threat to the Members of the House as to what they should do or what some group wants to do in the way of payment of the adjusted-service certificates through starting the printing presses. Being opposed to inflation, or any printing-press method of payment, I shall have to object.

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

Mr. PATMAN. I yield.

Mr. BLANTON. I want to say to the gentleman from New York that his is a futile objection, because, under the rules and under his rights, the gentleman from Texas nevertheless can call up this privileged motion. And after he passes it he can secure recognition by the Chair, and then he can move a postponement for 2 weeks and carry the motion, because he has enough votes to carry it; so why put the gentleman from Texas to all this trouble? Why not let him do by unanimous consent in half a minute something which would otherwise take probably an hour?

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

Mr. PATMAN. I yield.

Mr. RICH. I may say to my friend the gentleman from Texas that if a man is opposed to inflation he ought to do

everything within his power to keep inflation from being started, whether it takes 2 or 3 hours or 2 or 3 minutes.

Mr. PATMAN. I may state to the gentleman, Mr. Speaker, that if this request is not agreed to, I expect to call up the motion and ask to discharge the committee from further consideration of the bill.

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. PATMAN. When this motion is voted on, I expect then to make a motion to postpone it for 2 weeks; and I believe the gentleman will agree with me that the motion will carry or I will not make a motion for consideration and permit the bill to be referred to the calendar. In view of these facts, I think he should withdraw his objection and permit the request to be granted. I am certainly not going to refuse to do everything in my power to keep the bill alive for emergency purposes. The bill will not be called up unless the Vinson-Patman-McCormack bill fails to be enacted. The gentleman from New York attempted to get an amendment attached to the Vinson-Patman-McCormack bill that would have destroyed, one that would prevent the veterans from getting their money. Evidently it is not through any particular desire on his part that the debt be paid that prompts his objection.

Mr. FISH. Mr. Speaker, I want to be courteous to the gentleman from Texas, but I am opposed to inflation. If the Democratic majority wants to take the responsibility of backing inflation or the issuance of greenbacks, that is their responsibility; but anything I can do to stop inflation I propose to do. The veterans have already been crucified on the cross of inflation and currency expansion long enough, and it is time to put an end to such tactics and pass the bonus bill providing for immediate payment of the adjusted-service certificates to the World War veterans as a relief measure without jeopardizing its passage by further attempts to attach inflationary and printing-press methods of payment.

Mr. Speaker, in order to head off or prevent the efforts of the currency expansionists to use the bonus as a vehicle for inflation and perhaps delay or defeat the bonus bill, I am compelled to object.

Mr. PATMAN. Mr. Speaker, I move to discharge the Committee on Ways and Means from the further consideration of the bill (H. R. 1) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates and for controlled expansion of the currency.

Mr. FISH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FISH. Is this motion debatable? Do not the rules provide 20 minutes' debate?

The SPEAKER. In the matter of debate on a motion to discharge a committee from the consideration of a bill, the rule provides:

> After 20 minutes' debate, one-half in favor of the proposition and one-half in opposition thereto, the House shall proceed to vote on the motion to discharge.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Texas [Mr. PATMAN] moves that the Committee on Ways and Means be discharged from further consideration of the bill.

Mr. PATMAN. Mr. Speaker, is it in order to move the previous question?

The SPEAKER. Not at this time, under the rule. The rule provides for 20 minutes' debate. The Chair will recognize the gentleman from North Carolina [Mr. DOUGHTON] and the gentleman from Texas [Mr. PATMAN] to control the time.

Mr. SNELL. Mr. Speaker, the Chair will recognize someone in opposition for 10 minutes?

The SPEAKER. That is what the Chair just stated, and that is what the rule provides.

Mr. SNELL. Mr. Speaker, the gentleman from New York [Mr. FISH] would like to be recognized in opposition to the motion.

The SPEAKER. The chairman of the committee before which the bill is pending is entitled to be recognized in opposition, if he desires.

Mr. SNELL. I think the Chair is right about that.

The SPEAKER. The question is on the motion of the gentleman from Texas to discharge the Committee on Ways and Means from further consideration of the bill (H. R. 1) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates and for controlled expansion of the currency.

The question was taken: and on a division (demanded by Mr. PATMAN and Mr. DUNN of Pennsylvania) there were—ayes 47, noes 27.

Mr. FISH. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 228, nays 100, answered "present" 1, not voting 101, as follows:

[Roll No. 5]

YEAS—228

Ashbrook	Eckert	Larrabee	Rabaut
Ayers	Edmiston	Lee, Okla.	Ramspeck
Bankhead	Eicher	Lemke	Randolph
Barden	Ellenbogen	Lesinski	Rankin
Barry	Evans	Lucas	Rayburn
Beam	Faddis	Luckey	Reece
Beiter	Ferguson	Lundeen	Richards
Berlin	Fitzpatrick	McAndrews	Robinson, Utah
Biermann	Fletcher	McClellan	Robsion, Ky.
Binderup	Ford, Miss.	McCormack	Rogers, N. H.
Blanton	Fuller	McFarlane	Rogers, Okla.
Bloom	Fulmer	McGehee	Romjue
Boileau	Gasque	McGrath	Rudd
Boland	Gavagan	McKeough	Ryan
Boykin	Gehrmann	McLaughlin	Sadowski
Boylan	Gilchrist	McSwain	Sanders, Tex.
Brown, Ga.	Gildea	Mahon	Sauthoff
Burdick	Gillette	Mansfield	Schaefer
Caldwell	Gingery	Marcantonio	Schneider, Wis.
Cannon, Mo.	Granfield	Martin, Colo.	Schuetz
Carmichael	Gray, Ind.	Mason	Schulte
Carpenter	Gray, Pa.	Massingale	Scott
Cartwright	Green	Maverick	Scrugham
Casey	Greenwood	Mead	Sears
Castellow	Gregory	Meeks	Secrest
Chandler	Griswold	Merritt, N. Y.	Shanley
Chapman	Haines	Miller	Smith, W. Va.
Cochran	Hamlin	Mitchell, Ill.	Snyder, Pa.
Coffee	Hart	Mitchell, Tenn.	South
Colden	Healey	Monaghan	Spence
Cole, Md.	Higgins, Mass.	Moran	Starnes
Colmer	Hildebrandt	Moritz	Steagall
Connery	Hill, Ala.	Nelson	Stefan
Cooper, Tenn.	Hill, Samuel B.	Nichols	Sullivan
Costello	Hobbs	Norton	Sutphin
Cox	Hook	O'Brien	Sweeney
Cravens	Houston	O'Connell	Taylor, Colo.
Crosby	Hull	O'Connor	Taylor, S. C.
Cross, Tex.	Imhoff	O'Day	Taylor, Tenn.
Crosser, Ohio	Jacobsen	O'Leary	Thomason
Crowe	Jenckes, Ind.	O'Malley	Tonry
Cullen	Johnson, Okla.	O'Neal	Turner
Cummings	Johnson, Tex.	Owen	Umstead
Curley	Johnson, W. Va.	Palmisano	Underwood
Daly	Jones	Parks	Utterback
Deen	Kelly	Parsons	Vinson, Ga.
Delaney	Kennedy, Md.	Patman	Vinson, Ky.
Dempsey	Kenney	Patterson	Walter
Dietrich	Kerr	Patton	Warren
Disney	Kleberg	Pearson	Wearin
Dockweiler	Kloeb	Peterson, Fla.	Weaver
Dondero	Kniffin	Peterson, Ga.	Whelchel
Doxey	Kocialkowski	Pfeifer	Wilcox
Driscoll	Kramer	Pierce	Williams
Driver	Kvale	Pittenger	Withrow
Dunn, Pa.	Lambertson	Polk	Wood
Eagle	Lamneck	Quinn	Zimmerman

NAYS—100

Allen	Burch	Dirksen	Greever
Andresen	Burnham	Doughton	Guyer
Andrew, Mass.	Carlson	Eaton	Gwynne
Arends	Carter	Engel	Halleck
Bacon	Christianson	Fiesinger	Hancock, N. Y.
Blackney	Church	Fish	Harlan
Boehne	Cole, N. Y.	Focht	Hess
Bolton	Crawford	Ford, Calif.	Higgins, Conn.
Buck	Crowther	Gearhart	Hoffman
Buckbee	Culkin	Gifford	Hollister
Bulwinkle	Darrow	Goodwin	Holmes

Hope	Main	Reed, N. Y.	Tinkham
Huddleston	Mapes	Reilly	Tobey
Kahn	Marshall	Rich	Treadway
Kinzer	Martin, Mass.	Robertson	Turpin
Knutson	Merritt, Conn.	Rogers, Mass.	Wadsworth
Lambeth	Millard	Russell	Welch
Lanham	Montague	Short	West
Lehlbach	Mott	Sisson	Whittington
Lewis, Colo.	Pettengill	Smith, Conn.	Wigglesworth
Lewis, Md.	Peyser	Smith, Va.	Wilson, Pa.
Lord	Plumley	Snell	Wolcott
Ludlow	Powers	Taber	Woodruff
McLean	Ransley	Tarver	Woodrum
McReynolds	Reed, Ill.	Terry	Young

ANSWERED "PRESENT"—1

Shannon

NOT VOTING—101

Adair	Darden	Hancock, N. C.	Sabath
Amlie	Dear	Harter	Sanders, La.
Andrews, N. Y.	DeRouen	Hartley	Sandlin
Bacharach	Dickstein	Hennings	Seger
Bell	Dies	Hill, Knute	Sirovich
Bland	Dingell	Hoeppel	Smith, Wash.
Brennan	Ditter	Jenkins, Ohio	Somers, N. Y.
Brewster	Dobbins	Kee	Stack
Brooks	Dorsey	Keller	Stewart
Brown, Mich.	Doutrich	Kennedy, N. Y.	Stubbs
Buchanan	Drewry	Kopplemann	Sumners, Tex.
Buckler, Minn.	Duffey, Ohio	Lea, Calif.	Thom
Buckley, N. Y.	Duffy, N. Y.	McGroarty	Thomas
Cannon, Wis.	Duncan	McLeod	Thompson
Cary	Dunn, Miss.	McMillan	Thurston
Cavicchia	Ekwall	Maas	Tolan
Celler	Englebright	Maloney	Wallgren
Citron	Farley	May	Werner
Claiborne	Fenerty	Michener	White
Clark, Idaho	Fernandez	Montet	Wilson, La.
Clark, N. C.	Flannagan	Murdock	Wolfenden
Collins	Frey	Oliver	Wolverton
Cooley	Gambrill	Perkins	Zioncheck
Cooper, Ohio	Gassaway	Ramsay	
Corning	Goldsborough	Richardson	
Creal	Greenway	Risk	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson (for) with Mr. Corning (against).
Mr. Goldsborough (for) with Mr. Andrews of New York (against).
Mr. Celler (for) with Mr. Darden (against).
Mr. Somers of New York (for) with Mr. Dobbins (against).
Mr. Dear (for) with Mr. Bland (against).
Mr. Wolverton (for) with Mr. Drewry (against).
Mr. Montet (for) with Mr. Cavicchia (against).
Mr. Dickstein (for) with Mr. Cooper of Ohio (against).
Mr. Sandlin (for) with Mr. Duffy of New York (against).
Mr. Maloney (for) with Mr. Ditter (against).
Mr. Harter (for) with Mr. Claiborne (against).
Mr. Kennedy of New York (for) with Mr. Oliver (against).
Mr. Sanders of Louisiana (for) with Mr. Jenkins of Ohio (against).
Mr. Dies (for) with Mr. Hartley (against).
Mr. Sirovich (for) with Mr. Michener (against).
Mr. Buckley of New York (for) with Mr. Perkins (against).
Mr. Fernandez (for) with Mr. Wolfenden (against).

General pairs:

Mr. Lea of California with Mr. Stewart.
Mr. Sumners of Texas with Mr. Wolverton.
Mr. May with Mr. Risk.
Mr. Cooley with Mr. Thurston.
Mr. McMillan with Mr. Fenerty.
Mr. Buchanan with Mr. Bacharach.
Mr. Cary with Mr. Thomas.
Mr. DeRouen with Mr. Seger.
Mr. Flannagan with Mr. Amlie.
Mr. Clark of North Carolina with Mr. Maas.
Mr. Kee with Mr. Ekwall.
Mr. Hancock of North Carolina with Mr. Brewster.
Mr. Gambrill with Mr. Collins.
Mr. Richardson with Mr. Doutrich.
Mr. Thom with Mr. Englebright.
Mr. Dorsey with Mr. Buckler of Minnesota.
Mr. Clark of Idaho with Mr. Ramsay.
Mr. Adair with Mr. Gassaway.
Mrs. Greenway with Mr. Bell.
Mr. Knute Hill with Mr. Brennan.
Mr. Keller with Mr. Smith of Washington.
Mr. Citron with Mr. Brooks.
Mr. Brown of Michigan with Mr. Creal.
Mr. Stack with Mr. Werner.
Mr. Murdock with Mr. Frey.
Mr. Zioncheck with Mr. White.
Mr. Farley with Mr. Duncan.
Mr. McGroarty with Mr. Wallgren.
Mr. Dunn of Mississippi with Mr. Kopplemann.
Mr. Stubbs with Mr. Dingell.
Mr. Cannon of Wisconsin with Mr. Tolan.
Mr. Sabath with Mr. McLeod.

Mr. GREEVER changed his vote from "yea" to "nay."

Mr. REECE changed his vote from "yea" to "nay."

Mr. COSTELLO. Mr. Speaker, my colleague the gentleman from California, Mr. TOLAN, is unavoidably absent on account of sickness. Were he present he would vote "yea."

Mr. CHAPMAN. Mr. Speaker, I have been asked by my colleague the gentleman from Kentucky, Mr. CREAL, to announce that he was unavoidably absent during the roll call on the motion to discharge the Committee on Ways and Means from the consideration of the bill H. R. 1, the Patman bonus bill, and that if he had been present he would have voted "yea."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. FISH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FISH. Under the rule, when a commitee is discharged from the consideration of a bill, does not the bill automatically come up for consideration in the House?

The SPEAKER. It does not, except on motion of a Member who signed the discharge petition.

The bill will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES—CIVIL GOVERNMENT FOR PUERTO RICO

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes", I transmit herewith certified copies of laws and resolutions enacted by the Thirteenth Legislature of Puerto Rico during its third regular session, February 11 to April 14, 1935, and its second special session, June 25 to July 8, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

FIFTY-SECOND ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States approved January 16, 1883, I transmit herewith the Fifty-second Annual Report of the Civil Service Commission for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

EIGHTY-SIXTH ANNUAL REPORT OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL RAILROAD CO.

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Eighty-sixth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

ANNUAL REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

REPORT OF RAILROAD INVESTIGATION COMMISSION

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the report of the Railroad Investigation Commission.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

CLAIM OF WILLIAM L. JENKINS, FORMERLY CONSUL OF THE UNITED STATES AT TREBIZOND, TURKEY

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Claims:

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to a claim of William L. Jenkins, Esq., formerly consul of the United States at Trebizond, Turkey, for the sum of $481.50 appropriated for his relief in Public Act No. 519, approved July 3, 1930, and used by the General Accounting Office as a set-off against an amount of $2,000 due from him for his failure to properly account for the proceeds of a draft in that sum drawn by him on December 8, 1916.

Legislation authorizing and directing the Comptroller General of the United States to credit Mr. Jenkins' accounts with the sum of $2,000 is contained in Private Act No. 30, of May 8, 1935. No provision was made in this act for refund of the sum of $481.50 used as a set-off, but in view of the fact that the Congress enacted legislation providing for reimbursement of the amount of his loss, namely, $481.50, and for crediting his accounts with the sum of $2,000, it was evidently intended that he be fully compensated. It is, therefore, recommended that legislation be enacted providing payment in the amount of $481.50 for the relief of the claimant.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[Enclosures: Report of Secretary of State and enclosures.]

CERTAIN OFFICERS OF THE FOREIGN SERVICE OF THE UNITED STATES

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to claims of certain officers of the Foreign Service of the United States for reimbursement of losses sustained by them by reason of war and other causes, during or incident to their services in foreign countries.

I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order to relieve these officers of the Government of the burden these losses have occasioned.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

[Enclosures: Report of the Secretary of State, with enclosures.]

COMMISSION ON THE ERECTION OF MEMORIALS AND ENTOMBMENT OF BODIES IN THE ARLINGTON MEMORIAL AMPHITHEATER

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the Annual Report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ended June 30, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

FIRST ANNUAL REPORT OF THE ALLEY DWELLING AUTHORITY FOR THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia.

To the Congress of the United States:

In compliance with the requirements of the act of Congress of June 12, 1934, I transmit herewith the First Annual report of the Alley Dwelling Authority for the District of Columbia.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1936.*

RELIEF OF CONFEDERATED BANDS OF UTE INDIANS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 381) for the relief of the Confederated Bands of Ute Indians located in Utah, Colorado, and New Mexico, with a House amendment, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ROGERS of Oklahoma, MURDOCK, and BURDICK.

REV. JAMES R. COX, OF PITTSBURGH

Mr. MORITZ. Mr. Speaker, I ask unanimous consent to have a message, in the form of a communication, read by the Clerk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have a communication read from the Clerk's desk. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, what is the communication the gentleman wants read?

The SPEAKER. The gentleman from Pennsylvania can explain it.

Mr. MORITZ. Mr. Speaker, this is a message from a great humanitarian, Father James R. Cox, of Pittsburgh, who is now in the galleries. He has written his sentiments giving a message to the House of Representatives with respect to his attitude toward old-age pensions.

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

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

DR. RONALD A. COX

Mrs. NORTON. Mr. Speaker, I call up the 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 and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission of Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Ronald A. Cox, Washington, D. C., in accordance with the

provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ARTHUR B. WALKER

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 8437) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Arthur B. Walker, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

Mr. WADSWORTH. Mr. Speaker, reserving the right to object, I think this is the second bill of this sort which has been presented to the House this morning at the request of the gentlewoman from New Jersey. I know nothing of the merits of the measure, but I think it rather due the House that the gentlewoman from New Jersey explain why it is that special legislation is needed to permit these persons to practice medicine in the District of Columbia.

Mrs. NORTON. Mr. Speaker, may I say to the gentleman from New York that this bill merely provides for the issuance of a license to Dr. Arthur B. Walker, and the reason for it is that the time limit within which to submit applications was fixed by law, and, due to illness, he failed to take advantage of the opportunity. Special acts of Congress have been necessary in every case of this kind, and similar bills have been enacted for those doctors whose applications have received the approval of the District Commissioners.

Mr. DIRKSEN. Mr. Speaker, will the gentlewoman from New Jersey yield?

Mrs. NORTON. I yield.

Mr. DIRKSEN. I may say to my friend the gentleman from New York [Mr. WADSWORTH] and the rest of the membership of the House that when we acted on the licensure bill with respect to the practice of the healing art in the District of Columbia, there were a number of registered doctors who had been practicing here for a great many years who were away and on account of their absence were automatically precluded from the benefits of the act. We have three identical bills on the calendar today involving men who are being reinstated because they were out of the District at that time.

Mr. BLANTON. If the gentleman will permit, it so happens that this particular "healing art" doctor was sick.

Mr. DIRKSEN. That is true. The others, I believe, were away; but in any event, there were very good reasons why they could not qualify.

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

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Arthur B. Walker, Lincoln, Nebr., in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

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

DR. PAK CHUE CHAN

Mrs. NORTON. Mr. Speaker, I call up the bill (S. 2013) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Pak Chue Chan, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Pak Chue Chan, of Washington, D. C., in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 3097. An act relating to interest and usury affecting parties under the jurisdiction of courts of the United States functioning in countries where the United States exercises extraterritorial jurisdiction.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 218

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WESLEY LLOYD, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

TO AUTHORIZE THE OPENING OF GRAVES IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (S. 1016) to empower the health officer of the District of Columbia to authorize the opening of graves and the disinterment and reinterment of dead bodies in cases where death has been caused by certain contagious diseases. I ask that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the lady from New Jersey that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 93 of title 5 of the Code of Law for the District of Columbia is hereby amended by adding thereto the following proviso: "*Provided*, That the health officer of the District of Columbia may, in his discretion, authorize the opening, under sanitary precautions, of any such grave, and the disinterment and reinterment in the same grave or other suitable burial ground, of the dead body of any person who has died of any of the contagious diseases enumerated above."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE TEACHERS' SALARY ACT

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 8577) to amend the Teachers' Salary Act of the District of Columbia approved June 4, 1924, as amended, in relation to raising the trade or vocational schools to the level of junior high schools, and for other purposes.

The Clerk read the title of the bill.

Mr. BLANTON. Will the lady from New Jersey yield?

Mrs. NORTON. I yield.

Mr. BLANTON. How far reaching is this bill—how many teachers does it cover?

Mrs. NORTON. I have a report from Superintendent Ballou, which I think will answer the question. It is estimated that it will cost about $7,500 a year.

Mr. BLANTON. How many teachers does it cover?

Mrs. NORTON. I think about 50.

Mr. BLANTON. Not over 50?

Mrs. NORTON. I do not think so.

Mr. BLANTON. And it will cost only about $7,500 a year?

Mrs. NORTON. That is about the estimate.

Mr. O'MALLEY. Will the lady from New Jersey yield?

Mrs. NORTON. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Are these teachers employed in the day schools?

Mrs. NORTON. Yes; and this simply means raising them in the trade or vocational schools to the level of junior high schools.

Mr. O'MALLEY. Are any of them teachers in the night schools?

Mrs. NORTON. The bill covers all trade or vocational school teachers.

Mr. O'MALLEY. Are any of these teachers in the day schools drawing two salaries?

Mrs. NORTON. Not at all.

Mr. O'MALLEY. There are teachers in the day schools that teach at night and draw another salary. I hope that they will employ teachers on a little different basis, so that it can be spread around and the teachers will not be drawing the salaries for teaching in the daytime and an extra salary for teaching at night.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. BLANTON. I have no objection to that, but the lady has promised to give me some time.

The SPEAKER. How much time?

Mr. BLANTON. She has an hour, and she has agreed to give me 20 minutes.

The SPEAKER. The lady from New Jersey asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

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

Be it enacted, etc., That it is the purpose of this act to raise the trade or vocational schools from the present elementary school level to the rank of junior high schools as to salary schedule; and to provide other necessary legislation relating thereto.

SEC. 2. That on and after July 1, 1936, the salaries of teachers and principals of the trade or vocational schools shall be as follows:

CLASS 1—TEACHERS

Group A. A basic salary of $1,400 per year, with an annual increase in salary of $100 for 8 years, or until a maximum salary of $2,200 per year is reached.

Group B. A basic salary of $2,300 per year, with an annual increase in salary of $100 for 3 years, or until a maximum salary of $2,600 per year is reached.

CLASS 2—TEACHERS

Group A. A basic salary of $1,600 per year, with an annual increase in salary of $100 for 8 years, or until a maximum salary of $2,400 per year is reached.

Group B. A basic salary of $2,500 per year, with an annual increase in salary of $100 for 3 years, or until a maximum salary of $2,800 per year is reached.

Group C. A basic salary of $1,800 per year, with an annual increase in salary of $100 for 10 years, or until a maximum salary of $2,800 per year is reached.

Group D. A basic salary of $2,900 per year, with an annual increase in salary of $100 for 3 years, or until a maximum salary of $3,200 per year is reached.

CLASS 3—PRINCIPALS

A basic salary of $3,500 per year, with an annual increase in salary of $100 for 5 years, or until a maximum salary of $4,000 per year is reached.

SEC. 3. That the Board of Education is hereby authorized, empowered, and directed to classify and assign the teachers and principals in the service in trade or vocational schools on July 1, 1936, to the salary classes and positions in the foregoing salary schedule for said trade or vocational schools, in accordance with such rules as the Board of Education may prescribe.

SEC. 4. That the Board of Education is authorized and empowered to establish occupational schools on the elementary school level for pupils not prepared to pursue vocational courses in the trade or vocational schools; and also to carry on trade or vocational courses on the senior high school level or in senior high schools.

SEC. 5. The appointments, assignments, and transfers of teachers and principals authorized in this act shall be made in accordance with the act approved June 20, 1906, as amended. (Public, No. 254.)

SEC. 6. This act shall take effect on July 1, 1936.

Mrs. NORTON. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, my remarks will be upon another subject than District legislation, except that I shall make reference to one bill on the District calendar.

There is a bill coming up this afternoon which, in my judgment, would hamper and interfere with the lawyers in every district in every State in the United States in exercising their rights before the courts of Washington. Unless they represented some matter from their particular locality they would have to come here and first obtain a license to practice in Washington, or employ some Washington lawyer, at whatever fee he might want to charge, before their client could be heard in the courts of Washington.

That bill is an improper bill. The procedure here, with reference to such matters, is already well defined, and the bill should be defeated.

GOVERNOR HOFFMAN INTERMEDDLING WITH JUSTICE

The subject I rose to discuss is another matter. It so happens that in the legal jurisprudence of the country men charged with crime, high crime, are not tried in the newspapers. They are not tried in statehouses, they are not tried in Governors' offices. They are tried only in courthouses, where there is a judge who administers the law, who is controlled in his administration of the law by rules of procedure and established principles of law, where witnesses are sworn, where no hearsay testimony is introduced, where no rumor is allowed, and where no it-is-reported-so-and-so is admitted in evidence. The witnesses are permitted to testify only to legal evidence under the rules of law.

I was astounded Saturday evening when I picked up the Washington Times and saw in great big headlines printed in black-faced type an inch long the following statement:

Hoffman will order arrest of Dr. Condon.

Then in the next edition of that paper, in great big headlines covering the whole top of the page, which are large enough for one to read across this Chamber, there was the following:

Hoffman will order arrest of Dr. Condon.

Thank God, in the United States there is not a Governor who sits in any Governor's office in any State who has any authority to order the arrest of anybody. The Bill of Rights protects the citizens of the United States and provides that they shall be secure in their property and in their person against unlawful seizure except by due process of law.

Talk about Hoffman ordering somebody's arrest! He has no power or authority whatsoever to order the arrest of Dr. Condon, and he will not be arrested, and this paper, which has eminent counsel, surely knew that fact. And when Governor Hoffman continues to meddle in this case and permits headlines like that to go into the press against a citizen of the United States he knows he has no such power, and he ought to have corrected it if he did not authorize it; and if he authorized it, he ought to be impeached. The people are getting tired of yellow journalism in this country playing up arch criminals in a way that would seek to get for them the sympathy of respectable, decent people.

This morning's newspaper asserted that Governor Hoffman said he "was going to see to it that Bruno Hauptmann was not railroaded into the electric chair." Railroaded! When approximately a year has passed since he committed that dastardly, cowardly crime, and he has been convicted by a court and jury of one of the worst crimes known to the annals of criminology, when he caused this whole Nation to be grief-stricken, when for weeks he wrung the heartstrings of every father and mother in the whole of Christendom by the heinous crime which he committed, and he has remained unpunished for nearly a year. Talk about railroading him, when now, after this long delay, due process of law is to be exercised and he is about to get the just punishment that he should have gotten months ago. I do not blame Shakespeare for deprecating against the delay of courts, against the law's delay. The same law's delay that disgusted Shakespeare in his time has disgusted every decent citizen in the United States. If Bruno Hauptmann had 100 lives and could be electrocuted 100 times he would not be adequately punished for the atrocious crime he committed.

The yellow journalism of this country, in order to commercialize this crime and sell their papers, has been playing up Hauptmann, his picture, the pictures of his wife and little child, for months and months to create sympathy in his behalf. But they never refer to the suffering of Colonel Lind-

bergh, or of his wife, or of their families, or of the fathers and mothers all over the country who grieved with them.

I was thinking about England, and about British justice. Why is it that they do not have kidnaping in Great Britain? It is because the Government does not tolerate it. No yellow journal in Great Britain could play up the murderer and kidnaper of a little child in the way that Hauptmann has been paraded before the people of the United States for the last 10 months. The people of Great Britain would not stand for it. Hauptmann would have been convicted and would have been punished months ago over there. Hence they do not have kidnaping in Great Britain. We have more murders committed in one little section of the United States in 1 year than are committed in 5 years in the whole of the Kingdom of Great Britain.

What has Dr. Condon done that would justify such headlines as that "Hoffman will order arrest of Dr. Condon"? What crime has Dr. Condon committed? None! Who is Hoffman that he has such power? Thank God, under the law of this country no such power exists in any Governor to arrest any man unless he has committed an act of lawlessness in the presence of an official who has power to arrest or unless he is charged with crime. What crime has Dr. Condon been charged with? He has been here for months. He did what he could to help the pride of America, Colonel Lindbergh, find his child. He did what he could to help ferret out that crime. He did what he could to apprehend the perpetrator of that vile deed. And now he is insulted by a Governor who has been working overtime trying to find some flimsy excuse to save a despised murderer from just punishment.

Does not Governor Hoffman know that for $100—for twenty $5 bills—the underworld gangdom that is now turning heaven and earth upside down trying to save Hauptmann could find 20 crooks who would willingly swear to anything suggested to them? Is Governor Hoffman to believe every unreasonable story that is told to him? Does he want the people of the United States to have a contempt for the courts? Does he want the people to have disrespect for law and order? Does he want all decent people to hate him? If he keeps on, he will not have the respect of any decent man or woman in the United States.

After Bruno Hauptmann has been duly tried and duly convicted in accord with the law of the land, and all higher courts have refused to grant him any clemency, and the Board of Pardons of New Jersey by practically a unanimous vote has refused to set aside the death sentence, what right has Governor Hoffman to interfere?

Is Governor Hoffman, without law or any authority, going to constitute himself a trial court and at nighttime commune with the prisoner and reach a decision based wholly upon hearsay and rumor?

What right has Governor Hoffman to criticize Dr. Condon? He is condemned simply because he wants to take a rest. The papers do not tell you that for weeks he has been deluged with every kind of threat that could come to a decent citizen from the gangdom of the world—threats of violence to himself and family; the same kind of threats of violence that were sent to Colonel Lindbergh and his family.

When Colonel Lindbergh saw fit to place his wife and little child beyond such threats, when they told Hauptmann about it, the papers have the indecency to print that Hauptmann said, "What is the matter with Colonel Lindbergh? Is he scared? Is he afraid to stay here?" The idea of Hauptmann talking about a decent citizen like Colonel Lindbergh in such language! Lindbergh, the man who braved the perils of the high seas and crossed the ocean alone in demonstrating science; a man who is the pride of America! Colonel Lindbergh has more courage and bravery in his little fingernail than Hauptmann ever had during his entire lifetime. Every time he hears he is going to die, the papers say Hauptmann cries about it.

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

Mr. BLANTON. Later I will if I have time.

That you may see just how far this yellow journalism goes in playing up gangdom and trying to create sympathy for murderers who have been duly convicted in court, I want every colleague here, if he has not already done so, to get page 3 of the Washington Times for Friday, January 10, 1936, and read these several long columns about the execution of four murderers in New York the other night; playing on the sympathies of the people to make the people believe that those four murderers were not properly executed; to create sympathy for them. That kind of journalism does more to foster and create mob sentiment in the United States than everything else combined.

Hoffman continually talks about some new evidence being discovered. From whom and by whom? "It is reported so-and-so." All the hearsay evidence that he has put before the country so far would have been thrown out of court if it had been offered at the time of the trial of Hauptmann. The court permits only legal evidence. It does not permit manufactured, hearsay, anonymous evidence. They could not have introduced any of it if it had been offered at his trial in a court of justice. The court would have ruled it out. That is the reason why we have trials in courthouses. When the State brings on a witness and puts him on the stand to testify against a defendant, the defendant's lawyers have the right to cross-examine him; they have the right to impeach him if they can. They have the right to bring in witnesses to show he is not telling the truth. They have the right to wind him up, if they can, in every way known to able lawyers. So it is with the defendant. If he brings in a "cock-and-bull" story that does not conform to the facts, that is beyond the pale of reason, the lawyers for the State have a right to impeach him, as they did Hauptmann, and to show by rebuttal testimony that he is not telling the truth. This murderer of this little Lindbergh baby was convicted by a proper court in the State of New Jersey.

I want to take my hat off to the judge who tried him. I want to take my hat off to every member of that brave, honest jury in New Jersey who sat there like honest men and women through all those weeks of trial and had the courage and fortitude to see that the law was enforced. I want to take my hat off to that distinguished and brave attorney general of New Jersey, General Wilentz, who has done his duty by the law-abiding and law-enforcing public of the United States. He is the one who told Dr. Condon he could go on this trip. Dr. Condon was a free agent. He went to General Wilentz and said, "I am thinking about taking a little trip for a rest. Is it all right for me to go?" The attorney general of the State of New Jersey told him he might go. After that, because he left, Hoffman insults him, and these yellow journals, as soon as they found out he had gone, reported that one of the Hauptmanns said, "I don't like these people who run away. I don't like these people who get scared and run away", throwing discredit upon an honorable man because he happened to be involved as a witness against a murderer.

It is time the American people awakened and stopped this yellow journalism. It is time the American people have the courage to say to the newspapers of the country, "We do not want to read such stuff as that. We want you to stop it and stand for law enforcement. We want you to stand for decent government that makes society worth while and makes it worth while for honest men and women to live in this country." If the people do not awaken and stop it we will soon find others like Colonel Lindbergh who have to leave their own native soil and cross the water to a land that will furnish them safety and security from such harassment and such jeopardy. The time has come when the people of the United States ought to stop all these delays in criminal trials, when they ought to see that we have expedition. It ought to be the prime purpose that as soon as a man is apprehended he should be given immediate trial, and when he is convicted he should be promptly punished.

After the highest court in New Jersey has passed on his appeal and has said, "We find no error in this trial; the evidence is sufficient to warrant a verdict of guilty; the evidence

is sufficient to warrant the judgment of the court that this man shall die"; after they have exhausted their means in the courts of New Jersey, and then the Supreme Court of the United States says, "There is nothing in this record that would warrant this Court interfering with justice being done against this man in New Jersey"; after all the courts have handled that case, it remains for this Governor of New Jersey, Hoffman, to say, "I am bigger than the courts. I am bigger than the law of New Jersey. I am bigger than the Supreme Court of New Jersey. I am bigger than the Supreme Court of the United States, and I am going to see that Hauptmann is kept from the electric chair." And, with great assurance, Hauptmann says, "I will not die in the electric chair." How does he know it?

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. DIRKSEN. Mr. Speaker, will the gentlewoman from New Jersey yield me 5 minutes?

Mrs. NORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Speaker, the distinguished gentleman from Texas alluded to a bill, District Calendar today, S. 395, dealing with the qualifications of practitioners of law in the District of Columbia.

Lawyers resident in Washington, D. C., are entitled to some protection; for instance, they are entitled to protection against real-estate men who are engaged in a kind of indirect practice of the law. We should afford them some protection in the matter of conveyancing; but in affording protection to the practitioners of law in the way provided in the bill to be called up for consideration today I am apprehensive that the present bill is so drawn that Members of Congress who might find it necessary to appeal for their constituents in the courts of the District of Columbia could very readily be precluded from so practicing. I might cite, for instance, a case of the kind where a constituent comes to Washington and has an automobile accident and is at once served with process. Being a stranger here, he appeals, naturally, to his Member of Congress to do what he can. If the Congressman is an attorney, he might very readily appear in court. Otherwise it becomes necessary for the constituent to hire a local attorney to defend or prosecute, as the case might be.

While I do not want to be put in the position of imperilling a bill that seeks to protect practitioners of law in the District of Columbia, I do not want to be put in a position of causing criticism of Congressmen for seeking undue exception under the bill; yet, in view of the fact that literally thousands of constituents of Congressmen come to this city during the course of the sessions of the Congress and have no opportunity to look out for themselves in court, it is my view that this bill ought to be amended so as to accord this right.

Substantially, this is a good bill. I think the lawyers of the District of Columbia are entitled to this protection. An amendment, perhaps of the language on page 1 and page 2 of this bill, will put the bill in such shape that, I believe, it will be acceptable to the lawyers of this city. As it now stands it has the endorsement of the District Bar Association, of the Barristers' Club, of the Women's Bar Association, and a great many other legal fraternities here. They are rightfully entitled to it; and I believe at this time we can amend the bill so as to make it acceptable to all parties concerned.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. O'MALLEY. What is the real need for this bill? Are District lawyers losing cases to lawyers who are not residents of the District of Columbia?

Mr. DIRKSEN. No; I do not believe that is the case. There are those drawing wills and engaging in conveyancing and other like matters who are encroaching upon the domain of the lawyers.

Mr. O'MALLEY. The gentleman means trust companies and banks?

Mr. DIRKSEN. Anybody, whether it be an individual, a corporation, a partnership entity, anyone who is practicing law without any particular right or qualification. They should be denied this right. We send men to school to study law for 5, 6, or 7 years before we let them practice. They are entitled to some protection.

Mr. O'MALLEY. If the gentleman's contention is correct, anybody who is doing anything that might include in it a legal phrase ought to be denied this right.

Mr. DIRKSEN. I may say to the gentleman from Wisconsin that we hedge about the practice of pharmacy, the practice of medicine, and the practice of optometry with certain restrictions. I believe the legal fraternity is entitled to similar protection, except that it must not go too far.

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

Mr. DIRKSEN. I yield.

Mr. BLANTON. If the gentleman will strike out the two lines I called his attention to, that would remedy one defect in the bill.

Mr. DIRKSEN. I have submitted to the gentlewoman from New Jersey the suggestion that we ought to consider this in committee so we will have an opportunity to offer this amendment to the bill.

Mr. BLANTON. Then the gentleman will offer an amendment to strike out those two lines?

Mr. DIRKSEN. I am perfectly willing to do the very best I can.

Mr. TAYLOR of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. TAYLOR of South Carolina. Does the gentleman take the position that if two parties want to effect a conveyance of land that they must have a lawyer do it for them?

Mr. DIRKSEN. Not necessarily.

Mr. TAYLOR of South Carolina. That is what the gentleman is arguing; that is what the bill will do.

Mr. DIRKSEN. I am not arguing anything of the kind; but we all know there are those, not lawyers, who set themselves up as professional conveyancers and do legal work incident thereto.

[Here the gavel fell.]

Mrs. NORTON. Mr. Speaker, I yield 5 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Speaker, there is a provision in this bill reading:

Provided, That all conveyancing prepared or noted by such title insurance companies, etc., shall be under the direction of a member of the bar of the Supreme Court.

All it seeks to do is to include the necessary able legal counsel wherever conveyancing and title insurance are engaged in by companies and corporations. I think it is eminently fair and proper.

Mr. TAYLOR of South Carolina. It seems to me if a deed is presented to the registrar's office down here, and it is properly executed, probated, and so forth, that should be the limit of their investigation. If the parties in interest want to run the hazard of some layman drawing it, that is their risk, and the law has nothing to do with that matter.

Mr. DIRKSEN. It is not necessarily their risk, because if everyone who knows nothing about it is permitted to engage in that business there will ultimately be a lot of titles so beclouded that it will fill the courts with litigation; therefore I believe a public interest does attach in matters of this kind. The work should be performed by someone who is competent in the matter of conveyancing and the law of conveyances.

Mr. Speaker, I am not a lawyer, and, of course, the benefits of the bill will not and do not inure to me, but I believe that lawyers who may be Members of Congress are entitled to prepare and submit cases for their constituents whenever it becomes necessary. I also believe at the same time the District lawyers should be entitled to protection as against those who may seek to practice law and are not entitled to do so.

Mr. TAYLOR of South Carolina. If I understand the gentleman's position correctly, as long as a lawyer is a Mem-

ber of Congress he is competent to appear before the courts here, but whenever he ceases being a Member he is not then competent.

Mr. DIRKSEN. The gentleman begs the question. I made no such statement.

Mr. GRAY of Pennsylvania. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. The gentleman made some reference to the medical profession and other professions having proper protection. Does the gentleman have in mind that the medical profession is protected in the public interest, and that the legal profession should also be protected in the public interest rather than from the standpoint of the individual lawyer?

Mr. DIRKSEN. This is not protecting the lawyer alone. It protects the public rather than the practitioner. It results in rendering a competent service to the public. When they pay good money for professional services they are entitled to get good services.

Mr. GILCHRIST. Will the gentleman yield?

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

Mr. GILCHRIST. Will the gentleman please state the amendment which he has in mind?

Mr. DIRKSEN. On page 2, beginning with line 9, I suggest that we strike out all the rest of the language in lines 9 and 10 and the first two words in line 11. You will note that the section as it now reads provides as follows:

A member of the bar of the highest court of any State, not recorded as disbarred from membership rolls of the bar of the Supreme Court of the District of Columbia, shall be entitled to represent parties or interests in the courts of the District of Columbia in causes which arise from time to time affecting parties and subject matters without the District of Columbia.

Take for instance a misdemeanor that may come up here, involving a taxicab injuring one of your constituents. You would not be entitled to represent one of your constituents in a court in the District of Columbia.

Mr. GILCHRIST. I am glad to have the gentleman's observation.

Mrs. NORTON. Mr. Speaker, may I call the attention of the Members of the House to the fact that we are not considering this bill at the present time. We shall go into the Committee of the Whole House on the state of the Union to consider this bill, at which time there will be ample opportunity for the offering of amendments and discussion thereon.

Mr. DIRKSEN. Mr. Speaker, I brought this matter up because it was alluded to by the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, request may be made by the gentlewoman from New Jersey [Mrs. NORTON] that the bill under debate be considered in the Committee of the Whole, and then we can have proper time to discuss it.

Mr. DIRKSEN. We are not considering this bill at the present time. We are still dealing with the teachers' bill. May I say that I see no objection to that bill and it ought to be passed forthwith?

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

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

QUALIFICATIONS OF PRACTITIONERS OF LAW IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (S. 395) relative to the qualifications of practitioners of law in the District of Columbia, and move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill; pending that motion, I ask unanimous consent that debate be confined to the bill, be limited to 1 hour, one half to be controlled by the gentleman from Illinois [Mr. DIRKSEN] and the other half by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 395, with Mr. WILCOX in the chair.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, there seems to be some unnecessary alarm by some of the lawyers here with respect to this bill. This bill does nothing else than what is done in the various States of the Union. It is intended to prevent anyone who has not a degree from a law school or who has not been practicing law in the courts from writing deeds or wills.

There have been many instances where such persons have written deeds where a man and wife, for instance, wanted to hold their property by the entirety, so that at the death of one the property would go to the survivor, and upon the death of one of these parties an entirely different result followed. Let me give you the illustration of a will, written by an amateur, which happened to come to my attention. A man left his property to his wife for life, and upon her death to her two boys for life, and upon the death of the two boys to their issue, if there were any such issue. Unfortunately the two boys died and there was no residuary clause in the will, and when the poor lady wanted to borrow $300 in order to pave her sidewalk, although she had thousands of dollars' worth of property, she was unable to borrow $300, because the only interest she had was the interest of a life tenant, and as she was about 65 years of age, no one would take the risk. We want to prevent amateurs from drawing up wills of this kind.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. O'MALLEY. A number of wills drawn up by some of the most expert lawyers in the country have been contested time and time again in the courts, have they not?

Mr. PALMISANO. That is true, but there is no reason why any will should not have a residuary clause for an emergency, so that in such event the property would go to someone else.

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

Mr. PALMISANO. I yield.

Mr. HOFFMAN. Is it not true that the more of these amateurs there are practicing law the more business there is for the lawyers?

Mr. PALMISANO. Yes; but why charge it to the public? If you are going to take the position with respect to members of the bar that they are all a bunch of crooks, that is one way to look at it, but I do not look upon it in that way.

Mr. HOFFMAN. Are they not so regarded commonly?

Mr. PALMISANO. Yes; and I believe we ought to eliminate such inference by eliminating amateurs who know nothing at all about writing a deed or writing a will.

Mr. HOFFMAN. Does the gentleman think we can get that idea out to the people by an enactment of Congress? If we can, I am for it.

Mr. PALMISANO. No; that is up to the members of the bar, and the members of the bar here in the District are trying to eliminate such practices by the enactment of this bill.

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

Mr. PALMISANO. I yield.

Mr. CULKIN. I understand, then, that the full scope of this bill is simply to require that no one shall draw a deed or draw a will who is not a member of the bar?

Mr. PALMISANO. That is right.

Mr. CULKIN. Is that the full scope of it?

Mr. PALMISANO. Or any legal instrument.

Mr. CULKIN. Is the gentleman a lawyer, may I ask?

Mr. PALMISANO. Yes; and in order to protect the attorneys I have offered an amendment providing that no deed may be written by a corporation without the O. K. of a member of the bar.

Mr. CULKIN. I am for that, but there seems to be a suggestion in this bill or some misunderstanding to the effect that this bill limits the practice of law in the District before the departments to members of the bar of the District of Columbia.

Mr. PALMISANO. No; I am not for that.

Mr. CULKIN. Is not that in this bill?

Mr. PALMISANO. No; of course, there is some question——

Mr. CULKIN. There is a lot of verbiage here that must mean something.

Mr. PALMISANO. Of course, there is some question here about the second provision, and my colleague on the District of Columbia Committee, the gentleman from Illinois [Mr. DIRKSEN] has spoken about that. So far as I am concerned, I do not want to see any member of the bar who has been admitted to practice in the highest court of his State prevented from coming into the District and representing his clients.

Mr. CULKIN. It would be an unfortunate situation if the business of the District, which is largely Federal in its nature, should be limited to the local practitioners. That would be unfortunate and improper, I assume.

Mr. PALMISANO. In Maryland we acknowledge all members of the bar who are admitted in their respective States.

Mr. CULKIN. May I say to the gentleman I think that situation should be carefully guarded.

Mr. PALMISANO. There is an amendment to be offered to correct that situation.

Mr. CULKIN. It is really a matter of expert draftsmanship and consideration.

Mr. PALMISANO. That will be corrected.

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

Mr. PALMISANO. I yield.

Mr FITZPATRICK. Does not the State of Maryland permit deeds to be filed that are not drawn up by a lawyer?

Mr. PALMISANO. I cannot say that the State of Maryland requires a certificate that the deed has been drawn up by a lawyer.

Mr. FITZPATRICK. Is it not a fact that some of the real-estate brokers are more competent to draw up a deed than many of the lawyers?

Mr. PALMISANO. No.

Mr. FITZPATRICK. Absolutely so.

Mr. PALMISANO. No.

Mr. FITZPATRICK. Tell me any State in the Union that will not permit an ordinary citizen to draw up a deed or have one drawn up by a broker and file it.

Mr. PALMISANO. You have a right to draw up your own deed if you want to, but you have no right to draw a deed and charge a fee as an attorney.

Mr. FITZPATRICK. A broker is often required to make a deed, and you are going to prohibit a broker from drawing up a deed which he has a right to do if he is a broker.

Mr. PALMISANO. The broker's business is not to draw up deeds.

Mr. BLANTON. Will the gentleman yield to me.

Mr. PALMISANO. I yield to the gentleman from Texas.

Mr. BLANTON. It has been held in the District that a deed which recites that I, John Doe, in consideration of the sum of $10, do grant, sell, and convey to Richard Roe, lot 1, square 75, in the District of Columbia, is a good and sufficient deed, and conveys the property whether the property is worth $10 or $100,000. If a deed is as simple as that, why should you make a man who wants to convey a $25 lot go to a lawyer and pay him $50 to draw up a deed, if he charged that?

Mr. PALMISANO. Well, that may be true, but suppose a man wants a joint deed to the man and wife with survivorship, the ordinary layman would not understand it. If he wanted a deed in common with his partner, the layman would not understand it. If he wanted a deed going to a joint tenancy, the layman would not understand it. There are three different tenancies that the ordinary layman would not understand.

Mr. BLANTON. If the matter was complicated, a sensible man would go to a lawyer; but here are hundreds of little deeds which any notary public or justice of the peace can draw just as well as a lawyer.

Mr. PALMISANO. These laymen follow forms but not the substance. They obtain forms and include in those forms things that they know nothing about, and that is what we want to prevent.

Mr. KELLER. Do not they have these forms all printed?

Mr. PALMISANO. Yes, certain forms; and John Smith will draw up a deed for a joint tenant where it ought to be a tenant in common.

Mr. KELLER. If John Smith wants to take that chance, why not?

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Chairman, this bill is particularly interesting to me at this time because of an experience in Wisconsin where the bar association attempted to pass what they called an integrated bar bill. That happened to be a bill which had for its purpose legislation providing that no one might be admitted to the bar without approval of a State or local bar association.

Apparently they wanted everyone to be under the control of the bar association. That was so ridiculous that it brings to mind a similar anomaly of a labor union wanting a law passed that nobody could practice his trade unless he belonged to that particular labor union. I do not think any reasonable mind would agree to that sort of legislation.

The real reason for this bill is that in the last 2 or 3 years a great deal of legal business has come to the District of Columbia, and the local, home-talent boys have not been getting what they think ought to be their share of such business, so they put the "heat" on. They want every bit of law business that possibly wanders into the District of Columbia to be given solely to District of Columbia lawyers.

They managed to pass this bill through the Senate without any reasonable discussion, with practically no hearings, and now it is over here in the House in the first days of this Congress. This is an important bill. It should not be acted upon quickly; it should be studied. I can see no reason why anybody in this District should not be entitled to do those little things which the ordinary layman can do without hiring a District lawyer, and that is what this bill seeks to prevent.

Mr. KELLER. It means more than that.

Mr. O'MALLEY. What is there about a simple deed, a simple transfer of property, that you have to hire a lawyer for; and if you have to do that, why do you have to hire a District lawyer? Simply because the District lawyers want to get all that business. A lot of business is done here that is not really District business, but it is done in the District. Many people who come here have their own attorneys back home. If this bill is passed, I believe they could not use the services of an attorney back home unless that attorney got into correspondence with a District lawyer and at least divided his fee. The gentleman from Maryland [Mr. PALMISANO] said, in answer to a query of the gentleman from New York [Mr. CULKIN], that the purpose of the bill is to put everything that has any legal phraseology in it into the hands of an attorney who is permitted to practice in the District of Columbia.

The District of Columbia belongs to the people of the United States; and anyone who has an attorney in any other State ought to be entitled to do anything in the District of Columbia that he can do at home; and anybody who is a citizen of the United States ought to be entitled to do in this District exactly what he can do at home, because this is not a State; this is the property of all of the citizens of the country; and when you pass a bill like this to set up a special way of doing law business in the District of Columbia you pass a bill that is against every citizen who is not resident in this District.

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

Mr. O'MALLEY. Yes.

Mr. BLANTON. One of the worst among the many bad features of the bill is that it wipes out all of the regulatory provisions in our various departments, such, for instance, as the Patent Office, which now passes upon all attorneys allowed to practice before it. It lets the bars down. You notice that it sets aside the regulations and provides that where there is a law firm of several members and one of them is licensed to practice before the Patent Office this bill, if you pass it, would let the rest of that firm practice there, regardless of the regulations of the Patent Office. And so with the other departments of government. This bill ought to be defeated. It is a bad bill.

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

Mrs. NORTON. Mr. Chairman, I yield 2 minutes more to the gentleman from Wisconsin.

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

Mr. O'MALLEY. Yes.

Mr. DIRKSEN. First of all, those safeguards with respect to governmental departments, such as the Patent Office, are set up within the bill. Secondly, I would say to the gentleman that surely he would not espouse a bill that seeks to let down the bars entirely so that anybody, whether informed on jurisprudence or not, could go into the courts of the District of Columbia. Certainly we cannot treat the District of Columbia like a mere stepchild because back in the States we have regulations and restrictions that have been set about the practice of law for the protection not of the lawyer but for the protection of the public.

Mr. O'MALLEY. I agree with the gentleman, and I have always believed that the attorneys need less protection than the public does against them.

Mr. DIRKSEN. That is a matter of metaphysics, into which I do not care to be drawn.

Mr. O'MALLEY. We can draw deeds in my State without hiring a lawyer to do it, and if a citizen of my State comes here and wants to purchase property or convey property, why should he be compelled, as this bill will compel him, to hire a lawyer? He has to do something under this bill that he would not have to do at home. He would even have to hire a lawyer to draw up a release, if he had a lawsuit down here and he wanted to be released.

Mr. DIRKSEN. But the gentleman must remember that every individual in this country has a constitutional right to practice in a court of law in his own behalf in a matter affecting his interest without any lawyer.

Mr. O'MALLEY. And if the gentleman will permit me to conclude, there is another thing in the bill that is very cloudy, and that is the matter of appearing before the departments. It is said that this bill does not seek to control that, but the wording of the bill is so ambiguous that it is my opinion that if the bill becomes a law the people will be excluded from going before the departments.

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

Mr. DIRKSEN. Mr. Chairman, I yield the gentleman 2 additional minutes in order to say to him that it is not necessary to be a practicing attorney in a court of law to appear before the patent court. Any citizen can be a patent attorney. On his letterhead he can carry his name and underneath that the words "patent attorney," but it does not make him an attorney of record in a court of law. Yet if he is permitted to use that indiscriminately, he might fool many people into the belief that he is a practicing attorney in the courts of law.

Mr. O'MALLEY. If the gentleman will permit me, there has been a bill before our Committee on Patents for about 3 years which would forbid anybody holding himself out as a patent attorney who is not admitted to practice in the Patent Office.

Mr. DIRKSEN. So the gentleman admits that is the case today.

Mr. NICHOLS. Will the gentleman point out the portion of the bill which requires a man to be a lawyer in order to prepare a deed or a release or such matters as he referred to?

Mr. O'MALLEY. I will read section 218 (c):

> Every letter, writing, circular, postal card, * * * or thing of any kind, containing any matter forbidden by section 218 (b) is hereby declared to be nonmailable.

If a legal document was drawn up in the District of Columbia by an attorney who was not admitted in the District, it is my opinion that the above phraseology would bar that document from being mailed in the District.

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

Mr. DIRKSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, it is information I am after. On page 2, beginning at line 5, the bill reads:

> A member of the bar of the highest court of any State * * * shall be entitled to represent parties or interests in the courts of the District of Columbia * * * in causes which arise from time to time affecting parties and subject matter without the District of Columbia.

Does that mean that when an attorney of any State in the Union appears in the District court he can only appear to represent his clients in actions which arise without the District of Columbia?

Mr. DIRKSEN. The language in the bill means exactly that.

Mr. HOFFMAN. All right. That is all I wanted to know.

Mr. NICHOLS. But the gentleman intends to offer an amendment striking that out of the bill, as I understand it.

Mrs. NORTON. Mr. Chairman, I have no further requests for time. The Clerk may read the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, be, and the same hereby is, further amended by inserting after section 218 thereof the following:

"SEC. 218a. No person who is not a member of the bar of the Supreme Court of the District of Columbia shall engage in the practice of law, or any branch thereof, in the District of Columbia; nor shall any partnership, corporation, association, or firm engage in the practice of law, or any branch thereof, in the District of Columbia, except associations, partnerships, and firms all of the members of which are members of the bar of the Supreme Court of the District of Columbia.

"A member of the bar of the highest court of any State, not recorded as disbarred upon the membership rolls of the bar of the Supreme Court of the District of Columbia, shall be entitled to represent parties or interests in the courts of the District of Columbia in causes which arise from time to time affecting parties and subject matter without the District of Columbia. No court of the District of Columbia shall enforce against any such member of the bar of the highest court of any State any rule promulgated by such court which would require that there be joined of record associate counsel having an office in the District of Columbia or providing for the exclusion of such member of the bar from practice in such causes if the party represented shall file, at the time counsel enters his appearance, with the clerk having jurisdiction consent that service upon said clerk shall be service upon said party and his counsel.

"SEC. 218b. No corporation or association shall, nor shall any person or partnership forbidden by section 218a to practice law in the District of Columbia, use therein in any way except as hereinafter expressly allowed the expressions 'attorney at law', 'counselor at law', 'lawyer', 'attorney', 'counselor', 'law office', or any of them, or the plural of any of them, or any other title, word, or phrase as descriptive of the user or of the office, business, or practice of the user which indicates that the user thereof is engaged or is entitled to engage in the practice of law in said District of Columbia.

"SEC. 218c. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind, containing any matter forbidden by section 218b is hereby declared to be nonmailable, and the mailing or attempted mailing of the same to be a misdemeanor and subject to the penalties hereinafter provided.

"SEC. 218d. Nothing contained in section 218a, 218b, or 218c shall prevent persons or partnerships who are now or shall hereafter be admitted to practice before the Supreme Court of the United States, the Court of Appeals of the District of Columbia, the Court of Customs and Patent Appeals, or the Court of Claims, from practicing before the same, or prevent them from using the words forbidden to be used by section 218b when such words are used (1) in connection with other words stating the court or courts before which they are then so admitted to practice, or (2) in their practice before said courts or any of them; nor shall anything in the said sections contained (a) prevent persons or partnerships who are now or shall hereafter be authorized or permitted by any department, commission, bureau, agency, or other authority of the United States or of the District of Columbia to practice before the same from doing so, or (b) apply to the use by them

of words forbidden by section 218b when such words are used (1) in connection with other words stating the department, commission, bureau, agency, authority, or one or more or all of them before which they are so authorized or permitted to practice, or (2) in their practice before the same, nor shall anything in said section contained prevent any person, partnership, or firm, now or hereafter registered by the United States Patent Office, to practice before it, and not a member of the bar of the Supreme Court of the District of Columbia, from performing any and all of the services incident to patent, trade-mark, copyright, and unfair competition practice before and out of the Patent Office and out of court; nor prevent any member of the bar of the Supreme Court of the District of Columbia, who is also a member of or an associate of a firm or partnership which is registered to practice before the United States Patent Office, but all the members of which are not members of the bar of the Supreme Court of the District of Columbia, from practicing law to the full extent of his authority as a member of said bar, or prevent any person from acting as attorney for the United States Government while actually engaged by it so to do, nor shall anything in the said sections referred to be construed so as to prevent any title insurance company while authorized to carry on its business in the District of Columbia from examining, abstracting, reporting upon, certifying, guaranteeing or insuring titles to real estates, settling sales, conveyances, and exchanges thereof, or doing conveyancing work in connection therewith.

"SEC. 218e. No corporation, association, person, or partnership shall do on behalf of another anything which that other is forbidden to do by section 218b or 218c.

"SEC. 218f. Every person, corporation, and association, who or which shall violate any provision of section 218a, 218b, or 218c shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding 1 year, or by both said punishments, in the discretion of the court, and the Supreme Court of the District of Columbia and the police court of the District of Columbia shall have concurrent jurisdiction of all prosecutions under this section."

During the reading of the section the following occurred:

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

The Clerk read as follows:

Amendment offered by Mr. HULL: On page 1, line 8, after the word "Columbia", insert "or a member of the bar of the highest court of any State."

Mr. BLANTON. Mr. Chairman, I make the point of order that no amendments are in order until the Clerk finishes reading the section, which ends on line 2, page 6. The Clerk has not finished reading the section. Amendments would come after the section has been read.

The CHAIRMAN (Mr. WILCOX in the chair). The point of order is well taken. The Clerk will continue the reading of the section.

The Clerk concluded reading the first section of the bill.

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

The Clerk read as follows:

Committee amendment: On page 5, line 8, after the word "therewith", insert a colon and the following: *"Provided*, That all conveyancing prepared or noted by such title insurance companies shall be under the direction of a member of the bar of the Supreme Court of the District of Columbia, and each certification of, or opinion relating to, title to real estate, made by any such title insurance company, shall be over the signature of its attorney or title officer, who shall be a member of the bar of the Supreme Court of the District of Columbia."

Mr. NICHOLS. Mr. Chairman, I should like to ask who is the author of this committee amendment.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard on the committee amendment?

Mr. NICHOLS. I should like to have the committee amendment explained by the gentleman from Maryland.

Mr. PALMISANO. This amendment affects corporations only. It has nothing to do with individuals. It refers to title companies which set themselves up to guarantee titles without an attorney. The only question here is with reference to a corporation, whether it is a trust company or whoever it may be, and provides that they shall have attorneys who shall certify that they have passed on the title. It does not affect any individual. It does not affect a man who comes in here and draws up his own deed.

Mr. NICHOLS. Would this amendment prevent a licensed abstractor from certifying to a title to a piece of property?

Mr. PALMISANO. This affects corporations only.

Mr. NICHOLS. Well, a licensed abstractor would be a corporation. They are generally corporations.

Mr. PALMISANO. Anyone who can pass title under the law can pass title here, but a corporation which sets itself up, without a lawyer, and certifies to a title, ought to have someone certify to it.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. COLE of Maryland. The amendment offered by the gentleman is that all conveyancing prepared or noted by such title insurance companies. I do not find any reference to title insurance companies in the preceding language. I am wondering what part of the bill the amendment refers to.

Mr. PALMISANO. In the District of Columbia all titles are passed upon by title companies or title insurance companies.

Mr. COLE of Maryland. There is nothing in this bill about such companies.

Mr. PALMISANO. We specify title companies in the bill.

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

Mr. PALMISANO. I yield.

Mr. WHITE. It seems very clear to me from the language of this bill that each certification or opinion relating to the title to real estate made by any such title insurance company must have the signature of its attorney; that this language would prohibit an abstractor from certifying title. If not, I should like to know why it would not.

Mr. PALMISANO. That language has reference to a corporation. It has reference to the title insurance companies. It does not refer to individuals. It does not prevent any man from drawing up his own title or making his own abstract.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. O'MALLEY. Is it cheaper to get a title from a title insurance company or to employ a lawyer for the purpose? What is the average fee charged by a lawyer for drawing up an abstract of title?

Mr. PALMISANO. I do not know what his fee is in the District of Columbia.

Mr. O'MALLEY. The title company in addition insures the title.

Mr. PALMISANO. My experience has been that they will not pay a cent if the title turns out to be faulty. I had a case recently, a case taken to the Maryland Court of Appeals, where the title company tried to evade paying anything every time they possibly could. One of the title companies in the city of Baltimore is in the hands of receivers today.

Mr. O'MALLEY. The gentleman will admit, however, that if a title company insures a title it protects the purchaser to that extent, whereas if he goes to the ordinary lawyer the title is not insured.

Mr. PALMISANO. I say that a respectable lawyer will pay on a defective title quicker than a title company will. This has been my experience searching titles for 25 years.

Mr. O'MALLEY. Does the gentleman mean to state that if a title prepared by a lawyer is defective, recovery can be had from the lawyer such as can be had from a company that insures a title?

Mr. PALMISANO. Yes; that has been my personal experience.

[Here the gavel fell.]

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

Mr. Chairman, in some of the States there are title insurance companies that issue certificates of title and really insure against loss. A title issued by such a company is worth something. There are no such companies in Washington. If you take up by correspondence the matter of a certificate of title issued by one of the Washington title companies, they will tell you they do not insure the title against defects or loss. They will charge you about $50 for their certificate of title, regarding an ordinary residence. They tell you the condition of the title, but they do not guarantee it against defects. This is something I contended for while I was a member of the District Committee many years ago.

I think there ought to be a law passed here so far as title companies in the District of Columbia are concerned, to require their certificates of title to guarantee against defects

in the title. Then their certificates would be worth something. There are no such guaranty certificates now in Washington; and if a buyer suffers loss, the title company does not make the loss good.

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

Mr. BLANTON. I yield.

Mr. KELLER. Why should we not amend the basic law rather than try to do it this way?

Mr. BLANTON. We should not pass this bill. In view of the fact this bill affects every lawyer in the United States, and it affects every citizen of the United States who might have business in Washington, this bill should have gone to the Committee on the Judiciary.

Mr. KELLER. Certainly it should have.

Mr. BLANTON. Talk about inhibiting the practice before the courts here except by local lawyers who are members of the bar of the District of Columbia, I remember the case of a poor woman who came here from California, who brought with her two trunks that contained her personal estate she had inherited from her family. The trunks belonged to her. Some crooked relatives here got hold of those trunks and went so far as to try to put her in St. Elizabeths insane asylum to deprive her of her estate and her own property. She had no money to employ a lawyer. She was not from my State, but she appealed to me, and I felt so sorry for her that I went to court, and before Judge Hitz and a jury of the District of Columbia I represented her and tried her case. The opposing lawyer against her was Neil Burkinshaw, who has just been employed by Bruno Hauptmann. The jury found for her and she got back her property. I received, of course, no fee, but merely saw that she got justice.

Cases like that come up here all the time. Your constituents come here from the States. They may have their rights involved here either criminally or civilly. If you pass this bill as it stands you would not have a right to appear before the court to see that your constituent got justice. You would not even have the right to file an application for a writ of habeas corpus to get them out of jail, if they were wrongly incarcerated there. It is a right you ought to have for your constituents. And your home lawyers from your States have the right to appear before the courts here.

I was hopeful that our good friend the gentlewoman from New Jersey would withdraw this bill, because it should not be passed. I opposed and stopped it in the last session of Congress.

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

Mr. BLANTON. I yield.

Mr. MAY. As a matter of fact, this bill creates a monopoly in the lawyers of the District of Columbia.

Mr. BLANTON. Surely it does.

Mr. MAY. And it affects the lawyers outside the District.

Mr. BLANTON. Certainly it does. Talk about conveyancing, there are lots of releases to be drawn continually, as there are lots of trusts on property here. When they are paid off, releases must be prepared. Almost anyone can draw a valid release. Most any notary public can draw an ordinary release in matters of that kind. This bill would require you, in connection with such legal matters, to get a lawyer. Suppose he saw fit to charge you $50 for doing something for which he ought to charge you $5. You would have to pay it. You could not get the service without the payment of his fee. Suppose he wanted to charge you $100 for a little $5 release? You would have to pay it, because that would be the law. You could not get the service without going to a Washington lawyer.

Let us take the matter of a radio concern in your district, and we all have lots of them. Practically every radio controversy, whether it involves a 50-watt station or a 100,000-watt station, gets into the courts here before it is over. By this bill the lawyers in your State might be prevented from having the right to come here to represent a little radio station in your district. They might have to pay a big fee to a Washington attorney here.

[Here the gavel fell.]

Mr. McFARLANE. Mr. Chairman, I offer a preferential motion, which I send to the desk.

The Clerk read as follows:

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

Mr. McFARLANE. Mr. Chairman, I think this matter has been rather fully discussed. Instead of having the title which this bill has, "Relative to the qualifications of practitioners of law in the District of Columbia", I think it ought to be entitled "An act to give the lawyers of the District of Columbia a monopoly of the legal business."

As my colleague, the gentleman from Texas [Mr. BLANTON], has well stated, this is a bill which is of too much importance to be considered in this short time. It affects not only the people of the District of Columbia but all of our constituents. It affects everyone in our respective districts. We are being called upon daily by our constituents to pass upon matters in which the various departments of the Government are involved. We would be violating the law if this bill is passed. Technically speaking, if we pass upon a request of a constituent, and we have no license, under this bill we would be violating the law.

Mr. Chairman, this is a bill which gives the District of Columbia lawyers a monopoly on the legal business and puts us on the spot in connection with every piece of business that we handle in connection with the various departments. This bill would require each one of us to take out a license, at considerable expense to ourselves, before we could gratuitously represent any constituent here in the District of Columbia. I think more consideration ought to be given to the question than has been given here. I think the bill should be defeated now and proper legislation should be brought before the Judiciary Committee and the House so that further consideration may be given this important matter.

Our constituents come here to see us about certain matters. Maybe we would have a constituent violating some traffic ordinance here. We could not go down to court to represent the constituent under the provisions of the bill. We would be violating the law. The license which you as lawyers receive in your respective districts and States is worth nothing if this legislation is enacted into law. We would be tying our own hands to properly represent our constituents. We do not want to do that. This legislation is too far-reaching.

Mr. Chairman, I do not think that we ought to permit our hands to be tied and our constituents shaken down and high-jacked in such a manner as would be permissible under the provisions of this legislation. Therefore, may I say if the motion which I have just offered is agreed to, it will result in taking care of this legislation at this time, as it should be taken care of. The gentleman's amendment he has to offer, with all due respect to him, will not correct the situation. The bill in its entirety is entirely too broad in its provisions. The amendments he suggests will not remedy the defects of the bill.

Why not defeat this legislation before it goes any further? It is too far-reaching. It covers too much ground. We should not sit idly by and permit our hands to be tied so that we cannot properly represent our constituents before the various departments of the Government. We should not tie our hands so that constituents who come here to see us on important business may not be represented by us if and when occasion arises. This legislation goes entirely too far. We should strike out the enacting clause and work out a proposition which will give the District lawyers the protection to which they are entitled and at the same time not tie our hands in such a manner as we would be doing if we pass this bill. [Applause.]

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, I am surprised that the gentleman from Texas should take the position that he does with reference to this bill. He has made the statement that perhaps the residents of Texas who come here cannot be properly represented because they would have to get a member of the

District bar. This bill does not limit representation to the members of the bar of the District of Columbia. Any lawyer from anywhere in the United States would be able to come here and represent anyone and everyone who may appeal to them for assistance.

Mr. Chairman, I would be the last one to ask the Congress to pass a bill which would prevent an outside lawyer from coming here and representing in the courts here whoever he sees fit to represent. My district is on the border line. There are as many people from my district come here as from any other State in the Union, and I as a member of the bar of the State of Maryland do not want to be barred from practicing here. If I do not want to be barred, I do not want to see any other member of the bar from elsewhere prevented from practicing.

I have an amendment here which will strike out on page 2 the words "without the District of Columbia" so that in connection with any matter arising here the litigant may be represented by a member of the bar here or elsewhere in the United States. All of this talk about monopoly is wrong.

Mr. Chairman, there was a reference made to title companies. I can show that recently a title company did not pay $1,400 until the case was taken to the Court of Appeals. The provision that has been inserted in this bill will result in the title companies standing by what they do. The matter heretofore referred to has been in the Maryland Court of Appeals for over 2 years. Not only that, but after filing an appeal bond they refused to pay on the bond. Mr. Chairman, those are the things that bring about legislation of this kind. They represent clients, insurance companies, and others, and then refuse to pay the bill when the time comes.

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

Mr. PALMISANO. I yield.

Mr. HOFFMAN. I understood the gentleman to say that any member of the bar of any State, under this bill, could practice here. Where is that language?

Mr. PALMISANO. On page 2, and if you will permit us, we propose to amend that language.

Mr. HOFFMAN. How can the gentleman say that in view of the language on page 3, following line 17, with respect to the Supreme Court of the United States and the Federal courts?

Mr. PALMISANO. We have two amendments on page 2, one of them striking out "without the District of Columbia", and then after line 15 we propose to strike out the balance of the paragraph.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. O'MALLEY. Is it not a fact that this bill passed the Senate without any debate upon a unanimous-consent day and was not considered by that body except in committee?

Mr. PALMISANO. I have no knowledge of how it passed the Senate, but I believe the Senate acted after due deliberation.

Mr. O'MALLEY. I get that information from the RECORD.

Mr. PALMISANO. I do not know.

Mr. O'MALLEY. I am quoting from the RECORD of the proceedings on that bill.

Mr. PALMISANO. I am not here to say that the Senate blindly passes a bill without any consideration.

Mr. O'MALLEY. The proceedings of that body show that to be the fact.

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

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

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WILCOX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 395) relative to the qualifications of practitioners of law in the District of Columbia, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the Committee to strike out the enacting clause.

The recommendation of the Committee was agreed to.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

SECOND AND THIRD CONVICTIONS IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 8820) to amend section 907 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924.

The SPEAKER. This bill is on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 907 of the act entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, up to and including June 7, 1924, is amended by striking out said section and substituting the following in lieu thereof:

"SEC. 907. Second and third convictions: That whenever any person having been convicted of any felony shall thereafter be convicted of any felony committed after such first conviction, the punishment shall be by imprisonment in the penitentiary for the full term provided by law for such crime at the time of such last conviction therefor; that whenever any such person, having been so convicted the second time as above provided, shall be again convicted of any felony, committed after said second conviction, the punishment shall be imprisonment in the penitentiary for a period of not less than 15 years: *Provided*, That such former conviction or convictions and judgment or judgments shall be set forth in apt words in the indictment. On any trial for any of said felonies, a duly authenticated copy of the record of the former conviction and judgment of any court of record, for any felony against the party indicted, shall be prima-facie evidence of such former conviction and may be used in evidence against such party."

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

BRIBERY

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment.

The SPEAKER. This bill is on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That whosoever corruptly, directly or indirectly, gives any money, or other bribe, present, reward, promise, contract, obligation, or security for the payment of any money, present, reward, or thing of value to any ministerial, administrative, executive, or judicial officer of the District of Columbia, or any employee or other person acting in any capacity for the District of Columbia, or any agency thereof, either before or after he is qualified, with intent to influence his action on any matter which is then pending, or may by law come or be brought before him in his official capacity, or to cause him to execute any of the powers in him vested, or to perform any duties of him required, with partiality or favor, or otherwise than is required by law, or in consideration that such officer being authorized in the line of his duty to contract for any advertising or for the furnishing of any labor or material, shall, directly or indirectly, arrange to receive or shall receive, or shall withhold from the parties so contracted with, any portion of the contract price, whether that price be fixed by law or by agreement, or in consideration that such officer has nominated or appointed any person to any office or exercised any power in him vested, or performed any duty of him required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an officer, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid, shall be deemed guilty of bribery and upon conviction thereof shall be punished by imprisonment for a term not less than 6 months nor more than 5 years.

Whosoever corrupts or attempts, directly or indirectly, to corrupt any special master, auditor, juror, arbitrator, umpire, or referee, by giving, offering, or promising any gift or gratuity whatever, with intent to bias the opinion, or influence the decision of such officer, in relation to any matter pending in the court, or before an inquest, or for the decision of which such arbitrator, umpire, or referee has been chosen or appointed, and every official who receives, or offers or agrees to receive, a bribe in any of the cases above mentioned shall be guilty of bribery and upon conviction thereof shall be punished as hereinbefore provided.

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

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 7505) to amend an act of Congress entitled "An act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. HARLAN. Mr. Speaker, reserving the right to object, there are a number of Members interested in the defeat of this bill. It is a matter that has been before the House for the last 6 years, and I should like to know what arrangement we can make as to time for the consideration of the bill.

Mr. DIRKSEN. Why are not the Members here if they are interested?

Mr. HARLAN. Most of them are here. This is a bill to repeal the protection afforded by the child-labor laws of the District of Columbia with respect to children working in the theater. Under this reservation I should like to know what provision we can make as to time.

The SPEAKER. If consent is granted, the bill will be taken up under the 5-minute rule without general debate unless the House should order otherwise.

Mr. HARLAN. That means there is to be no general debate?

The SPEAKER. The House could provide for general debate if it wished to do so.

Mr. HARLAN. This bill is on the Union Calendar.

The SPEAKER. That is true, and the gentlewoman from New Jersey is asking unanimous consent that it be considered in the House as in Committee of the Whole. The question now is, Is there objection to the request of the gentlewoman from New Jersey?

Mr. HARLAN. I object to the request, Mr. Speaker, unless there is attached to the request that 1 hour of general debate shall be provided.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that there may be 1 hour of general debate, 30 minutes allotted to the gentleman from Ohio [Mr. HARLAN] and 30 minutes to the chairman of the committee.

The SPEAKER. The gentlewoman from New Jersey asks unanimous consent that the bill be considered in the House as in Committee of the Whole and that there be 1 hour of general debate, to be equally divided between herself and the gentleman from Ohio [Mr. HARLAN]. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, be, and the same is hereby, amended by adding after section 7 a new section to read as follows:

"SEC. 7a. Notwithstanding the provisions of this act, the Board of Education of the District of Columbia, or a duly authorized agent thereof, is authorized to issue a work permit to any female person under 18 years of age and to any male person under 16 years of age, said permit authorizing and permitting the appearance of such person on the stage of a duly licensed theater within the District of Columbia, in any professional traveling theatrical production not considered offensive to public decency: *Provided*, That such person shall not appear on said stage after the hour of 11 o'clock in the evening of any day, nor more than 4 hours in one day, nor more than 28 hours in one week. Application for such permit shall be made by the parent or guardian of such minor to the Board of Education of the District of Columbia, or a duly authorized agent thereof, at least 21 days in advance of the scheduled theatrical performance, and with such application there shall be furnished a copy of the manuscript of the play, and the Board of Education shall advise the applicant of the granting or refusal of such permit within 10 days thereafter. The board or its agent may issue a permit when satisfied that the minor is receiving adequate educational instructions and that the health and morals of the minor are properly safeguarded."

SEC. 2. Nothing in this act shall be construed as amending, altering, or repealing the provisions of section 7 of the act of May 29, 1928.

Mrs. NORTON. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Speaker, I should like to reserve our time until the proponents of the bill have presented their views.

Mrs. NORTON. Mr. Speaker and Members of the House, this is a bill which I think has been very much misunderstood. It is a measure submitted in the interest of theater patrons who prefer the better class of modern dramatic productions and parents of children who desire to adopt a successful stage career with actual stage experience in company with actors. There does not seem to be any reason why the District of Columbia should not permit children to participate in theatrical productions under necessary and proper supervision.

I want to say that before I came to Congress I had for many years been a volunteer in child welfare, and I would not bring a bill before the House if I thought for one moment that that bill was going to do the least bit of harm to any child in the District of Columbia.

I do not see why this bill, with its proper safeguards, should not pass.

I direct the attention of Members to the report submitted in the bill, and you will note that no less a person than our own beloved Chaplain, James Shera Montgomery, endorses the bill. If you will read his endorsement, and the endorsements of the Board of Trade, the Merchants and Manufacturers' Association, the Bar Association, and many other associations in this District, it would not seem possible that anyone could object to the bill.

The question has been brought up about letting down the bars with regard to child labor. This bill is practically a copy of the New York law, and many of the States have a minimum age as included in this bill.

To prove this bill amply safeguards the interests of the child, I will read you a portion of the report.

In brief it provides that boys under 16 and girls under 18 years of age may appear on the local stage. It limits them to not more than 4 hours daily or 24 hours weekly. Applications for permits for such appearance must be made to the Board of Education 21 days in advance and the copy of the manuscript of the play in which the minor is to appear must be submitted with the application. That absolutely safeguards the child. The Board of Education has the final right to say whether or not this play will be harmful to the child and the Board may issue such permit when satisfied, and only when satisfied, that the minor is receiving adequate educational instruction and that health and morals are properly safeguarded.

I do not think we could write a better bill. Certainly we know that a great many of the actors and actresses of this day started their profession as children, and we know they have been a great credit to the stage. Why should the children of the District of Columbia be discriminated against? The people of the District of Columbia have been deprived of a great many splendid productions because of existing law. For instance, one of the plays we all regretted not being able to see and enjoy was Green Pastures. We have taken this matter up with doctors, and they have submitted that it is perfectly legitimate and proper for children, safeguarded as this bill safeguards children, to be permitted to appear on the stage.

I cannot see anything in this bill that would in any way hurt the children of the District, and I sincerely hope that the Members will vote in favor of the bill.

Mr. WOOD. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. Yes.

Mr. WOOD. The gentlewoman mentions the Musicians' Protective Association as being in favor of the bill.

Mrs. NORTON. Yes; and we have other endorsements.

Mr. WOOD. And who are they?

Mrs. NORTON. There is the Musicians' Protective Union, and the Sign, Scene, and Pictorial Painters Local Union; also the president of the District Bar Association, the Central Labor Union, and many others. They are all in favor of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. Yes.

Mr. MARTIN of Massachusetts. As I understand it the present law is very restrictive.

Mrs. NORTON. That is true.

Mr. MARTIN of Massachusetts. No boy under 16 or girl under 18 can work on the stage of a theater.

Mrs. NORTON. That is correct. I reserve the remainder of my time.

Mr. HARLAN. Mr. Speaker, this is a bill which has been pending before this House for the last 6 years—ever since the Seventy-second Congress—and almost every term it has been voted out favorably by the committee, but it never appeared on the floor. The bill is very important, not only to the District of Columbia but to the United States. There are just about 11 States out of the 48 States in the United States that have little or no child-protection laws, and, with all due respect to them, they are not the progressive States so far as child protection is concerned.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. HARLAN. Yes.

Mrs. NORTON. Does the gentleman not consider that New York is a protective State so far as children are concerned?

Mr. HARLAN. New York is the theatrical center, and it applies to New York citizens living in New York City. I do not say anything against the State of New York, but I do not want to be put off the train of thought right here. That is purely a side issue.

The report on this bill is very interesting and elucidating. Usually we criticize these reports, but this time I think we have a very good report. The report on the bill recommends it, first, because the theater patrons want the bill; second, because the theater owners want the bill; and third, because the parents of these children want the bill. The report is very careful not to state anything about whether the children are going to be benefited by the bill or not. I do not have the slightest wish to impugn the motives of the chairman of this committee in bringing out this bill, but there are some provisions in it to which I shall direct attention which I believe have not received her mature consideration.

Mr. DIRKSEN. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mrs. NORTON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

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

[Roll No. 6]

Adair	Cummings	Hancock, N. C.	Sabath
Amlie	Darden	Hartley	Sanders, La.
Andrews, N. Y.	Dear	Hennings	Sandlin
Bacharach	DeRouen	Hoeppel	Seger
Bell	Dickstein	Jenkins, Ohio	Shanley
Biermann	Ditter	Kee	Sirovich
Brennan	Dorsey	Kennedy, N. Y.	Smith, Va.
Brooks	Doutrich	Knutson	Smith, Wash.
Brown, Mich.	Duffy, N. Y.	Lea, Calif.	Somers, N. Y.
Buchanan	Dunn, Miss.	Lehlbach	Stewart
Buckler, Minn.	Eaton	McGroarty	Stubbs
Buckley, N. Y.	Ekwall	McMillan	Thom
Burch	Englebright	Maas	Thomas
Cannon, Wis.	Farley	Maloney	Thompson
Cary	Fenerty	Michener	Tinkham
Cavicchia	Fernandez	Montet	Tolan
Celler	Flannagan	Murdock	Treadway
Citron	Frey	Oliver	Wadsworth
Clark, Idaho	Gambrill	Patton	Wallgren
Clark, N. C.	Gasque	Perkins	Whelchel
Collins	Gassaway	Pierce	Wilson, La.
Cooley	Gifford	Quinn	Withrow
Cooper, Ohio	Green	Reece	Wolfenden
Corning	Greenway	Reilly	Wolverton
Creal	Haines	Richardson	Zimmerman
Crowther	Hamlin	Robinson, Utah	Zioncheck

The SPEAKER pro tempore (Mr. LUCAS in the chair). Three hundred and twenty-six Members have answered to their names. A quorum is present.

Mrs. NORTON. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HARLAN] may resume.

Mr. HARLAN. Mr. Speaker, inasmuch as very few Members during the interim have shown that they understood just what is before the committee this afternoon, I shall briefly review the matter under discussion.

Under present conditions in the District of Columbia, boys under 14 and girls under 16 are not permitted to work after 7 o'clock in the evening, or something to that effect. Girls under 18 are not permitted to work after 10 o'clock at night. There are eight States that have a higher standard than this. There are approximately eight other States that I will not take time to name that have the same standard—Pennsylvania, Ohio, Massachusetts, and others. Now, if this bill is passed, all age restriction is going to be taken away from children working in the theaters in these traveling troups that go around the country. The District of Columbia will be at the lowest plane of all the States in the Union if this bill is passed. The bill here provides that no child shall work on the stage more than 4 hours in any one day, and he shall not work more than 28 hours in any one week. In other words, the provision is that a child cannot work more than 7 days in any one week.

The committee recommends the passage of this bill for three reasons. First, it says the theater owners want the bill; second, it says the theater patrons want the bill; and, third, it says that the parents want the bill. There it stops. It says very little about childhood being benefited by this bill. Oh, yes; the lady from New Jersey [Mrs. NORTON] talks about the protection that is thrown around childhood. I do not want to impugn the motives or the background of the lady from New Jersey in this matter at all. She is just as much interested in childhood as anybody else, but the people who are back of this bill are not, and in my opinion they have imposed upon this committee.

Now, let us look at the protection they put around children. They cannot work more than 4 hours in 1 day on the stage. That means 240 minutes, which in a vaudeville performance would mean 10 turns of 24 minutes each. Two hundred and forty minutes a day. There is no leading lady, with a matinee and evening performance, who is actually on the stage any longer than that. That means 10 hours a day, at least, or more, waiting around the theater for this child to come on. Four hours a day on the stage. Ten turns of 24 minutes each. It would break any child.

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

Mr. HARLAN. Not now. I cannot. I will yield as soon as I get through.

Now, they are going to have the police watch after this. What police force could go to all these little vaudeville houses to see that the children who perform there only work 4 hours in any one day? If that is any protection, we would have to have a policeman in every theater with a stop watch to check the number of minutes that the child was on the stage.

Five years ago, at the request of the District Committee, a commission was appointed to investigate child welfare in the District of Columbia. That commission made a report, and the one thing that was needed in this District, according to that report, was more police officers to look after the existing labor laws. If we do not have enough police officers to protect the laws as they are now, how are we going to proceed when we put in an absurd, unenforceable proceeding such as this?

Oh, the lady from New Jersey says they are going to have inspection of the plays by a representative of the Board of Education. In other words, the lady sets up another censorship on those plays. Now, what is that inspection? Twenty days before a play comes here a copy of the play is to be sent to the Board of Education. They are to look over that and 10 days later report whether the play is suitable or not. Green Pastures, which the lady states as the play she wanted here, was accepted in New York and all over this country as a fine, moral play. In London it was thrown out

as highly immoral and irreligious. All of this means that the representative of the Board of Education——

Mrs. NORTON. Will the gentleman yield there?

Mr. HARLAN. Yes; I yield.

Mrs. NORTON. Did the gentleman see Green Pastures?

Mr. HARLAN. I did.

Mrs. NORTON. What was the gentleman's opinion of it?

Mr. HARLAN. Very good. I saw it here, where children did not participate. They had dwarfs and other adults dressed as children that made a very good impression in the District of Columbia. I was very glad I saw it, but I was very glad I did not see children playing in the District of Columbia.

Mrs. NORTON. Will the gentleman yield further?

Mr. HARLAN. I yield.

Mrs. NORTON. I presume the gentleman was looking at that play with more or less prejudiced eyes. I saw it in New York, where children took part, and it was a beautiful performance, and I thought it did a great deal for children on the stage.

Mr. HARLAN. I am glad the lady saw it.

Now, this bill has been before every Congress since the Seventy-second Congress. When it was introduced 5 years ago the lady who represents the Board of Education and who will have this job of censoring these plays and looking after the children, testified before the Senate committee.

In answer to a question by Senator COPELAND:

Senator COPELAND. Then I take it you are not enthusiastic about it?

Miss Bentley replied:

No, sir; I am absolutely opposed to any effort to lower the standard of the District of Columbia child-labor laws.

From that same hearing I read also a portion of the statement by Miss Rhoda Milliken, lieutenant in charge of the women's bureau, police department of the District of Columbia. This question was asked her:

Senator COPELAND. I take it you are opposed to this measure?
Miss MILLIKEN. I think it would be very unfortunate, and I love the theater very dearly.

There is no human way of giving proper censorship to script for the reason that all kinds of dances can be put in and the child can be called upon to do a lot of acting. The general atmosphere of the play, entirely aside from the lines, can be highly immoral. No one can tell from the script what kind of play it is going to be.

The next thing to be considered is that this person from the District of Columbia is supposed to pass upon whether this child is being injured in any way by being on the stage, whether the education and physical condition of the child is being looked after. Here is a child in California coming to Washington. The Board of Education in Washington has 10 days to find out whether that child in California, with no fees, remember—oh, no, no; for this application and license no fees are to be charged! How can this representative in the District of Columbia find out whether a child's physical condition and educational requirements are being looked after?

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. HARLAN. Yes.

Mrs. NORTON. The gentleman mentioned 10 days. The time really is 21 days.

Mr. HARLAN. But the report has to be made within 10 days after the application. So there are only 10 days within which the representative of the District can function. The application is made 20 days before the performance, but the report has to be made 10 days after the application is filed. No provision is made for a medical examination of this child; no provision is made for any person trained in education to examine the child. There are no fees required—oh, no; no fees. Why, it would cost at least $50 per child to conduct this examination. No standard is set up. In other words, all these provisions that are supposed to be thrown in here to protect these children are just a lot of bunk. These theater promoters do not care any more for the welfare of these children than a hen does for toothbrushes. They are all thrown in to make the bill look good and as though it were really meant to protect childhood.

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

Mr. HARLAN. I yield.

Mr. RICH. If what the gentleman says is correct, does not the gentleman think the passage of this bill would lower standards of labor in this country? We ought to prohibit child labor.

Mr. HARLAN. The gentleman is correct.

All the evidence we have on the question of children on the stage is that children working in theaters are injured in some way or other. A short time ago at the White House there was a conference of the welfare workers of the country. They unanimously stated that work on the stage was injurious to children. I have not time now to read the report, but I will include it in my remarks.

Then again every commission in the United States that has investigated this question has reported that work on the stage was injurious to children. I will read you the findings of some of them. The Children's Aid Society of Buffalo examined 76 children over a period of 7 years, and makes this report:

While this group of stage children applying to our society for permits are mentally normal, we found evidence of nervous strain to which these children are subject. This is the most serious condition we have to contend with in modern times relative to stage children.

At Cincinnati, Ohio, a survey was made. Questionnaires were sent not only to Ohio but throughout the country, and the findings were that 80 percent of the children were from 1 to 6 years retarded in school and study, for children traveling cannot possibly keep up with their school work as does a child attending a regular school.

There is not a bit of evidence any place showing that theater work does not injure children. It is certainly true that insufficient surveys have been made of the effect of a theatrical life on childhood. The report of the recent White House conference, nevertheless, says:

Employment on the stage involves night work, travel, prolonged rehearsals, nervous strain associated with appearing before the public—all combining to make it work which would seem to be particularly unsuited to immature minds and bodies.

There seems to be no reason why the standards for the employment of children in theatrical productions of all kinds should not be as high in regard to minimum age, education, and the necessity of procuring employment certificates as for other occupations.

There are a few cases of exceptional children, geniuses, where a special tutor and a doctor actually go along with the child. Such children do not suffer so much injury, but still they suffer some.

The great majority of children who will be exploited if this bill goes into effect, with nobody to protect them, no inspection, no money provided for inspection, no means of inspection if there were money, will be injured as every report says they have been.

There is no need for this. Oh, it is said, you give the children an opportunity to bud forth in their genius. In 1895, Mr. Speaker, a survey was made in New York of all the children on the stage in that city. There were 320 of them, I believe, at that time. In 1910, 15 years later, an editor of Who's Who in the Theater revealed that of these 320 children, only 1 had reached any prominence and only 5 were still on the stage. These "budding geniuses", Mr. Speaker, are children. They are just like bear cubs in the zoo. Young life is always interesting; it has a drawing power; adults like to see it; but that is all there is to it; and all over this country now children's theaters are being developed where children can play. Some of the better-known theaters are:

Boston: Emerson Children's Theater.
New York: King-Colt School, Neighborhood Playhouse, Children's Theater of the Greenwich House Theater Association.
Peekskill: Children's Playhouse.
Columbus: Children's Playhouse.
Chicago: Junior League Children's Theater.
(Fifteen other junior leagues have some form of children's theater.)
Chicago: Hull House.
Tulsa: Children's Theater.

Columbia, S. C.: Town Theater Scalawags.
Los Angeles: Children's Theater Guild.
Duluth: Children's Department of the Little Theater and Junior League.
Denver: Junior League Players.
Minneapolis: Junior Repertory Theater.
Bloomington: Wesleyan Children's Theater.

Fifty years ago lawyers learned their profession by running around with a country lawyer; doctors did the same thing, young doctors followed some older doctor and learned the business. Fifty years ago men of the stage learned their profession that way. But today a far better system of education is springing up in all the professions, and this includes the theater as well. Of the prominent actors now on the stage practically none of them started out under 16 years of age, and most of them were 20.

I will give you a list of those: Of 271 well-known modern actors and actresses, 202 began their stage careers after 14 years of age, 170 after 16 years of age, 9 after 18 years of age, 3 after 19, 6 after 20, and 16 after 21. Of those in the last class, we find such names as John Barrymore, Blanche Bates, Mrs. Leslie Carter, Henry B. Irving, James Hackett Lillie Langtry, Richard Mansfield, Robert Mantell.

These individuals managed to achieve preeminence in their professions after having lived a normal childhood and after receiving a proper basic education.

The actors and actresses of this country are not developed by traveling around the country when they are children and being deprived of their proper nourishment, jerked out of bed at all hours of the day and night, and fed at all times, and otherwise deprived of childhood plays and the normal things that they should do as children. That is not the way to make actors and actresses, but you do make money that way, and that is what is back of this measure.

When this bill was up for consideration in the Seventy-second Congress there was an advertisement which appeared in the Washington papers placed by a musical comedy company which was coming to Washington, reading as follows:

Guaranteed that 25 of the girls appearing in this show are under 16 years of age.

That is what they want to do with a bill of this kind. It is the managers and promoters who want to exploit young girls and the childhood of this country, because they know people will go to the theater to see children perform. They know that men like to look at very young girls. Of course, the advertisement was a lie, but the fact that the advertisement appeared in the Washington papers shows what they have in mind by this kind of a bill.

A statement has been made here that labor is back of this bill. The sign painters' union did endorse the bill a few years ago, as well as the theater musicians, but the teachers' union very vehemently opposed the bill, and through them I communicated with Mr. William Green, president of the American Federation of Labor. Let me read what he said on this subject:

The American Federation of Labor has not given its approval to this proposed legislation, and, in my opinion, we will not extend to it official approval. We are concerned in the principles of child-labor legislation and the establishment of standards for the protection of children. I will be glad to give this matter to which you call my attention careful personal consideration. The traditional policy of the American Federation of Labor toward child-labor legislation will be maintained.

Mr. DIRKSEN. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Does the gentleman maintain for a moment that Mr. Green in the correspondence which the gentleman just read disapproved of the bill? He just does not place the stamp of affirmative approval on it until further consideration may be given to the matter, but he does not disapprove.

Mr. HARLAN. I quoted what he said. The sign painters' union or the scenery painters' union advocated this measure. Mr. Green certainly expresses his personal disapproval of it.

Mr. DIRKSEN. But the disapproval is not contained in the correspondence which the gentleman has just presented to the House.

Mr. RICH. How could Mr. Green or anyone else opposed to child labor support a measure of this sort?

Mr. HARLAN. They could not.

Mr. RICH. How could they approve a bill which permits child labor in the District of Columbia when they do not want child labor used in the State of Pennsylvania and the other four States to which the gentleman referred?

Mr. HARLAN. There is no more reason for lowering the bars against child labor here and making the District of Columbia the lowest point in our civilization in this regard than allowing children to work in the cranberry marshes of New Jersey or in the coal mines of Ohio. All of the things which allow children to grow and develop are taken away from them by this bill, and it does not make any difference whether it involves the sweatshops or the fields or wherever you work them. Childhood is childhood, and they ought to be given a chance to develop as children.

Mr. WOOD. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Missouri.

Mr. WOOD. It is a fact that the history of the American Federation of Labor during the past 25 or 30 years has been one unalterably opposed to child labor?

Mr. HARLAN. The gentleman is correct.

Mr. WOOD. It, therefore, goes without saying that President Green simply reiterated the policy of the American Federation of Labor so far as concerns child labor. The American Federation of Labor and various philanthropic organizations in the States that have passed similar laws have bitterly opposed the legislation, but it has been enacted over their bitter protests.

Mr. HARLAN. The gentleman is correct. That is the situation, and that is why there is all this material about an examination and similar bunk in this bill. After this bill is enacted into law, then there will be an agitation in your State and in my State to pass measures of this kind in all cases where children have been licensed by the Board of Education in the District of Columbia to appear on the stage. The people in your State and in my State will think, of course, that there has been a real examination, and the children thus licensed shall be authorized to appear in every State that is involved.

Mr. Speaker, this is simply a wedge to break down the protection of children and also a wedge to be used to pry under the child-labor laws in other lines of work.

The gentlewoman from New Jersey referred to two pastors who have kindly endorsed this bill. I do not know whether in the theological seminaries they teach child-protection and welfare or not, and I do not know how many pastors have been consulted, with reference to this matter, in order to determine how many others may be against the bill. I do know, however, that every organization in this country with which I have come in contact, and I have been in contact with these organizations for 25 years, is against such laws as this bill would enact into law. Taking the District of Columbia here, may I read the names of some of the organizations which have passed resolution of very bitter disapproval against this measure:

The American Humane Association.
The American Society for the Prevention of Cruelty to Children.
Voteless District League of Women Voters.
Women's Council of the Federation of Churches.
Child Welfare Committee of the Council of Social Agencies.
Monday Evening Club.
Protective Social Measures Committee, Social Hygiene Society.
District of Columbia Parent-Teachers Association.
Washington Branch of American Association of University Women.
District of Columbia Federation of Women's Clubs.
Washington Chapter, National Council of Jewish Women.
Washington Chapter of Hadassah.
Sisterhood of Adas Israel.
United Hebrew Relief Society.
National League of Women Voters.
National Child Labor Committee.
National Consumers League.
American Federation of Teachers.
Women's Trade Union League of America.
Vocational Guidance and Child Labor Committee of the White House Conference on Child Health and Protection.
Federation of Citizens Associations.

American Federation of Teachers.
Social Hygiene Society.
Juvenile Protective Association.
Board of Education.
Children's Committee of the Council of Social Agencies.

And so on down the line. Name the welfare organization and I will tell you it is against this bill. The only groups backing this bill are those directly or indirectly anticipating a profit from its enactment or under political pressure from some such organization. Just analyze the list which has been read and will be read. This does not apply to individual endorsements. There is nobody outside of the three groups named in this report; first, the theater owners; second, the theater patrons; and, third, the exploiting parents of some of these children who want to make money out of their own children. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

EMPLOYMENT OF MINORS

Mrs. NORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, with all due deference to my distinguished friend from Ohio, I think he dealt with so many generalities that the bill pending before the House today is more obscure now than it was when we started its consideration about an hour ago, and for the purpose of simply clarifying the issue in your mind, I ask your patient indulgence for about 5 minutes.

In May of 1928 Congress put legislation on the books which so limited the hours within which children could be employed in the District of Columbia that no professional presentation that comes to one of the stages of the city here can come within this limitation, and as a result it operates so restrictively upon some of the finer dramatic productions that they cannot come to the city of Washington.

To remedy this situation we have introduced this bill, called a bill for the employment of minors, and here is what it provides: It provides that when application has been made to the Board of Education 21 days before, and permission has been granted, then they can employ juveniles upon the stage not to exceed 4 hours in any 1 day for not to exceed, of course, 7 days in the week, making a maximum total of 28 hours in the week.

Now, the only purpose of this measure is to relent the restriction that obtains at the present time and to let some of the finer dramatic productions come to Washington. You cannot play Rebecca of Sunnybrook Farm at the present time if it has any juvenile parts, because you cannot put the juveniles on the stage and keep them there under existing law, and I submit to you, after the dramatic discourse of my friend from Ohio, if we do not relent and if we apply to the stage and to the country generally the philosophy of the theater that the gentleman from Ohio has in mind, all the playwrights everywhere can stop right now trying to put juveniles in any dramatic production.

You cannot play the Return of Peter Grimm on the stage here. You cannot play Daddy Longlegs on the stage. You could not play Shirley Temple in Washington today, and I doubt whether some of these delightful and intriguing children who have beguiled the hearts of the adults and the children from the silver screen in every village, hamlet, and city in the country could have been produced. Children have an essential place in the drama no less than have adults.

The residents here want some of these benefits to come to the city of Washington, and this can be done only if we relax some of the restrictions that obtain at the present time.

The churches of the country today are doing what? They are united in a grand crusade against obscenity in the theater. The Catholic and the Protestant and the Jewish faiths are all united in this crusade from one coast to the other, and I submit that the best way to run obscenity out of the theater is to bring in some of these sweet productions that intrigue the minds of people, that appeal to young and to old alike. Yet they cannot have them in Washington today because the labor law is against it, and all that this bill seeks to do is to so ease this restriction, under proper regulations that these better productions can come here for the edification of the folks living in Washington.

I do not yield to the gentleman from Ohio or anybody else in my solicitude for children. I wish to see restrictions retained that are meant to safeguard children against improper inroads and to preserve intact the gains that have been made in the great fight for child welfare and against exploitation of child labor. I do not wish any of these restrictions broken down. But this is not exploitation; it is but permitting the legitimate use of child talent.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. DIRKSEN. Not now.

The gentleman from Ohio read a lot of endorsements of people who are opposed to the legislation. Let me read you a few who are in favor of it. For instance, the proposed amendment is endorsed by the Commissioners of the District of Columbia, the Chamber of Commerce, the law committee of the Washington Board of Trade, the Merchants and Manufacturers Association, the Northeast Washington Citizens' Association, the Petworth Citizens' Association, the Musicians' Protective Union, and by the Central Labor Union of the city of Washington. They have just as much interest in protecting the children of this city as myself or my friend from Ohio or anybody else, and they have endorsed this legislation, if you please.

It seems to me, therefore, that it requires nothing more to clarify the standpoint of local labor at least than to say that the Central Labor Union of the city of Washington has endorsed it.

Mr. HARLAN. Mr. Speaker, will the gentleman yield for a question there?

Mr. DIRKSEN. I yield.

Mr. HARLAN. With the exception of the Central Labor Union, every one that has endorsed this bill has been a group that will profit by the increased business that will accrue to the theaters growing out of the proposed legislation.

Mr. DIRKSEN. What more do you need than the Central Labor body that represents all the different elements of organized labor in Washington?

Mr. HARLAN. Has the teachers' union endorsed this bill?

Mr. DIRKSEN. I do not necessarily follow the teachers in a matter that pertains to the theater. You will agree that the theater is a great cultural force in this country; and you take the stand, of course, that playwrights will have to change technique and keep juveniles out of their scripts and thereby fail to place a realistic interpretation of life; and you thereby throw a wet blanket upon the legitimate theater as a great cultural force in our country.

Of course, I am not going to follow such a judgment, and I believe this bill ought to be passed by the House today, if you please; and, finally, let me submit that the kindly and benign gentleman who prayed for our salvation and for the destiny of this body this morning has given you his unequivocal endorsement of this bill, the Reverend James Shera Montgomery. Still another to endorse the bill is Rabbi Abram Simon, who says:

I am thoroughly in sympathy with any amendment of the restriction that shall give to childhood an opportunity for cultivation of the dramatic art, provided this can be done without any injury whatsoever to our children. I would trust the judgment of our Board of Education absolutely.

Then, finally, the statement of the Reverend Francis J. Hurney, a man of the cloth, who did a great deal to encourage amateur dramatics in the District of Columbia. He states that if the present law had been in force when he was teaching the dramatic and thespian art to lots of children, some of whom have found their way onto the professional stage—if the law of 1928 had obtained when he was doing his great work he could not have sent any of them out into the world to engage in work on the stage and could not have carried on a lot of his amateur theatricals here.

In conclusion, let me say we ought to exercise common sense and take this silly restrictive law off the statute books right now. [Applause.]

Mrs. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, as long as this bill is up, I should like to ask if anybody on the majority side is doing anything to further a child-labor-law amendment.

Mrs. O'DAY. I am.

Mr. FISH. What progress are you making?

Mrs. O'DAY. We still have 12 States to ratify the amendment. In the meantime we are opposed to letting down the bars.

Mr. FISH. What States are those?

Mrs. O'DAY. I can tell the gentleman in a minute. I have them here.

Mr. FISH. The lady can put them in the RECORD. Let me say this in regard to the pending amendment: The President on many occasions has pointed out to the public that when the N. R. A. was declared unconstitutional it wiped out the child-labor law, and the inference was that there were no State labor laws; whereas most States have child-labor laws and have had long before the N. R. A.

Mr. McFARLANE. What position does your candidate take on the question?

Mr. FISH. We are for child-labor laws. I am pointing out that there are only a few States which have no child-labor laws, and that those are mainly Democratic States of the South. The next time the President speaks on that matter, I hope he will make that plain to the public.

Mr. McFARLANE. If the gentleman will come down South, we will educate him to the fact that there are child-labor laws in the South.

Mrs. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I was much interested in the statement made by the gentleman from Ohio [Mr. HARLAN] in reference to the fact that there were four States that had stringent child-labor laws, among them Pennsylvania; that Pennsylvania's laws were more stringent than those of the District of Columbia. I want to say to the Members of Congress that if you are going to make laws prohibiting child labor, why reduce the standard in the District of Columbia? If anyone, especially a manufacturer, should come into the State of Pennsylvania and propose to reduce the age limit in the child-labor laws of Pennsylvania, they would rise up in holy horror. I say that we are for child-labor laws in Pennsylvania and opposed to this bill. [Applause.]

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

Mr. RICH. Yes.

Mr. McFARLANE. Will the gentleman tell us his views on the child-labor question?

Mr. RICH. Always we have supported the child-labor laws, and we are opposed to have children labor in our manufacturing plants and in the whole Nation. That is what I stand for.

Mrs. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. WOOD].

Mr. HARLAN. Mr. Speaker, I yield the gentleman from Missouri 2 minutes.

Mr. WOOD. Mr. Speaker, I did not intend to say anything on this bill, but so much has been said about the position of the different organizations of the District that I feel called upon to say a few words. The real force and effect of this bill has not been touched upon. Everyone who has spoken in favor of the bill has said that it would allow one to work children under 18 and 16 years of age not more than 4 hours a day, or not more than 28 hours a week, but they did not say that there were any safeguards surrounding this piece of legislation which would prohibit a theatrical manager or owner placing a boy or girl on at 1 minute after 12 o'clock noon and working that boy or girl until 11 o'clock that night. There may be four or five or six performances, and the only time it would be considered the child is working would be when the child is actually performing on the stage. So that it would be possible to work the child 10 or 11 hours a day. Then take the road shows that are coming into Washington and into other large cities in the United States. They lack a great deal of being conducive to good morals for the children or adults. I refer to these burlesque shows and the musical comedies. I should like to know how the Board of Education of the city of Washington could in any way investigate just exactly what has been done before the road shows come to Washington with respect to protecting the morals of the child or taking care of its education. There is no way it can find out. As has been well said, there are no fees allowed for any examination or research by the Board of Education.

The natural consequence will be that the Board of Education will not be particular as to whether these children coming here in these road shows are treated properly or not. It is generally understood that all philanthropic societies like the League of Women Voters and the Federation of Women's Clubs and nearly all these State and National women's societies, as well as the American Federation of Labor and numerous other organizations, have been fighting against the scourge of child labor for 25 or 30 years, and in those States where they have taken off the ban, like my own State of Missouri and elsewhere, that ban has not been taken off because labor or the philanthropic societies agree to it, but it was taken off over our bitter protest. I think it would be dangerous at this time to lift the ban and tamper in any way with the child-labor laws of the District of Columbia or of any State in the Union. I hope this bill will not pass.

Never has there been a more tragic picture than the condition of the theatrical fraternity in the last 12 or 15 years, since the advent of the moving picture and the advent of the sound picture, when thousands and thousands of arists have virtually starved, thousands having been compelled to walk the streets and join the bread line because modern invention has put them out of employment; and I should like to know where this great opportunity of employment will be for these children that travel with these road shows that they say are getting theatrical education in the arts.

Mrs. NORTON. Mr. Speaker, I think we have lost sight of the principle involved in this bill. We have gone very far in classing it a labor bill. This is not a labor bill in any sense. It is simply a bill to give the District of Columbia permission to allow children to perform on the stage. So much has been said regarding the health of children. Does it not seem reasonable to believe that no producer would want or allow a child to act who was not in good physical condition? The child would not be of any use to him. I have been told by the theater managers here in Washington that the bill would probably not involve more than about 2 dozen children in a whole year. It merely permits them to appear in plays where children are necessary, and certainly nobody would question that Shirley Temple has been of real value by her exceptional performances. If they had a law in California such as exists in the District of Columbia, we would all be deprived of the pleasure of that child's acting. Maude Adams is another who started her career on the stage at a very young age. As I said in my original statement today, no Member of this House would go further to protect children than I. I would not lend myself to a measure of this kind if I thought it would do any child the least bit of harm. As I stated previously, I have devoted a great many years of my life to child-welfare work. Do you think it likely that I would come before this House and ask you to pass a bill that could in any possible way be detrimental to children? I assure you we are not letting down the bars on child labor. If and when the child-labor amendment comes before this House nobody will work for it more earnestly than I. There is a great difference between child-labor problems and merely permitting children to act on the stage under the safeguards provided in this bill. This is not a child-labor problem in any sense. Permit me to repeat what this bill provides for: The application for a permit must be submitted to the Board of Education 21 days in advance and a

copy of the manuscript of the play in which the minor is to appear must accompany the application. Does anybody believe that the Board of Education would approve any manuscript involving a child character that it did not think was perfectly fit?

Mr. HARLAN. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. No; I refuse to yield now.

The Board may issue such permit when it determines that the child is receiving adequate educational instructions and that the health and morals of the minor are properly safeguarded.

Then, again, the amendment is endorsed by the Commissioners of the District of Columbia, by the Chamber of Commerce, by the law committee of the Washington Board of Trade, by the Merchants and Manufacturers Association, the Northeast Washington Citizens Association, the Petworth Citizens Association, the Musicians Protective Union, the president of the District Bar Association, Central Labor Union, and many others.

I am positive that none of these people and organizations would lend themselves to doing anything that would harm the children of the District. So I sincerely hope you will not confuse the issue involved in this bill.

There has been a great deal of discussion that does not in any sense apply to the bill. It merely provides the District of Columbia with the same rules and regulations that many of you in your own States are now enjoying with regard to children in theatrical productions.

I move the previous question on the bill, Mr. Speaker.

Mr. HARLAN. Mr. Speaker, I still have 2 minutes remaining under my agreement.

The SPEAKER. The gentleman is correct. The gentleman has 2 minutes remaining.

Mr. HARLAN. Mr. Speaker, I yield 2 minutes to the lady from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Speaker, I dislike to speak against a bill that has the endorsement of my colleague from New Jersey [Mrs. NORTON], but I feel that she, together with the reverend gentlemen and various other outstanding citizens who are for this amendment, has not taken into consideration the children not in the District of Columbia. Of course, those in the city of Washington will be safeguarded, but how can the Board of Education of the District of Columbia know what safeguards are around those same children when they leave Washington and go on to the next 1-night stand? Undoubtedly this amendment, if it passes, will weaken tremendously the chances of an early passage of a Federal amendment against child labor. Every organization that I know of, every welfare organization is against this amendment. When practically the same amendment was introduced in 1932 it was opposed by 19 organizations in the city of Washington, 4 of them national organizations.

A commission for the unification of laws throughout the United States has cited theatrical employment as being a hazardous occupation and has fixed a minimum age of 16.

It is a very difficult thing for me to rise in opposition to this bill because it has the endorsement of one of the finest, most outstanding women of this country, MARY NORTON. We know she has a heart so big, so warm, that it goes out in love to every child with whom she comes in contact. It was her love for children and her invaluable services in behalf of the underprivileged children of her own State that drew her into the field of politics, and in that field she has won the affection and admiration of all who have followed her career.

She and I have talked this bill over. She points out to me that it has the endorsement of our own Chaplain and of other clergymen of the city; that the children would be safeguarded by the provision that a copy of the manuscript of a play must be furnished to the Board of Education 21 days before the proposed appearance of the child and must meet with the Board's approval.

That it is unfair for the citizens of Washington to be deprived of seeing plays that are given in other States and cities whose laws regulating the employment of children in theatrical productions are less stringent than those of Washington.

As to this last—it has been possible under the present law to produce successfully in Washington plays calling for children in the cast.

As Thousands Cheer; The Good Earth; Ah, Wilderness; and others, including Green Pastures; and from the theatergoers' point of view these plays were highly successful.

As to safeguards surrounding the children, we know that every effort would be made by Washington's Board of Education to protect them from anything harmful to their morals and health. Nevertheless, when in 1932 an attempt was made to amend the present law by the introduction of a practically similar bill, it was opposed by most of the welfare organizations of the District. I have here a list of 19—4 of them national organizations, including the Child Labor Committee of the White House Conference on Child Health and Protection.

The uniform child labor law adopted by the Conference of Commissioners on Uniform State Laws in 1930 lists employment in theaters among hazardous occupations and fixes 16 as a minimum for such work.

The wording of this amendment throws open to children of any age employment in vaudeville, variety shows, and revues. Some of these are clean and very beautiful, but the best of them would involve travel, stays in hotels and boarding houses that would deprive a child of the normal life and uninterrupted schooling to which he is entitled.

As to the worst of them, I have seen some where children were employed, and it was heart-breaking to contemplate what the future held for them.

Washington is our national seat of Government; it sets an example for the rest of the country. Congress is its legislative body, and the passage of this amendment would go far toward breaking down the laws pertaining to child labor that have been so painstakingly built up by most of our States. When N. R. A. was launched its bitterest opponents conceded that it had two good points—the abolition of child labor and sweatshops.

Yesterday's papers carried a statement of William Green that there—

> Has been a wholesale resumption of child labor since the Supreme Court's N. R. A. decision. As soon as the power of this act was nullified industry again made overtures to children. Children responded because their parents were without jobs or because the family income was so low that every additional pittance provided more of the necessities of life.

The Child Labor Committee makes a similar report. That committee, the Federation of Labor, and countless other organizations are working in behalf of Federal amendment for the regulation of child labor. Twenty-four States have ratified it; 12 more are needed.

When the measure first came up before the States for ratification a terrific campaign of opposition was launched by the National Association of Manufacturers, according to its own admission.

A campaign against it still wages.

Will the Capital City of Washington support that campaign by throwing the weight of its great influence against those who are striving to protect America's children from exploitation and the evils of child labor?

If this amendment is adopted, it will retard to an untold degree the progress that we have made toward the protection and welfare of our country's children.

[Here the gavel fell.]

Mr. CURLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CURLEY. Mr. Speaker, there are some new Members in this body and I am one of them. I desire to ask a question of the chairman of this particular committee in order to get a little information about the particular bill now before the House for consideration.

The SPEAKER. The Chair will state that the bill is about to be read under the 5-minute rule, and the gentleman will have opportunity when the first section is read.

Mr. CURLEY. I simply wished to inquire from the chairman of the committee whether or not she would yield for two questions so that we might be able to get this information.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, be, and the same is hereby, amended by adding after section 7 a new section to read as follows:

"SEC. 7a. Notwithstanding the provisions of this act, the Board of Education of the District of Columbia, or a duly authorized agent thereof, is authorized to issue a work permit to any female person under 18 years of age and to any male person under 16 years of age, said permit authorizing and permitting the appearance of such person on the stage of a duly licensed theater within the District of Columbia, in any professional traveling theatrical production not considered offensive to public decency: *Provided*, That such person shall not appear on said stage after the hour of 11 o'clock in the evening of any day, nor more than 4 hours in 1 day, nor more than 28 hours in 1 week. Application for such permit shall be made by the parent or guardian of such minor to the Board of Education of the District of Columbia, or a duly authorized agent thereof, at least 21 days in advance of the scheduled theatrical performance, and with such application there shall be furnished a copy of the manuscript of the play, and the Board of Education shall advise the applicant of the granting or refusal of such permit within 10 days thereafter. The Board or its agent may issue a permit when satisfied that the minor is receiving adequate educational instructions and that the health and morals of the minor are properly safeguarded."

With the following committee amendments:

On page 2, line 4, after the word "person", insert "in a musical recital or concert, or."

Page 2, line 14, after the word "schedule", strike out the word "theatrical."

Page 2, line 16, after the word "of", insert "the program of the recital or concert or of."

The SPEAKER. Does the gentleman from New York desire recognition?

Mr. CURLEY. Mr. Speaker, I think the gentleman from Ohio [Mr. HARLAN] has explained the point I had in mind. I simply desired to know whether the children mentioned by the chairman of the committee in her remarks were children who had had special training in their work, and whether those were the only ones included in connection with the child-welfare legislation. That is all I wanted to ask.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. GRAY of Pennsylvania. Mr. Speaker, I move to strike out the last word. I ask unanimous consent to proceed out of order for 5 minutes.

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

Mr. DIRKSEN. Reserving the right to object, on what subject?

Mr. GRAY of Pennsylvania. Not on this subject.

Mr. DIRKSEN. May we not finish this bill first?

Mrs. NORTON. I shall be glad to yield the gentleman time later, Mr. Speaker.

Mr. DIRKSEN. Mr. Speaker, I am constrained to object until we have finished action on this bill. I object, Mr. Speaker.

The Clerk read as follows:

SEC. 2. Nothing in this act shall be construed as amending, altering, or repealing the provisions of section 7 of the act of May 29, 1928.

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

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HARLAN) there were ayes 27 and noes 76.

Mrs. NORTON. Mr. Speaker, I object to the vote and make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 227, not voting 133, as follows:

[Roll No. 7]

YEAS—70

Bankhead	Crosby	Huddleston	Pettengill
Beam	Crowe	Jenckes, Ind.	Peyser
Beiter	Daly	Johnson, Tex.	Polk
Blanton	Deen	Kelly	Rayburn
Bloom	Delaney	Kennedy, Md.	Reed, Ill.
Boland	Dirksen	Kenney	Rudd
Cannon, Mo.	Doughton	Lewis, Colo.	Ryan
Carmichael	Doxey	McAndrews	Schuetz
Carpenter	Driscoll	McCormack	Shannon
Carter	Eckert	McGehee	Steagall
Casey	Evans	McKeough	Sweeney
Chapman	Fiesinger	Montague	Tarver
Claiborne	Gillette	Nichols	Taylor, S. C.
Cochran	Goldsborough	Norton	Turner
Cole, Md.	Hamlin	O'Neal	Whittington
Cole, N. Y.	Hart	Palmisano	Woodrum
Colmer	Holmes	Parks	
Cox	Houston	Patman	

NAYS—227

Allen	Fulmer	Lord	Robsion, Ky.
Andresen	Gearhart	Lucas	Rogers, Mass.
Andrew, Mass.	Gehrmann	Luckey	Rogers, N. H.
Arends	Gilchrist	Ludlow	Rogers, Okla.
Ashbrook	Gildea	Lundeen	Romjue
Ayers	Gingery	McClellan	Russell
Barry	Goodwin	McFarlane	Sadowski
Biermann	Gray, Ind.	McLaughlin	Sanders, Tex.
Blackney	Gray, Pa.	McLeod	Sauthoff
Bland	Green	McReynolds	Schaefer
Boileau	Greenwood	Mahon	Schneider, Wis.
Boykin	Greever	Main	Schulte
Brewster	Gregory	Mapes	Scott
Brown, Ga.	Griswold	Marcantonio	Scrugham
Buckbee	Guyer	Marshall	Sears
Bulwinkle	Gwynne	Martin, Colo.	Secrest
Burch	Haines	Martin, Mass.	Shanley
Burdick	Halleck	Mason	Short
Burnham	Hancock, N. Y.	Massingale	Smith, Conn.
Caldwell	Harlan	Maverick	Smith, W. Va.
Carlson	Harter	May	Snell
Castellow	Healey	Mead	Snyder, Pa.
Christianson	Hess	Meeks	South
Church	Higgins, Conn.	Merritt, Conn.	Spence
Coffee	Higgins, Mass.	Millard	Stack
Colden	Hildebrandt	Mitchell, Ill.	Starnes
Cooper, Tenn.	Hill, Ala.	Mitchell, Tenn.	Stefan
Cravens	Hill, Knute	Monaghan	Sumners, Tex.
Crawford	Hobbs	Moran	Sutphin
Cross, Tex.	Hoffman	Moritz	Taber
Crosser, Ohio	Hollister	Mott	Taylor, Tenn.
Crowther	Hook	Nelson	Terry
Cummings	Hope	O'Brien	Thomason
Curley	Hull	O'Connell	Thurston
Darrow	Imhoff	O'Day	Tinkham
Dies	Johnson, Okla.	O'Leary	Tobey
Dingell	Johnson, W. Va.	Owen	Turpin
Disney	Jones	Parsons	Umstead
Dobbins	Kahn	Patterson	Underwood
Dondero	Keller	Patton	Utterback
Drewry	Kinzer	Pearson	Vinson, Ga.
Duffey, Ohio	Kleberg	Peterson, Fla.	Vinson, Ky.
Duncan	Kloeb	Peterson, Ga.	Walter
Dunn, Pa.	Kniffin	Pittenger	Wearin
Eagle	Knutson	Plumley	Welch
Edmiston	Kocialkowski	Rabaut	Werner
Eicher	Kopplemann	Ramsay	Whelchel
Ellenbogen	Kvale	Ramspeck	Wigglesworth
Engel	Lambertson	Randolph	Wilcox
Faddis	Lambeth	Rankin	Williams
Ferguson	Lamneck	Ransley	Withrow
Fish	Lanham	Reece	Wolcott
Fitzpatrick	Larrabee	Reed, N. Y.	Wood
Fletcher	Lee, Okla.	Reilly	Woodruff
Focht	Lemke	Rich	Young
Ford, Calif.	Lesinski	Richards	Zimmerman
Ford, Miss.	Lewis, Md.	Richardson	

NOT VOTING—133

Adair	Buck	Corning	Duffy, N. Y.
Amlie	Buckler, Minn.	Costello	Dunn, Miss.
Andrews, N. Y.	Buckley, N. Y.	Creal	Eaton
Bacharach	Cannon, Wis.	Culkin	Ekwall
Bacon	Cartwright	Cullen	Englebright
Barden	Cary	Darden	Farley
Bell	Cavicchia	Dear	Fenerty
Berlin	Celler	Dempsey	Fernandez
Binderup	Chandler	DeRouen	Flannagan
Boehne	Citron	Dickstein	Frey
Bolton	Clark, Idaho	Dietrich	Fuller
Boylan	Clark, N. C.	Ditter	Gambrill
Brennan	Collins	Dockweiler	Gasque
Brooks	Connery	Dorsey	Gassaway
Brown, Mich.	Cooley	Doutrich	Gavagan
Buchanan	Cooper, Ohio	Driver	Gifford

Granfield	McMillan	Risk	Thompson
Greenway	McSwain	Robertson	Tolan
Hancock, N. C.	Maas	Robinson, Utah	Tonry
Hartley	Maloney	Sabath	Treadway
Hennings	Mansfield	Sanders, La.	Wadsworth
Hill, Samuel B.	Merritt, N. Y.	Sandlin	Wallgren
Hoeppel	Michener	Seger	Warren
Jacobsen	Miller	Sirovich	Weaver
Jenkins, Ohio	Montet	Sisson	West
Kee	Murdock	Smith, Va.	White
Kennedy, N. Y.	O'Connor	Smith, Wash.	Wilson, La.
Kerr	Oliver	Somers, N. Y.	Wilson, Pa.
Kramer	O'Malley	Stewart	Wolfenden
Lea, Calif.	Perkins	Stubbs	Wolverton
Lehlbach	Pfeifer	Sullivan	Zioncheck
McGrath	Pierce	Taylor, Colo.	
McGroarty	Powers	Thom	
McLean	Quinn	Thomas	

So the bill was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Cullen with Mr. Michener.
Mr. Lea of California with Mr. Seger.
Mr. Connery with Mr. Treadway.
Mr. Boylan with Mr. Wolfenden.
Mr. Granfield with Mr. Culkin.
Mr. McSwain with Mr. Bacon.
Mr. Flannagan with Mr. Cavicchia.
Mr. Miller with Mr. Ekwall.
Mr. Warren with Mr. Jenkins of Ohio.
Mr. Mansfield with Mr. Powers.
Mr. Oliver with Mr. Wilson of Pennsylvania.
Mr. O'Connor with Mr. Andrews of New York.
Mr. Fuller with Mr. Fenerty.
Mr. Boehne with Mr. Risk.
Mr. Buchanan with Mr. Gifford.
Mr. Hancock of North Carolina with Mr. Wolverton.
Mr. Gavagan with Mr. Stewart.
Mr. Samuel B. Hill with Mr. Hartley.
Mr. Cooley with Mr. Bacharach.
Mr. Robertson with Mr. Ditter.
Mr. Sandlin with Mr. Thomas.
Mr. Taylor of Colorado with Mr. Wadsworth.
Mr. Sullivan with Mr. Perkins.
Mr. Wilson of Louisiana with Mr. Bolton.
Mr. Kerr with Mr. Doutrich.
Mr. Beiter with Mr. Maas.
Mr. Gasque with Mr. McLean.
Mr. Jacobsen with Mr. Cooper of Ohio.
Mr. Sabath with Mr. Eaton.
Mr. Kennedy of New York with Mr. Lehlbach.
Mr. Cartwright with Mr. Amlie.
Mr. Kramer with Mr. Englebright.
Mr. Sanders of Louisiana with Mr. Buckler of Minnesota.
Mr. Smith of Virginia with Mr. Collins.
Mr. Tolan with Mr. Murdock.
Mr. McMillan with Mr. Frey.
Mr. Thom with Mr. Darden.
Mr. Robinson of Utah with Mr. Kee.
Mr. Gambrill with Mr. Adair.
Mr. Pfeifer with Mr. Gassaway.
Mr. Quinn with Mr. Barden.
Mr. Bell with Mr. O'Malley.
Mr. Tonry with Mr. Pierce.
Mr. Montet with Mr. Thompson.
Mr. Fernandez with Mr. West.
Mr. Duffy of New York with Mr. Maloney.
Mr. Merritt of New York with Mr. White.
Mrs. Greenway with Mr. Biermann.
Mr. Celler with Mr. Hennings.
Mr. Dear with Mr. Sirovich.
Mr. Smith of Washington with Mr. Cannon of Missouri.
Mr. Corning with Mr. Wallgren.
Mr. Brennan with Mr. Chandler.
Mr. McGrath with Mr. Brooks.
Mr. Dorsey with Mr. McGroarty.
Mr. Clark of North Carolina with Mr. Farley.
Mr. Dietrich with Mr. Creal.
Mr. Dunn of Mississippi with Mr. Buck.
Mr. Zioncheck with Mr. Weaver.
Mr. Driver with Mr. Dempsey.
Mr. Costello with Mr. Buckley of New York.
Mr. Cary with Mr. Dickstein.
Mr. Citron with Mr. Cannon of Wisconsin.
Mr. Clark of Idaho with Mr. DeRouen.
Mr. Sisson with Mr. Dockweiler.
Mr. Somers of New York with Mr. Stubbs.

Mr. JONES, Mr. IMHOFF, Mr. DISNEY, Mr. GREEN, and Mr. SCHULTE changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

PERMISSION TO ADDRESS THE HOUSE

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

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

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, I wish to address myself briefly and mainly to the Republican representation in the House. I do not know that what I shall say will be a delight to their ears, but I hope it will penetrate their souls, because it comes from a very responsible source.

The other day, when the announcement was made in this House that the Supreme Court had ruled out the A. A. A., the announcement was met with joy, exaltation, and handclapping on the part of the Republican membership. I have a brief letter from a friend of mine, a Republican official in the county of Cambria, a judge of the common-pleas court of that county, a lifelong Republican, a man who has at different times held important office by election on the Republican ticket, expressing his views in regard to that decision. He wrote me the following letter:

EBENSBURG, PA., *January 8, 1936.*

Hon. JOSEPH GRAY,
Washington, D. C.

DEAR JOSEPH: New Year's greetings to yourself and family.

You certainly are in the midst of exciting times down there, and inter nos, had I been a member of the Supreme Court I think I should have been found with the minority Justices. I am having a good many quiet laughs over the frenzied effort to drag the dear old Constitution out into the open as a desperate attempt to head off the constructive work sought to be brought about by the present administration.

Of course, there have been mistakes made due in large part to the innate weakness of human instrumentality, but in my opinion the effort in general on the part of Congress and the President to extricate us from the present national bog is praiseworthy and deserves all the support that it is possible to give it. I fear the old biblical adage that it is the letter of the law that killeth, but the spirit that maketh alive is finding illustration in the decisions of the Supreme Court. This may be heresy on the part of a Republican; but if it be heresy, make the most of it.

I am, with great regard,

Yours very sincerely,

CHARLES C. GREER.

I wish you gentlemen on the Republican side please to bear in mind that here is a very eminent citizen, a distinguished judge of the State of Pennsylvania, an able lawyer, a very fine character, a noble man, broad-minded, open-minded, who is showing his reaction which I hope will have some beneficial effect on those who applauded so joyously the decision of the Supreme Court but who are going to find their joy turned to sadness.

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

Mr. GRAY of Pennsylvania. I yield.

Mr. RICH. Will the gentleman tell us whether the writer of this letter is a police court judge or a common-pleas judge, and what is his name?

Mr. GRAY of Pennsylvania. I gave that information. He is a judge of the court of common pleas in Cambria County and has been for some years. His name is Charles C. Greer, and he is a resident of Johnstown. Is there anything else?

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

Mr. GRAY of Pennsylvania. I yield.

Mr. YOUNG. Do I understand from the gentleman that this distinguished jurist from his State is a member of the Grand Old Party, of which the gentleman and I are not members?

Mr. GRAY of Pennsylvania. Decidedly so, and he always has been.

Mr. HOFFMAN and Mr. FISH rose.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield first to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Can the gentleman tell us what the former candidate for the Presidency, Al Smith, thinks of that decision, or the attitude toward it of ex-Governor Ritchie or Newton D. Baker or John W. Davis?

Mr. GRAY of Pennsylvania. No; I have no information as to that, and I do not care. Every man is entitled to his views, however eminent and however reactionary. I have given those of a lifelong, strong-hearted Republican judge, whose patriotism is greater than his partisanship.

Mr. McFARLANE. It seems that this judge had a lucid interval.

Mr. GRAY of Pennsylvania. Lucid intervals are a habit with my esteemed friend, Judge Greer.

[Here the gavel fell.]

Mr. LEE of Oklahoma. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

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

There was no objection.

Mr. LEE of Oklahoma. Mr. Speaker, the most important problem that confronts America today is the crisis resulting from the nullification of the farm program.

The farmer is the cornerstone of whatever measure of prosperity we have attained. Remove the cornerstone and the superstructure that is built thereon will fall.

It is possible that the farm prices will remain at the present level for a time. It is even possible that they will advance some due to the immediate removal of the processing tax, but ultimately production will increase and prices will fall, carrying down with them the farmer. When the farmer goes down the merchant goes down. When the merchant goes down the manufacturer goes down. When the manufacturer goes down the wage earners start hitchhiking, and we are right back where we started, at the bottom of the depression.

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

Mr. LEE of Oklahoma. I decline to yield.

Mr. Speaker, for 150 years the farmers have been selling on a world market and buying on a protected market. This disadvantage has been partly offset by the newness of our country and by the continual increase in population, and yet for 150 years, under this unsound economic system, we have had periodic depressions. We have solved these depressions by opening up new frontiers and draining off the disinherited. But when this last depression came there were no new frontiers. We had settled up to the west coast and met ourselves coming back.

The gradual disadvantage under which the farmer has labored once more overtook him. The disparity between the price of raw materials and manufactured articles gradually increased. What the farmer bought cost more; what he sold brought less. He increased his output in order to make up for its diminished value. But he fell a victim of his own labor. The more he produced the less it would buy. Finally he reached the point where his whole crop would not sell for enough cash to pay his taxes. He stopped buying; he had to.

When the farmer stopped buying the merchant stopped selling. When the merchant stopped selling, the factory wheels stopped turning. When the factory wheels stopped turning, the wage earners started hitchhiking, and the depression was on.

When the Government undertook to restore prosperity it began at the source of the trouble; it began by restoring the lost buying power of the farmer, the logical place to begin recovery. The economists can spin all of the fine theories they wish about the depression, but you cannot have good times unless you get money into the hands of the farmers. Mr. Hoover tried to bring about recovery by setting up the R. F. C. and loaning money to the banks and railroads and factories, but you cannot make a nation prosperous by pouring money in at the top. You have got to get the grease where the screak is. It was not loans that the factories needed; it was customers.

But Mr. Roosevelt undertook to bring about prosperity by getting buying power in the hands of the farmers, because they constitute one of the largest groups of the consuming public.

For 150 years we have been operating under the unsound economic policy of allowing the law of supply and demand to operate naturally so far as agriculture was concerned, but artificially controlling it so far as industry was concerned.

Therefore the Government was confronted with the proposition of either removing the tariff walls and allowing the law of supply and demand to operate naturally, on manufacturer as well as farmer, or else give the farmer a tariff that would artificially stimulate his prices. The latter was decided upon.

It was then that the A. A. A. was set up. Government checks began going out to the country. Money, the lifeblood of prosperity, began flowing out to the forks of the creek. Cash began reaching the "grass roots." Farm prices doubled. Then they tripled; then they quadrupled. And finally they increased five times; thereby increasing five times the purchasing power of the millions of people engaged in agriculture. This money began finding its way to town, to the clothing stores, to the shoe stores, to the harness shops, to the hardware stores, to the lumber yards; and in turn it flowed on back to the factories, and the factory wheels started humming and the laborers started back to work.

From that date carloadings have increased each month. The general graph of business has been steadily upward. The Nation's income has increased over $5,000,000,000, and there is at present every indication of a return to substantial, healthy prosperity.

Then comes the decision of the Supreme Court nullifying the farm program, which is the foundation of this recovery; thereby bringing about a national crisis. The farm leaders from over the Nation realize this, and have met here in Washington, and with a unanimity never before attained, have recommended that Congress pass legislation that will effectively take the place of the A. A. A. program.

Their recommendation follows somewhat the domestic-allotment plan and emphasizes soil conservation.

I believe, with the unanimous cooperation of the farm leaders, a program along these lines can be worked out that will maintain fair prices for farm commodities, and at the same time meet the requirements of constitutionality.

Three years ago the Government was blazing a new trail, but now we have the advantage of 3 years of experience, giving us much useful information.

From this vantage point of experience, it is my hope that we can write a better and a more permanent farm program than we had before, and thus place agriculture on a parity with industry, where farm and factory will share alike in the new prosperity that such a program will guarantee to America.

AMENDMENT OF HAWAIIAN ORGANIC ACT

Mr. GREEN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 8284) to amend the Hawaiian organic act may be recommitted to the Committee on the Territories.

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

There was no objection.

THE LATE HONORABLE WESLEY LLOYD

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FADDIS. Mr. Speaker, with sadness in my heart because of his passing, but with gladness in my heart because of our friendship and acquaintance, I rise along with the many others, to pay tribute to the memory of our friend and colleague, WESLEY LLOYD. When I became a Member of the Seventy-third Congress he was one of my first acquaintances, and we became friends. I will miss him and, indeed, we all will miss him. We have lost a valued friend and an able colleague. His family has lost an affectionate husband and father. His State has lost a representative of rare ability and unquestionable industry. His Nation has lost a patriot statesman.

His vision was not limited to the Pacific Ocean on the west and the mountains to the east, but his conception of his country took in the entire Nation, from Lakes to Gulf, from ocean to ocean. He knew not the problems of one class alone, but understood the composite mind of the American people. He passed away, as I know he would have willed it, in the service of his Nation, State, and fellowman. His passing has left a sadness which will not soon disappear, a vacancy which will be difficult to fill, and has left us with a realization of the broader and higher purposes of life, because of the example he set us.

He had, among his other fine qualities, a rare sense of humor, a gentle courtesy, and a sympathetic understanding

of his fellowman. Tolerance was the keynote of his character. He was from the other end of our country but his office was near to mine. I will miss his visits to my office, at the end of a busy day, and the conversations we so often had. I am sure my associations with him were beneficial, as they gave me a more complete understanding of the Nation as a whole.

Washington Irving has said:

There is a remembrance of the dead to which we turn from the charm of the living. These we would not exchange for the song of pleasure or the bursts of revelry.

Such, I am sure, is our remembrance of WESLEY LLOYD.

PERMISSION TO ADDRESS THE HOUSE

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent that tomorrow after the reading of the Journal and disposition of matters on the Speaker's desk I may be permitted to address the House for 5 minutes.

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

Mr. SNELL. Mr. Speaker, reserving the right to object, as I understand it, we will have general debate tomorrow on a pending appropriations bill, which will allow ample opportunity for anyone to make a speech if he so desires. I think that is the proper way to proceed tomorrow.

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

Mr. SNELL. Mr. Speaker, I object.

THE CONSTITUTION AS A LIVING, GROWING ORGANISM

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by me in Knoxville, Tenn., on January 8.

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

There was no objection.

Mr. McSWAIN. Mr. Speaker, I am offering, under leave to extend my remarks, the address delivered by me before the John Randolph Neal College of Law, at Knoxville, Tenn., on January 8, 1936. I feel that the subject matter of this address and the current discussion concerning the Constitution and the power of the Supreme Court to declare acts of Congress unconstitutional justify me in explaining that I received the invitation to deliver this address early in December 1935 with the expectation that it would be delivered some time about the middle of December 1935. Consequently, the address was prepared before that time, and was not changed in any respect after the Supreme Court of the United States rendered its decision in the Hoosac Mills case on January 4, 1936, holding the Agricultural Administration Act to be unconstitutional, because beyond the power of Congress to legislate as to matters reserved, under the Federal Constitution, to the States.

While it is distressing to many of our fellow citizens that this act has been held to be unconstitutional, yet out of all of this agitation much good should result. It should, and I believe will, lead the masses of our people to give serious and earnest thought to the fundamental questions lying beneath our system of government. We have been too much inclined to take our good government as a matter of course. We need to think of what would have been our fate except for our great constitutional system. More soberly and seriously must we think what will in the future be our fate if we throw overboard this great framework of government, or if we should so modify it as to eliminate that wise counterbalancing of checks and restraints of one department against another department, so as to insure cool deliberation before final action, and thus to prevent impetuous and overhasty legislation that might result in hardships and injustice to some of our people. Governments and constitutions are not set up for the protection of the majority. The majority in power at a given time can take care of itself. Governments and constitutions are set up to protect minorities and individuals. This is necessary because the minority party of today may become the majority party of tomorrow. If each succeeding majority party were at liberty to take vengeance and reprisals upon the minority, as has happened in other countries, and as is now happening in some countries, then American constitutional liberty would be dead. Constitutions are set up so that when a given party is in power it must legislate not for its own members alone, and not for any groups of citizens, but must legislate for all citizens by general laws so that those in the minority party get the benefit of any wise legislation enacted by the majority party, and both majority and minority must suffer alike from unwise legislation so enacted.

Consequently, Mr. Speaker, I am hereby submitting for printing in the RECORD the said address delivered on January 8, 1936, but prepared before December 15, 1935.

THE FLESH AND BLOOD OF THE FEDERAL CONSTITUTION

Mr. President, gentlemen of the faculty, and law students, when I was a boy the famous encomium by William E. Gladstone that the Federal Constitution is "the most wonderful document ever struck off at a given time by the brain and purpose of man" was frequently quoted. This high praise inspired me with a desire to read and know the Constitution. But when I began to read and to try to understand it, I found it dry as dust and dark as midnight. Gladstone had all of the history and knowledge of government as a background to fill in the flesh and blood of this bare governmental skeleton. I as a boy lacked the necessary knowledge, and consequently could not then understand that great instrument of government. To me then it was mere words.

Even to the first President the Constitution was a mere framework, around which soon began to grow the flesh of legislative action and executive and administrative precedent; but it would have grown lopsided and unbalanced except for the regulatory blood stream of judicial action. Later, after many years, the whole Federal body learned to respond to the nerve impulses of public opinion. Now, for more than 100 years, the analogy to the functions of the highest form of organic life, the human body, has been striking.

The growth of this Federal constitutional body has been slow and its development gradual. If one will read that amazing volume entitled "A View of the Federal Constitution", by William Rawle, written in 1825, and used for some years as a textbook in the United States Military Academy at West Point, one will realize how limited then was the vision of the true scope of Federal jurisdiction. Even Thomas Jefferson, accepted by many competent to judge as the greatest political philosopher of all times, interpreted Federal functions in the light of the then rural conditions of the population. About the year 1830 Justice Joseph Story began to write and publish his several commentaries upon the Federal Constitution, and he advanced certain liberal and elastic constructions of the Constitution, which many of his day cordially condemned, but which have since been justified by the progress of events. John C. Calhoun and other writers of his school argued with unanswerable logic for a strict and literal interpretation of the great instrument of confederation. But the logic of evens outruns and crushes the logic of thoughts and words. Though many of that time thought Webster's poetic sentences and speeches were purely fanciful, yet today both Story and Webster would be back numbers, as actual conditions have far outrun their extremist views.

Then followed the Civil War, with its vast expansion of Federal power, and this in turn was followed by the fourteenth amendment, which virtually gave the United States Supreme Court the right of review of every decision by the highest court of any State on questions of "due process of law" and the "equal protection of the law." With the results of easy victory over the ancient monarchy of Spain in 1898, the United States arose to the first rank among the great powers of the world. Being now a great world power, no longer a loose confederation of remote and detached communities, largely devoted to agriculture, it was necessary that our National Government exercise all the powers ordinarily incident to great sovereign States. And so we stand today.

But as the Nation advanced in power and prestige and authority, the several States receded by the same ratio in relative power and importance. Originally the words "States' rights" were an expression for a very real and vigorous sentiment for the exercise by the States of all the sovereign power inherent in any people, except that part of the sovereign power expressly conferred by the Constitution upon the Federal Government. Back of this strict constitutional division of governmental power was a certain philosophy. To the popular mind, the expression "States' rights" still represents the Anglo-Saxon inherited attachment for local self-government. This local autonomy is still believed by some to be the best agency for promoting individual freedom and personal liberty. But it was an especially pleasing idea for a rural population living under an agrarian economy. With the coming of the machine age, with quick transportation and instantaneous communication, and with an overwhelming preponderance of the people engaged in manufacturing and in commerce, mere sentiment about local self-government was overwhelmed by the desire and demand for financial and economic well-being.

AS FEDERAL POWER INCREASES, STATE POWER DECREASES

To increase the rate at which State power receded and Federal power increased, the failure by many, if not all, of the States to recognize that rights and duties are correlative was another cause of decline. In order to preserve their rights, the States must per-

form their duties. They not only permit but actually invite the Federal Government to enter into their several domains and to perform functions which the States themselves could perform. Thus they have deliberately contributed to their own decline.

Consequently but few independent functions are now performed by the States, and it requires no prophet to foretell that if the present tendency continues, the States will before long be mere geographical subdivisions, preserving the name and shadow but no longer possessing the substance of "sovereign States." We must confess at this time the momentum seems well-nigh irresistible. If the tendency continues, then the next generation will find that what we once prized and boasted as an "indissoluble Union of indestructible States" will be the "indivisible consolidation of defunct States."

THE LIMIT OF INTERPRETATIVE AMENDMENT

Due to the very general language of the Federal Constitution the courts have hitherto been able to sustain nearly all of the legislation that became necessary in order to meet the economic conditions of the country. But the signs of the times now indicate that we are approaching the limit of "judicial stretching." The courts of today seek consistency with the courts of yesterday. The gravity of "stare decisis" has always properly exercised a powerful pull over judicial minds. Otherwise courts and legislatures would be completely at sea without chart and compass. If the language cannot be further stretched, and if the people shall demand a further extension of Federal power, what is the answer? Will it be stagnation or progress? We cannot stand still. We must and will advance. This great issue the country must soon squarely face. Any sapping and mining methods should cease. Proposed enlargement of Federal power should be brought out into the open, considered thoughtfully by all the people, and acted upon in the manner prescribed by the Constitution. I am on record as saying in the last session of the Congress "I will not trifle with my oath to support and defend the Constitution." Neither will I "pass the buck" of responsibility to the courts. If I have any convictions based upon 40 years of the study of the Constitution, I should follow them while voting upon legislation. Judges are under no higher obligation to defend the Constitution than are Members of Congress. If we do not respect our own oath, will the judges respect theirs?

AMENDMENTS MAY CHANGE BUT NOT DESTROY

But do not get the impression that I regard the Constitution as a rigid and unchangeable chart of Government. I would not be understood as opposing any and all amendments to the Constitution. I have often said, and I sincerely believe, that the most American, the most democratic, the most republican, part of our Constitution is its provision for its own amendment. By amendments we can completely change our present constitutional system. The wisdom or unwisdom of each amendment must be weighed upon its own merits as it is proposed. Personally I see now but little need for change, but I agree that the requisite majority is acting within its constitutional right by forcing any change at any time. Whatever changes may be brought about, it will still be the American Constitution. It will still be the supreme will of the sovereign people. Even though I may differ in opinion as to the propriety, necessity, or wisdom of any change made, yet to the supreme power of the people I gladly bow.

THE SOLE SOURCE OF CONSTITUTIONAL GOVERNMENT

While our Constitution is a living, growing organism, it must constantly draw its life from popular support. That somewhat faded parchment encased in marble, brass, and gold at the National Shrine in the Library of Congress, cannot execute or enforce itself. It has had power and vigor only because the people have believed it to be the charter of their rights and the shield of their liberties. Even the great decisions of the Supreme Court have no inherent force for self-execution. Fortunately the people sensibly have acquiesced in those great decisions interpreting the Constitution, and they became to that extent virtual additions to the Constitution itself. The Constitution is what the Supreme Court declares it to be. But so great has been the ability of the members of that Court, so fair and free from partisan or sectional bias their judgment, that our people have almost universally accepted Supreme Court decisions without murmur.

Calvin Coolidge wisely wrote on December 12, 1924: "The Constitution is not self-perpetuating. If it is to survive, it will be because it has public support." We ask for popular confidence in the Constitution and in all its agencies for its execution—the Congress, the President, and the Supreme Court. We do not expect this confidence to rest upon any blind and unreasoning worship of an ancient document. We ask for an open-eyed, intelligent understanding of what that great covenant has meant to our country, and the whole world, of what it means to us today, and of what it will mean to our children and to our children's children.

Edmund Burke truly likened existing social institutions to a continuing sacred compact between the dead, the living, and the unborn. How applicable is that simile to our Federal Constitution. The founding fathers employed not only their own experience, knowledge, and wisdom, but adopted and appropriated all that was best and suitable in the experience of all former generations within recorded history. Who would foolishly suggest that we now throw overboard all this treasure of accumulated wisdom and leave our children to stumble and stagger in darkness along some untried road? It is not ancestor worship, but common sense, to benefit by the experience of our forefathers. Our debt to our ancestors can be discharged only by transmitting to posterity the social, economic, and governmental institutions of our day not only unimpaired but somewhat improved by our own efforts. Thus and thus only is "freedom broadened slowly down from precedent to precedent." We, "the heirs of all the ages", must bequeath the whole estate with accretions to our issue in perpetuity.

TALK OF AMENDMENT IS NOT TREASON

To talk of amending the Constitution by no means implies irreverence for that great instrument, nor for its great framers. It is true they themselves doubted the adoption and the permanency of their proposal. Fortunately, as often happens in human affairs, "they builded better than they knew." Amendment is the very life principle of the Constitution. It was itself an amendment to, in the form of a substitution for, the Articles of Confederacy. The Declaration of Independence had said, among other things, that "when any government becomes destructive of these ends (life, liberty, and the pursuit of happiness) it is the right, it is the duty, of the people to alter or to abolish it, and to institute in its stead a new government."

Edmond Randolph, of Virginia, author of the Virginia Plan, said: "Provision ought to be made for the amendment of the Articles of Union." Charles Pinckney, of South Carolina, credited by many as being the originator of the peculiar idea of dual sovereignty over the same people at the same time, had a provision for amendment in his plan.

George Mason, of Virginia, author of the first Bill of Rights, said: "Amendments will be necessary, and it will be better to provide for them in an easy, regular, and constitutional way than to trust to chance and violence." In this sentiment Edmond Randolph concurred.

James Madison, commonly called the Father of the Constitution, in the Federalist, No. 41, said: "It is in vain to oppose constitutional barriers to the impulse of self-preservation", and again James Madison, in the Federalist, No. 43, said: "Useful alterations will be suggested by experience that could not be foreseen."

George Washingtin in his Farewell Address of September 17, 1796, said: "The basis of our political system is the right of the people to make and to alter their Constitution which at any time exists; until changed by an explicit and authentic act of the whole people it is sacredly obligatory upon all." Again Washington in speaking of the benefits of the new system of government which he was commending with fatherly solicitude to his fellow citizens and their posterity, called attention to the fact that the Constitution contains "within itself a provision for its own amendment."

Thomas Jefferson in a letter written September 7, 1803, said: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction."

WHAT SOME ORIGINAL AND RESPONSIBLE THINKERS HAVE SAID

Andrew Johnson in his first annual message to Congress, December 4, 1865, used this strong language: "The parting advice of the Father of his Country, while yet President, to the people of the United States was that the free Constitution which was the work of their hands, might be sacredly maintained; and of the inaugural words of President Jefferson held up 'the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.'"

Grover Cleveland, in his inaugural address, March 4, 1885, reminds us that the Constitution is a mutual covenant between those who govern and the citizens who support and defend the Government, as follows: "But he who takes the oath today to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen—on the farm, in the workship, in the busy marts of trade, and everywhere—should share with him."

Theodore Roosevelt, in his address at St. Louis on October 2, 1907, warns us that the Constitution must be a living and therefore changing organism. This striking language is typical of the vision of its author: "The Constitution is now and must remain what it always has been; but it can only be interpreted as the interests of the whole people demand if interpreted as a living organism designed to meet the conditions of life and not of death."

Woodrow Wilson, in his book on constitutional government, showing the necessity that the Constitution must grow as the people grow, said: "If it were not so, the written document would become too stiff a garment for the living."

Franklin D. Roosevelt, in his inaugural address of March 4, 1933, pays his tribute to your organic law: "* * * Our Constitution is so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement without loss of essential form. That is why our constitutional system has proved itself the most superbly enduring political mechanism the modern world has produced. It has met every stress of vast territory, of foreign war, of bitter internal strife, of world relations."

DO NOT AMEND BY CHISELING, MINING, AND SAPPING

I must dissent most respectfully from some statements in the article by James Truslow Adams entitled "The Crisis and the Constitution", in January 1936 Scribner's, as follows: "The Constitution can be changed in many ways other than that of formal amendments. * * * As a matter of fact, the Constitution has been constantly altered by many methods. * * * However legal-minded and conservative they are, they can find a way round the Constitution when they are sufficiently united on an important issue in a national crisis." I take issue with this philosophical historian, Mr. Adams, for the reason that it seems unwise to advise "side-stepping" the Constitution by any means whatsoever. Whatever apparent changes may come about as the result of legislation,

or Executive action, or judicial decision, are implicit in the Constitution itself. It is merely a case of where the vines and leaves and fruit have grown naturally from what Woodrow Wilson called "the vigorous taproot." When the Constitution is to be amended, it ought to be brought openly and consciously before the people, and let them grant or refuse the additional power. Such method will keep the people constantly alert to their civic duties. It will constantly compel them to study and understand the fundamental principles of our Government. To study and to decide constitutional questions will raise the people above the superficialities and hypocricies of partisan politics. Each time such proposed amendment is taken to the people it will constitute in fact a solemn referendum and a stirring appeal to their civic consciousness.

Therefore, let the people understand that they themselves are responsible for their Government. Let them give or deny all governmental power. Away with the impatience of constitutional restraint and away with the suggestion that because the Constitution is slow of amendment it may be disregarded or violated in the haste of emergencies, whether actual or imaginary, whether in peace or in war. If the method of amendment is too slow and difficult, then let the people consider amending that particular part of the Constitution so as to render it more rapidly responsive to the popular will. But let us make sure that this so-called popular will is based upon knowledge, after full and fair consideration, and is not prompted by prejudice and partisan feeling.

SUPREME COURT UNDER FIRE

Much agitation and too much feeling are manifested toward the Supreme Court for doing its conscientious duty in declaring certain acts of Congress unconstitutional. It is charged that this power has been gradually and unjustifiably usurped by the Supreme Court; that since the Constitution did not expressly say that the Supreme Court might declare acts of Congress unconstitutional, no such power was intended, and therefore that the conduct of the Supreme Court in presuming to say that certain attempted laws are void because unconstitutional is arrogant and rapacious. A little calm consideration will show that this raving against the Supreme Court is not justifiable. When cases come before the Court in which it is charged that there is a conflict between the Constitution and the statute, and if it manifestly appears that both cannot stand because inconsistent, then the Supreme Court must decide which is paramount, and, therefore, which is binding upon the Court, the Constitution, or the statute.

Surely no sane person will doubt for a minute that in case of such conflict the Constitution must prevail. But it is urged that in cases of such doubt or uncertainty that the Court divides, either 5 to 4 or 6 to 3, it indicates such uncertainty as to repel the thought the statute is in conflict with the Constitution. But we must remember that it is only cases of doubt, only border-line cases, only twilight-zone cases, that come before the Supreme Court. In the first place, Congress also is bound to support and defend the Constitution and to bear full faith and allegiance to same; and, consequently, the Congress would itself seldom, if ever, enact a statute clearly and obviously in conflict with the Constitution. Where some of the Congress are in doubt, but by a bare majority pass a law, then any citizen adversely affected by that law surely can claim that perhaps Congress misunderstood the Constitution. The only place to make that contention is in the courts, and it will finally reach the Supreme Court. Since Congress has not fixed any definite majority of the Supreme Court Justices necessary to hold an act unconstitutional, then surely the Supreme Court acts by the same majority that acted in Congress. The minority in Congress thought the act unconstitutional. When the case comes before the Supreme Court the minority view in Congress may become the majority view of the Supreme Court.

All lawsuits must be finally decided by somebody. Even athletic contests, sports, and games require umpires. In a baseball game, where the ball reaches the home plate when the forced runner is halfway between bases, no one questions that he is out, and in such case no umpire is necessary. All players on both sides readily acquiesce in the obvious result. But where the runner is sliding to the home plate just as the ball reaches the hands of the catcher, and where movements are so quick that it is difficult for the other players to do their duty, and yet decide the question of out or safe, then the function of the umpire begins, and his decision, right or wrong, must stand. He must be assumed to be honest, conscientious, and competent. It is the same way with the courts. They umpire all cases, and nobody questions the rightness of their decisions except in a few border-line cases.

Let us take another illustration. Suppose the Congress should pass a statute in contravention of the first amendment to the Constitution, which provides that Congress shall pass no law respecting the establishment of religion or preventing the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people to assemble, and to petition the Government for a redress of grievances. Suppose such act of Congress violated every one of these inhibitions by penalizing criminally and subjecting to fine and imprisonment any person professing a certain religious faith and casting into prison those who might speak and write in criticism of this statute, and punishing with heavy penalties all those who might assemble and protest against such law and sign a petition to the Government asking for its repeal. This is not a very farfetched supposition.

Remember that the Congress in the last days of the eighteenth century passed the alien and sedition laws. Now, suppose a citizen is arrested, tried, and convicted of violating this statute—penalizing religious worship. What is the person to do? Suppose the trial court holds the act to be constitutional. The trial judge says he thinks the Congress did right in passing such a statute. Must the citizen submit to punishment in such case? Surely all will agree that such citizen should appeal his case finally to the Supreme Court of the United States. Suppose there is a difference of opinion even in the Supreme Court. Suppose that four of the judges think that Congress had the power to pass the statute. Suppose that four of the judges were not to be controlled by their conscientious doubts on the question of constitutionality. Suppose that such four of the judges were appointees of the majority party in power, which passed the statute in question. Suppose four of the judges thought, as some people are now saying, that the Supreme Court ought not to declare any act of Congress unconstitutional. But suppose the other five judges say that the act in question does manifestly and clearly conflict with the first amendment. In such a case, should not the five judges so declare, and so hold, and should not their opinion be the judgment of the Court itself? True, the Court has no power to enforce its decrees. True, the Court could not compel the United States marshal to release the prisoner. True, the President, in command of the Army, could hold the prisoner even as against the marshal. But would such conduct be American?

Have not all citizens, including the President, and the United States marshal, and the State Governors, agreed to play this game of Americanism, this game of democracy, as good sports, in a fair spirit, and to abide by the decision of the umpire? We have always heretofore done so, and that marks our civilization as a people. If we wish to fix a definite majority of the Justices to constitute the opinion of the Court on a constitutional question, let the Congress do so, but not rail at the Court. If we think that the Court ought not to possess the power to declare an act of Congress unconstitutional, let us adopt a constitutional amendment to that effect, thus declaring by our act that the Constitution of the United States is nothing but a "scrap of paper", or rubber band, nothing but a compilation of pious platitudes, and that the acts of Congress are in all cases paramount to the Constitution. When we do this, let us do it with our eyes open. Let us then know that the Congress can by law fix the term of the President for 8 years, or 25 years, and no court can stay such law. Let us remember then that the Congress can by law deprive any citizen of the writ of habeas corpus and let him rot in jail. Let us realize that the Congress can then pass a law permitting citizens to be tried without indictment, without a jury, and to suffer cruel and unusual punishment. Let us understand that then Congress can pass laws taking the property of some citizen for public use without paying for it. Let us not be surprised if then the Congress should delegate all of its legislative power to the Executive, and by reason of orders, decrees, and edicts, citizens may be thrown into jail and left to languish, and finally die without having a trial. Let us not forget that then America could be converted into a condition as bad, if not worse, than the worst days of Bolshevik tyranny following the Russian revolution. With our eyes open, if we walk into this condition, then we ought to suffer the inevitable consequences, and see our Christian civilization collapse and crumble to ruin. Only by suffering can the stiff-necked be taught wisdom.

GOVERNMENT MUST REFLECT NEEDS AND WISHES OF THE PEOPLE

That any government in these modern times must ultimately respond to the demands of people is testified to by Elihu Root, speaking in 1906, as follows:

"The governmental control which they (the people) deem just and necessary they will have. It may be that such control would better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government; and if the States fail to furnish it in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government. The true and only way to preserve State authority is to be found in the awakened conscience of the States, their broadened views and higher standard of responsibility to the general public; in effective legislation by the States in conformity to the general moral sense of the country; and in the vigorous exercise for the general public good of that State authority which is to be preserved."

But until the great change is made to conform to the solemn will of the people, I feel we should heed the warning of John Fiske, who wrote in The Critical Period of American History, published nearly 50 years ago, as follows:

"If the day should ever arrive," which God forbid, "when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the Departments of France, or even so far as that of the counties of England—on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

But above the bony structure of the human body, above flesh and blood, even above nerve and nerve centers, is the spirit of man. Nations have something analogous to the individual spirit. It must be the composite of all the spiritual forces of a people. It is difficult to define in words this spirit of a nation. Of course, it is many-sided and multiform. But I think Julian Hawthorne expressed it well, writing in the introduction to his History of the United States in 1898 as follows:

"In these volumes I have taken the view that the American Nation is the embodiment and vehicle of a divine purpose to

emancipate and enlighten the human race. Man is entering upon a new career of spiritual freedom; he is to enjoy a hitherto unprecedented condition of political, social, and moral liberty, as distinguished from license, which in truth is slavery. The stage for this grand evolution was fixed in the Western Continent, and the pioneers who went thither were inspired with the desire to escape from the thralldom of the past and to nourish their souls with that pure and exquisite freedom which can afford to ignore the ease of the body and all temporal luxuries for the sake of that elixir of immortality. This, according to my thinking, is the innermost core of the American idea; if you go deep enough into surface manifestations, you will find it. It is what differentiates Americans from all other peoples; it is what makes Americans out of emigrants; it is what draws the masses of Europe hither and makes their rulers fear and hate us. It may often and uniformly happen that any given individual is unconscious of the spirit that moves within him, for it is the way of that spirit to subordinate its manifestations to its ends, knowing the frailty of humanity. But it is there, and its gradual and cumulative results are seen in the retrospect, and it may perhaps be divined as to the outline of some of its future developments.

Some sort of recognition of the American idea and of the American destiny affords the only proper ground for American patriotism. We talk of the size of our country, of its wealth and prosperity, of its physical power, of its enlightenment; but if these things be all that we have to be proud of, we have little. They are in truth but outward signs of a far more precious possession within. We are the pioneers of the new day or we are nothing worth talking about. We are at the threshold of our career. Our record thus far is full of faults and presents not a few deformities, due to our human frailties and limitations, but our general direction has been onward and upward.

The poet epitomizes the whole idea in a few words:

"America hath a mission all her own, to preach and practice before the world, the dignity and divinity of man, the glorious claims of human brotherhood, and the soul's allegiance to none but God."

THE CITADEL AND SUMMERALL

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of The Citadel and Summerall Military College in the State of South Carolina.

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

There was no objection.

Mr. McSWAIN. Mr. Speaker, I venture to call to the attention of my colleagues and the whole country the splendid service being rendered to the cause of education and of national defense by The Citadel, a strictly military college, at Charleston, S. C., under the leadership of Gen. Charles P. Summerall.

The people of the United States, and especially the people of South Carolina, are fortunate in that one of our great schools is headed by a man of the character and accomplishments of Gen. Charles Pelot Summerall. The institution to which I refer is the Military College of South Carolina, popularly known for about one hundred years as The Citadel. Located at Charleston, S. C., this venerable institution has been a powerful influence in the formation of the characters of many of our leading citizens. When Generall Summerall retired from the Army with the rank of full general, the board of visitors of The Citadel immediately thought of asking him to head their great institution of learning. I was happy to be one of those who urged upon General Summerall the acceptance of this wonderful opportunity to continue his life of useful service to the Nation. It seemed to many of us a most fitting thing that General Summerall should crown a life of public service and of military glory by devoting his talents and his rich and varied experience to the cause of education. In so doing, he would be following the example of such great soldiers as Robert E. Lee, Stephen D. Lee, John A. Lejeune, William R. Smith, and many others who turned from a career of arms to the cause of instructing, inspiring, and guiding young men.

Happily, General Summerall was not slow to see the finger of duty pointing at him to continue to serve his country. Happily for us all, that finger seemed to point directly to The Citadel at Charleston, S. C. Since his life and his fame had heretofore belonged to the whole Nation, so it came about that his service as president of The Citadel has been not merely local and not confined to the citizenry of South Carolina, but the appeal has been extended into many other States. The consequence is that a majority of the students who entered the freshman class at The Citadel in September 1935 came from other States and from outside the borders of South Carolina. This is a tribute not only to the high quality of instruction and training always heretofore given at The Citadel, but it is also a tribute to the respect and confidence that the people everywhere, who know General Summerall, have in him. They know that his life as an Army officer has been exceptional; they know that so exemplary and high in morals has been his conduct and course of living that young men may be committed to his general supervision and care with full confidence, that no word from his lip would ever set them an unworthy example. I think I am correct in saying that General Summerall has never used tobacco in any form, has never used alcoholic beverages in any form, has never indulged in profanity; that no obscene or foul language ever escapes his lips, and that his daily work and conduct in life generally are as upright morally as is his military carriage and bearing, straight and upright physically.

Therefore, mothers and fathers from every part of the country may commit their sons to the care and training of The Citadel with full confidence that their time will be properly spent in preparation for life's duties and that they will not be wasting precious money and still more precious time and opportunity in idleness or in riotous conduct. The daily discipline at The Citadel is rightly and properly rigid and strictly military. We of South Carolina are proud to say that "The Citadel is the West Point of the South." The cadets at The Citadel are always under strict military discipline. They are kept busy at their studies, their recitations, their drills, and at military instruction except during the hours of necessary rest and sleep. Fathers and mothers with their sons at The Citadel may know and do know where their boys are every hour of the day and every hour of the night. That is a source of great satisfaction to mothers and fathers. They know that their sons are receiving proper instruction and guidance and that they have no opportunity to indulge in wild parties, in boisterous misconduct, or in practices harmful to their health or destructive of their moral character.

Some people, who are theorists and inclined to be pacifists, may express opposition to military training; but fathers and mothers who have sons of college age want to know where their boys are, not only in the daytime but especially at night.

Recently I was in a college town and had to catch a 3 o'clock train. Long before I was called by the night clerk at the hotel I had been awakened by loud talking, running, heavy walking, shouting, and screaming in other rooms of the hotel. When I made inquiry, I was told that the disturbance was caused by intoxicated young men from the college. Needless to say, it was not a school where military training and discipline prevailed. I thought of the contrast. It is a very strange idea that some people have that military training for a boy of college age will make a militarist out of him. The very opposite is apt to be the truth. While it will not make a pacifist out of him, and will inspire him with genuine patriotism, it will enable him to appraise and to judge the proper limits of militarism and prepare him as a citizen soldier to help defend his country, without surrendering the right and duty of defense to the professional soldiers, from whom the dangers of militarism might come. Of course, the small force of professional soldiers in America can never be a menace or a source of danger from militarism. Since we have no military caste or clique, and since the officer ranks are constantly recruited from civilian sources, many of them from humble homes, it is impossible to build up in America a military faction that would ever be dangerous to the public liberties.

Due to the fact that our Regular Army officers, certainly most of them, come from nonmilitary homes, and that many of them—in fact, more than one-half of them—have come either directly from civilian life or from the ranks of the Army, the Army as a whole is kept constantly in touch with the thoughts and feelings of the civilian population. Personally, I trust that this may ever continue to be the state of affairs. That is why I have so strongly urged that never shall more than one-half of the officers in the Army be

graduates of the Military Academy at West Point. While the overwhelming majority of the cadets come from civilian homes, yet the indoctrination which they generally receive at such an impressionable age is apt to take them out of touch with civilian affairs and to give them the purely and exclusively military and Army point of view. This is no reflection upon either the institution or its graduates. In the eyes of many, it is a desirable condition, but I think it is the well-agreed opinion in the Army now, even among graduates of the United States Military Academy, that it would be unwise for the Army to have on the average more than one-half of its officers graduates of the Military Academy. With the other half, coming more directly from civilian life, coming into the Army at a more mature age, having been educated at their own expense, who are in close touch with the sacrifices that fathers and mothers make to give an education, this other half of the officers of the Army help to keep the Army in closer and more direct touch and sympathy with the civilian population.

I hold it will be greatly to the advantage of the Army as a fighting force—and therefore to the advantage of the country—that there should be these two about equally balanced officer groups in the Army. It will bring about a natural, proper, and beneficial rivalry between these two groups. Friendships will be formed between officers coming from the different groups. A proper pride will stimulate the individuals in the different groups to seek to excel, not only for his own sake but for the sake of the group. This pride of group may thus be turned to the advantage of the Army as a whole. It will prevent stagnation and contentment in the individuals; it will compel officers to stand upon their individual merits, and not to count upon class cooperation and class influence. Whatever promotes the progress of the individual officer, whatever stimulates him to work harder, whatever inspires him to nobler conduct and purer life, will contribute to the uplifting and strengthening of the Army as a whole. Thus, the investment of the Nation in the cause of national defense will bear better dividends, thus, the cause of national defense itself is promoted, and thus the life of the Nation will be strengthened and preserved.

It is a most remarkable tribute to General Summerall that Lt. Gen. Robert Lee Bullard, in his volume published in 1925, entitled "Personalities and Reminiscences of the War", devotes one whole chapter to General Summerall. The chapter is headed simply "Summerall." All of us know that General Bullard commanded the Second Army of the American Expeditionary Force. General Bullard impressed himself upon the nearly one-half million soldiers who comprised the Second Army as an intrepid soldier and leader, but, above all, as a gentleman of the highest and most humane impulses. Since his retirement General Bullard has been devoting his time and strength to the promotion of the cause of national defense along advanced and progressive lines.

General Bullard has not been content to look backward, but basing his thinking and deductions upon past experience, and using modern weapons and devices, especially the military airplane, as a minor premise, General Bullard has drawn conclusions as to the nature of future warfare, and has warned our people that we must constantly keep abreast in all the latest appliances for the mechanization of the Army, and especially to the use to its maximum capacity of that very late and all-important air power. It is not extravagant to say that General Bullard has rendered his country invaluable service since his retirement. It is within the bounds of fair judgment to say that his service since retirement may equal in importance his service before retirement. While his genius and magnetic personality contributed greatly to the winning of the World War, yet his vision, his freedom from the slavery of tradition, his self-adjustment to modern methods and to modern weapons, and his courage to cry aloud from the housetop to his brother officers and to his countrymen that they must look in the future to a new and partially strange kind of warfare, will largely contribute to our success in any future war in which we may become unfortunately involved.

I therefore quote some brief passages from that chapter on "Summerall":

At the end of the World War, though he had himself always been an artilleryman, he was worshipped by infantrymen, by all infantrymen who served closely enough to know him.

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To my delight, I got Summerall. When he came, I found that in the years that I had not seen him, since the days of the Philippines, he had in no way changed. His zeal in the service, his sense of duty, left nothing to be desired. His industry knew no fatigue. He was all the time visiting and inspecting his command, and always inspiring, always most exacting as to fulfillment of duty by officers and men, uncompromising and unforgetting, yet always accepted by officers and men. They soon both feared and loved him. He possessed the quality of giving the severest reprimand in the quietest words. With the reprimand went no mercy, yet it roused no rebellion. The recipients seemed to feel its justice and accepted it. With such a faculty of reproof he secured correction.

Along with these military qualities he carried the highest qualities of manhood, loyalty, and honor. He seemed incapable of thinking or doing a dishonorable, disloyal, or crooked thing. For such conduct he had the highest contempt, which he did not hesitate to express. All men associated with him thus soon came to know him, and respect followed as surely as acquaintance. In all these things his force carried conviction and acceptance.

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His sense of justice was as great as his sense of loyalty, honor, and duty. He let no man who merited it go unrecognized or unrewarded. No trouble was too great for him to try to secure such recognition or reward. He would talk or write until it was done. It is needless to say that here is found his popularity with the simple soldier. He never coddled, he sometimes even treated the soldiers with a calm, uncompromising harshness, but the soldier that did something under Summerall was never forgotten. As a consequence of these qualities he was a man who was able to secure almost fanatical support and confidence from his inferiors. What he said should be done was done. Those who did it not from love or confidence did it from fear.

The combination of these qualities could but produce a wonderful career. They secured the confidence of everybody, high and low. Summerall in every way was a high type of the personal leader. His officers and soldiers got ready for him: they wanted to please and feared to displease him; and his career is an illustration of the truth that a man of conviction carries success and greatness in him. He entered the World War as a lieutenant colonel of artillery. He came out of it a major general commanding a corps, with the prospect, had the war lasted long enough to form a third or fourth army, of becoming a lieutenant general commanding an army.

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Of this soldier never had I a shadow of a doubt from the day that I came to know him, nor had those devoted and skillful artillerists, the French, from the day they saw him and his guns on the line beside them. At Soissons, as a major general, he fought his division with the fierceness of a fanatic. In this battle his division fought twice as long and remained in line of battle facing the enemy two and a half times as long as any other division, American or French, there taking part. In the Meuse-Argonne, I was told, he was equally fierce and driving, and in his eagerness on the last day made the "break" of allowing, if not ordering, one of the divisions of his corps to cross the line of advance of one or more French divisions in order to press first into Sedan. I think the French forgave him, for they have continued to load his men with citations and decorations, and have granted especial favors to the American officer, Gen. Frank Parker, commanding that division.

NEUTRALITY

Mr. UMSTEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an able address delivered on January 9 under the auspices of the National Council for the Prevention of War by the distinguished gentleman from North Carolina [Mr. LAMBETH], in the course of debate on the President's message dealing with foreign affairs and with particular reference to pending neutrality legislation.

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

There was no objection.

Mr. UMSTEAD. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include the following radio address of J. WALTER LAMBETH, station WOL, Washington, D. C., January 9, 1936, under the auspices of the National Council for Prevention of War:

When the World War ended, Premier Clemenceau, fondly called by his people the "Tiger of France", warned his countrymen, "It is far more difficult to make peace than to make war." Paraphrasing this statement, one might add, "It is far easier to get into war than to keep the peace." The truth of this is proven by chaotic world conditions since the close of the world conflict. Not even

our sincere and able war President, Woodrow Wilson, was able to bring about a peace satisfactory to the world, although his efforts for peace were so great that he literally gave his life to the cause.

Last Friday night President Roosevelt, in his message to Congress, clearly defined our objectives as concerns neutrality when he said: "As a consistent part of a clear policy, the United States is following a twofold neutrality toward any and all nations which engage in wars not of immediate concern to the Americas. First, we decline to encourage the prosecution of war by permitting belligerents to obtain arms, ammunition, or implements of war from the United States; second, we seek to discourage the use by belligerent nations of any and all American products calculated to facilitate the prosecution of a war in quantities over and above our normal exports to them in time of peace."

The relations between nations are of such a delicate and complicated nature that no sure formula has yet been given for the prevention of war or for the making of a good peace. Once a policy of neutrality is established, it is hard to revise legislation dealing with this subject. Foreign policies cannot be changed swiftly in the manner of domestic policies. In any discussion of neutrality this point must be borne in mind. It is idle to say that we can enact neutrality legislation which will guarantee peace to this Nation. Our best efforts may be applauded today and regretted 2 years from now. Let us not be lulled to sleep by the false belief that of a certainty we will never enter another war. It is to be devoutly hoped that we go to war no more, but it does not lie within the ingenuity of man to make peace certain by legislation. For centuries China withdrew herself behind a wall and tried to forget the rest of the world. For centuries invaders have crossed the wall and cruelly reminded the Chinese that no nation can live unto itself alone. The oceans are our wall, but modern invention is destroying its effectiveness. Like it or not, we are a member of the family of nations and of the world we must be a part.

Therefore, bearing in mind that we may be dragged into a war regardless of policy, let us examine the methods of endeavoring to keep the peace. In the first place, it is evident that the best way to avoid war is to help prevent war. Because this is true, this country should always leave itself open to cooperate when other nations sincerely strive for peace. When the other nations work for peace, let us be sympathetic and lend a helping hand when we may do so without endangering our own peace. Complete isolation is not only unwise, it shows cowardice and eventually may result in commercial suicide without accomplishing its objective.

The sentiment in this country is stronger for peace than it has ever been. Aside from natural love of peace by Americans—due to the heavy burden of taxation and debt resulting from the last war as well as legislation already enacted by the House and soon to be enacted by the Senate to take the profits out of war—the militaristic group is far less potent than before the World War. The broken bodies of veterans of the last war in hospitals scattered throughout the land will not permit us to forget the horrors of war.

While it will not be wise for the United States to attempt complete isolation, it is wise to adopt legislation which will lay down a neutrality policy. In forming such a policy we should bear in mind that the President has certain great powers under the Constitution beyond the present neutrality resolution. He can sever diplomatic relations with any foreign power. He can write provocative notes. As Commander in Chief he can send troops without a declaration of war, without the authority of Congress. He can send battleships where he will. These powers are fundamental and it is idle to oppose leaving some discretion with the President when under the Constitution he already has powers sufficient to carry us into war. Someone must be trusted and the President and Secretary of State are worthy of confidence. The President must not be hamstrung nor the State Department be put in a strait jacket in the conduct of our foreign affairs.

Because of the fact that it is essential that the President be given some discretion in the matter of foreign affairs, I think the McReynolds neutrality bill preferable to the mandatory and inflexible bill of Senator NYE. The philosophy of the two bills is largely similar, but the difference is wide enough to label the one wise and the other unwise. I believe that the McReynolds bill represents the irreducible minimum in granting discretionary powers to the administration. The issue is nonpartisan and is cutting across party lines.

The McReynolds bill, at the beginning of section 3 (a), reads: "Upon the outbreak or during the progress of any war between, or among, two or more foreign states, the President shall proclaim such fact and it shall thereafter be unlawful to export arms, ammunition, or implements of war."

The Nye bill, at the beginning of section 2 (a), reads: "Upon the outbreak of war between, or among, two or more foreign states, or if any such war is in progress on the date of enactment of this act, the President shall proclaim such fact and it shall thereafter be unlawful to export arms, ammunition, or implements of war."

It will be noted that the essential difference between the two bills lies in the clause in the McReynolds bill, "or during the progress of any war." I believe that if this type of wording is to be retained, it is essential that the McReynolds clause shall remain in the bill. Under the modern method of making war, where a nation strikes first, it seldom, if ever, declares war—because of the Kellogg Pact. It is impossible to define by legislation when a war has broken out. It must be left to the discretion of someone, as of the President, to determine whether a foreign difficulty represents merely an exhibition of temper such as a local skirmish on the border or is, in fact, the outbreak of war. In the existing state of affairs, no fixed definition of the outbreak of war can be used in legislation to bring an embargo automatically into effect. The legislation must provide discretion and leave it to the judgment of an individual as to when and if war has broken out.

For example, it might have been reasonably easy to determine that war had broken out between Italy and Ethiopia, though Italy calls it a colonial enterprise. There would have been far more difficulty in determining when and if war had broken out between China and Japan in Manchuria and around Shanghai, and when and if war had broken out between Bolivia and Paraguay, and even whether we had gone to war with Mexico, at Tampico, in 1917. In many cases, but not in all cases, there must be a waiting period between what appears to be an outbreak of hostilities and the determination as to whether they constitute a state of war or whether it is a mere flare-up which might die down and be forgotten in a week or two. In considering neutrality legislation geography must be remembered.

In section 3 (c) the McReynolds bill provides: "The President shall, from time to time, by proclamation, extend such embargo upon the exports of arms, ammunitions, and implements of war to other countries as and when they become involved in such war."

Section 2 (b) of the Nye bill reads: "The President shall, from time to time, by proclamation, extend such embargo upon the exports of arms, ammunition, and implements of war to other states as and when they become engaged as belligerents in such war."

In the case of the McReynolds bill the provision is as to when other foreign countries "become involved" in a war and in the Nye bill provision as to when they "become engaged" as "belligerents" in the war. This section should be very carefully examined and debated in order to determine beyond question that we do not go further than we intend and adopt legislation which would affect our interests very seriously. Article 16 of the League Covenant provides, in part, that if any member of the League resorts to war in disregard of its covenants "it shall ipso facto be deemed to have committed an act of war against all other members of the League." The League has decided that Italy has disregarded its covenants in this fashion. Theoretically, if not actually, the League nations may now be at war with Italy and Italy with them. Insofar as our proposed legislation is concerned, they would seem to have become "involved" in the Italio-Ethiopian conflict. Theoretically, at least, they are nonaggressive belligerents. The question arises as to whether, under these circumstances, if either of these proposed bills become law with this wording, we would be forced to apply our Italio-Ethiopian embargoes to Britain and France.

Section 4 (a) of the McReynolds bill provides for the restriction of shipments of articles other than arms, ammunition, and implements of war to not more than normal quantities. It leaves it to the President to determine the proper period to use as an "average of shipments." The Nye bill, in section 3 (a), sets the period as the 5 years preceding the outbreak of the war in question. I believe that the President should be given discretion to determine the proper period to use. Circumstances alter cases, not only as to commodities, but as to countries. This has been amply proven in setting up agricultural base periods in this country.

The second difference between the two bills in this section is that in the Nye bill it provides that the President should quota exports of these articles only in case the failure to do so "would endanger the maintenance of peace between the United States and foreign states, or jeopardize the neutrality of the United States."

The McReynolds bill further provides that the President should set up these quotas if it would serve to promote the security and preserve the neutrality of the United States or to protect the lives and commerce of nationals of the United States or that to refrain from placing such restrictions would contribute to a prolongation or expansion of the war.

Here we have the most fundamental, if not the most important, difference between the two bills. The McReynolds bill would seek to prevent this country, by reason of shipments abroad, from contributing to the prolongation or expansion of the war. The Nye bill takes no account of this factor.

Another basic difference is that in section 6 the McReynolds bill provides: "Any embargo, prohibition, or restriction that may be imposed by or under the provisions of sections 2, 3, or 4 of this act shall apply equally to all belligerents, unless the Congress, with the approval of the President, shall declare otherwise."

There is no such provision in the Nye bill, and this section is of vital importance. Under this section, if our friendly neighbors, as, for example, Canada and Mexico, were attacked by some non-American country, such as an Asiatic power, Congress and the President, acting jointly, could allow shipment of war materials to them.

I am convinced that we must give some discretion to the President, if we are not actually to increase the danger of becoming involved in war, if we are not to risk the loss of a large part of foreign trade to no possible advantage, if we are not to incur the enmity of all foreign nations, and if we are not to find, at some later date, that our neutrality proposals have become a boomerang and will return to smite us when we are in desperate need of some foreign raw materials.

Further, I cannot subscribe to the doctrine of the complete isolationists. To do so would mean that in the event of foreign war we might have no foreign trade at all. Worse than that, we, a great Nation, would be looked upon abroad as a nation of "Caspar Milquetoasts", the spineless character in the comic strips.

In the few moments left at my disposal I wish to quote from a statement made by that thoughtful statesman who has so ably steered our foreign relations in recent troubled times. I refer to Secretary of State Cordell Hull. That statement to which I refer was issued November 6, 1935, and may well be used as a guide for neutrality legislation:

"Our policy as a member of the community of nations should be twofold—first, to avoid being brought into a war, and, second, to promote as far as possible the interests of international peace and good will. A virile policy tempered with prudent caution is necessary if we are to retain the respect of other nations and at the same time hold our position of influence for peace and international stability in the family of nations."

NEUTRALITY

Mr. TOBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address which I made last week.

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

There was no objection.

Mr. TOBEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by me over the radio on January 9:

The address delivered by the President to Congress on Friday night has evoked various opinions.

While to me a large part of the message embodied appeals to class prejudice and tended to increase class feeling rather than being a message to Congress on the state of the Union, yet I commend the first part of the message, in which he stresses the Nation's desire for peace and endorses a neutrality program to contribute thereto.

It is a satisfaction that the Executive apparently has modified the views on neutrality which he held last August. Then, when a committee of nine Congressmen, of whom I was privileged to be one, waited upon him in the interests of neutrality, it was his contention that the Congress should not make the bill mandatory and deny power to the Executive to designate the aggressor nation in any conflict.

The Congress will shortly act upon a neutrality program, and the force behind this program is a Nation-wide sentiment for peace, stronger and more articulate than ever before.

It is no reflection on the President that we demand a mandatory neutrality law with no permissive or discretionary power to be vested in him.

I believe the Congress is going to implement the Nation's purpose to keep out of foreign war by enacting into law a neutrality program which will embody every possible aid toward the accomplishment of such purpose.

Holding in mind in all this discussion the great objective "peace", the neutrality program, which we hope to enact into law, will cost us something, but we should be willing and glad to pay the price. The price is the foregoing of opportunities for commercial and financial profit that have heretofore accrued from trade and commerce with belligerents.

I believe in a thoroughgoing, complete, and as effective a neutrality program as can be drawn, applying to all belligerents.

To the often-cited objection that embargoes applied to all belligerents will affect them differently, that on one hand some may be helped while others may be handicapped, that is probably true, but I believe it cannot be avoided.

That is not what we seek to do, however. Our whole aim is to keep the United States out of any war, to have no dealings with belligerents as such, and, abhorring war, to have no fellowship with the unfruitful works of darkness.

Our neutrality program must include provisions to bar loans to belligerents, and what is equally important, to prohibit the granting of commercial credits.

The present law should be continued as far as it applies to travel by American citizens, denying them protection if they travel on ships of belligerents, and prohibiting the entrance into American ports of submarines or armed merchant vessels.

Last August, when those of us who were interested in neutrality were working earnestly to enact a law, traveling to New York one night, I met one of the leading industrialists of the country. In commenting on the neutrality law he called it a fool bill, and said, "Don't you realize that if business interests cannot sell to those warring nations that Soviet Russia and other nations will get the business?" And my answer was, "Yes; I realize that; but that is the trouble with many men of your type. Your opinion is motivated by dollars, dividends, and profits. Our desire for neutrality is motivated by a passion for peace, and in the interests of the youth and the homes of America."

I realize full well that the application of a neutrality program, extending embargoes to include all commercial transactions with belligerents, will hurt our industries and result in great pressure being exerted to modify the program. But when the issue is between the temporary loss of business and profits on the one hand and the participation of the United States in a foreign war, calling for great sacrifice of human life and vast economic and financial losses, which always follow in the aftermath of war, there can be no question where lies the path of wisdom.

Recall, please, the epoch of 1917–19—that period of our participation in the World War; many great fortunes were made in this country by individuals and by corporations. Labor was in demand. There were jobs for all. Wages were high and profits were great. That was an artificial prosperity created by war. But over and against this pleasing situation, on the other side of the ledger, must be placed the results which accrued in the aftermath of that war, culminating in the depression of 1929 and 1930, when the fortunes which were made were largely dissipated, when hundreds of thousands of American boys were hospitalized and justly applied for compensation to the Government, when labor was walking the streets with 10,000,000 unemployed throughout the country, and the national debt greatly increased.

Under our neutrality program the business interests of the Nation may have to restrict and forego great potential profits, but such injuries are not to be compared with the injuries that are always the concomitant of war, human suffering, maimed and crippled bodies, broken families, and grief-stricken homes.

Given a neutrality law, which in the event of war is applied sincerely and effectively, yet it may well be that notwithstanding this, we shall be drawn into the conflict; but should such an unhappy result occur, we will have the satisfaction of knowing that we have made a courageous, honorable attempt to keep out of the mess.

Reverting again to the address of the President last Friday night, I cannot refrain from pointing out that while he called for peace and recommended neutrality legislation, his faith in such agencies does not seem well grounded, for in his Budget message he has called for a tremendous increase in appropriations for Army and Navy. His Budget calls for defense appropriations of 938 millions, in great contrast to 534 millions in 1935, an increase of over 400 millions. The annual cost of maintaining these two branches of service will this year then be nearly a billion dollars.

It may well be that an honest, far-reaching neutrality program may be more effective in net beneficial results to the country than reliance exclusively on machines and munitions, the only use of which is to participate in armed conflict.

Of old, one said, "Follow after the things that make for peace." The injunction is laid upon us, and thoughtful men and women throughout the Nation may rejoice that never before has our Nation been so articulate for peace as today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BROOKS (at the request of Mr. BOLAND), for 2 days, on account of important business.

To Mr. MALONEY, for 2 weeks, on account of official business.

To Mr. WOLVERTON, on account of illness.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1432. An act to amend section 5 of the act of March 2, 1919, generally known as the War Minerals Relief Statutes; to the Committee on Mines and Mining.

ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Tuesday, January 14, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

581. A letter from the Secretary of War, transmitting the draft of a bill to amend that provision of the act approved March 3, 1879 (20 Stat. L., p. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

582. A letter from the Acting Director, United States Botanic Garden, transmitting a report on travel performed by employees of the United States Botanic Garden from Washington, D. C., to other points and return, during the fiscal year 1935; to the Committee on the Library.

583. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. for the year 1935; to the Committee on the District of Columbia.

584. A letter from the Secretary of Commerce, transmitting a summary of reports with a brief statement of the action of the Department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1935; to the Committee on Merchant Marine and Fisheries.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 595) for the relief of Elmer Getrue; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 886) for the relief of Hattie Stout Hood; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 924) for the relief of Bernard Kinmeth; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 1256) for the relief of the heirs of James Kirk; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 1347) for the relief of Henry Steffen; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2258) for the relief of Peter F. Ramm; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2633) for the relief of Francis M. Dent; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2642) for the relief of Edward Ray Sloan; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3198) for the relief of George Church; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4068) for the relief of R. F. Lane; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5086) for the relief of Leila McKay; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5968) authorizing the Western Bands of the Shoshone Tribe of Indians, as defined herein, to sue in the Court of Claims; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 8645) for the relief of St. Vincent's Catholic Church, of Berkeley Springs, W. Va.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8756) to restore Joseph Theodore Kingsley to the emergency officers' retirement list; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8775) for the relief of Ralph B. Sessoms; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9222) for the relief of William W. Harville; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6215) granting a pension to Mary A. Nichols; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAVENS: A bill (H. R. 10122) to amend an act entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes", approved August 14, 1935; to the Committee on Ways and Means.

By Mr. HUDDLESTON: A bill (H. R. 10123) providing for a survey of Valley Creek, in Jefferson County, Ala., with the view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. KENNEDY of New York: A bill (H. R. 10124) 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; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10125) to repeal the Potato Act of 1935, and for other purposes; to the Committee on Agriculture.

By Mr. VINSON of Georgia: A bill (H. R. 10126) to amend section 10 of the act entitled "An act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes", approved May 29, 1934 (48 Stat. 811); to the Committee on Naval Affairs.

By Mr. WHELCHEL: A bill (H. R. 10127) to amend the Judicial Code to create a new district in the State of Georgia, known as the northeastern district, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: A bill (H. R. 10128) to define the scope of courts in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MOTT: A bill (H. R. 10129) authorizing an appropriation for the development of a naval air base at Tongue Point, Oreg.; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10130) to reimburse veterans of the Spanish-American War and others; to the Committee on Pensions.

By Mr. WOODRUFF: A bill (H. R. 10131) to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, to provide for the issuance of export debentures, to secure to farmers a price for their commodities at least equal to the cost of production, and for other purposes; to the Committee on Agriculture.

By Mr. THOMASON: A bill (H. R. 10132) to provide for an additional appropriation for the Public Health Service in order to establish public-health protection along the international boundary between the United States of America and the Republic of Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 10133) to reduce the interest-rate charges by the Reconstruction Finance Corporation on loans to closed banks and trust companies; to the Committee on Banking and Currency.

By Mr. OWEN: A bill (H. R. 10134) to amend section 603 of the Revenue Act of 1932; to the Committee on Ways and Means.

By Mr. McSWAIN: A bill (H. R. 10179) to authorize appropriations for construction at military posts on the island of Oahu, Territory of Hawaii, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10180) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes"; to the Committee on Military Affairs.

Also (by request): A bill (H. R. 10181) to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes", and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 10182) to authorize the Secretary of War to acquire the timber rights on the Gigling Military Reservation (now designated as Camp Ord), in California; to the Committee on Military Affairs.

Also, a bill (H. R. 10183) to promote the efficiency of the Judge Advocate General's Department of the Army; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 10135) to authorize the construction of a model basin establishment, and for other purposes; to the Committee on Naval Affairs.

By Mr. KENNEDY of New York: Resolution (H. Res. 391) asking an inquiry with reference to the facilities for divine worship available for American citizens resident in or visiting in the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. FULMER: Joint resolution (H. J. Res. 448) to remove clouds on title to property, and cancel liens and encumbrances on account of taxes levied under the Bankhead Act; to the Committee on Agriculture.

By Mr. MARCANTONIO: Joint resolution (H. J. Res. 449) to authorize the Secretary of Labor to appoint a board of inquiry to ascertain the facts relating to health conditions of workers employed in the construction and maintenance of public utilities; to the Committee on Labor.

By Mr. MOTT: Joint resolution (H. J. Res. 450) authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10136) granting a pension to Lena Leota Evans; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 10137) granting an increase of pension to Dora Alice Lee; to the Committee on Invalid Pensions.

By Mr. BROWN of Georgia: A bill (H. R. 10138) for the relief of H. T. Campbell and E. O. O'Neal; to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 10139) granting an increase of pension to Isaac C. Livingston; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 10140) granting a pension to Julia Pitts; to the Committee on Pensions.

By Mr. CROWE: A bill (H. R. 10141) granting a pension to Ernest P. Garlach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10142) granting a pension to Sarah E. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10143) granting a pension to Cora S. Day; to the Committee on Invalid Pensions.

By Mr. DALY: A bill (H. R. 10144) for the relief of Gerhart W. Markel; to the Committee on Military Affairs.

By Mr. DIETRICH: A bill (H. R. 10145) granting an increase of pension to Mary Saxton; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 10146) to correct the military record of Eva E. Love; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 10147) granting a pension to Ella B. Kinnamon; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 10148) granting a pension to Mamie Loon Irby; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10149) granting an increase of pension to Paulinus G. Huhn; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 10150) for the relief of the firm of Schmidt, Garden & Martin, architects of Chicago, Ill.; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 10151) granting a pension to Mary G. Sherwood; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 10152) granting a pension to Margaret Scofield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10153) granting a pension to Amanda Napier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10154) granting a pension to Belle Hockensmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10155) granting a pension to Lillian LaMotte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10156) granting a pension to Ethel Kapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10157) granting a pension to Mattie Mayo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10158) granting an increase of pension to Dora Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10159) granting an increase of pension to Mamie F. Presley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10160) granting an increase of pension to Mary E. Van Treese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10161) granting an increase of pension to Mary F. Hudgens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10162) granting an increase of pension to Martha E. Humphreys; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10163) granting an increase of pension to Sarah I. Tomlin; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10164) granting a pension to Martin Homer Doolin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10165) to correct the military record of John Gregory, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 10166) granting a pension to Verner Gloshen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10167) granting a pension to Leah Kesterson; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 10168) for the relief of Arch A. Gary; to the Committee on Claims.

By Mr. THOMASON: A bill (H. R. 10169) for the relief of L. M. Crawford; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 10170) for the relief of C. E. Landtiser; to the Committee on Claims.

By Mr. WOODRUM: A bill (H. R. 10171) for the relief of Elisha M. Levan; to the Committee on Military Affairs.

By Mr. BOILEAU: A bill (H. R. 10172) granting a pension to Wilhelmina Skilling; to the Committee on Invalid Pensions.

By Mrs. GREENWAY: A bill (H. R. 10173) for the relief of M. K. Fisher; to the Committee on Claims.

Also, a bill (H. R. 10174) for the relief of Ezra Curtis; to the Committee on Claims.

By Mr. TABER: A bill (H. R. 10175) granting an increase of pension to Alice Chapman; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 10176) for the relief of Harold S. Morris; to the Committee on Military Affairs.

By Mr. THOM: A bill (H. R. 10177) granting a pension to Della R. Birney; to the Committee on Invalid Pensions.

By Mr. WERNER: A bill (H. R. 10178) granting an increase of pension to Louis P. Mousseau; to the Committee on Pensions.

By Mr. HIGGINS of Connecticut: A bill (H. R. 10184) for the relief of the State of Connecticut; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9464. By Mr. ANDREW of Massachusetts: Letters from Matteo Frontero and other residents of Gloucester and Danvers, Mass., protesting against American association with League of Nations sanction activities, and cooperation with schemes of the British Government as regards sanctions and embargoes; to the Committee on Foreign Affairs.

9465. Also, petition of the Italian War Veterans of Massachusetts, protesting against any effort which is attempted in the Congress of the United States, tending to have the United States collaborate with the League of Nations and thus embroil America into another European conflict; to the Committee on Foreign Affairs.

9466. Also, petition of Peter A. Giuggio and other residents of Salem, Mass., protesting against American associa-

tion with the League of Nations sanction activities and cooperation with schemes of the British Government as regards sanctions and embargoes; to the Committee on Foreign Affairs.

9467. Also, petition of Roland Damiani and other residents of Beverly, Mass., protesting against American association with League of Nations sanction activities and cooperation with schemes of the British Government as regards sanctions and embargoes; to the Committee on Foreign Affairs.

9468. By Mr. AYERS: Petition of Charles W. Yackey and 53 other citizens of Circle and Weldon, Mont.; to the Committee on the Post Office and Post Roads.

9469. Also, petition of John Miller and 12 other citizens of Ingomar, Mont.; to the Committee on the Post Office and Post Roads.

9470. Also, petition of John LaBree and 40 other residents of Ismay and Mackenzie, Mont.; to the Committee on the Post Office and Post Roads.

9471. Also, petition of R. B. McWilliams and 13 other citizens of Hillside and Cohagen, Mont.; to the Committee on the Post Office and Post Roads.

9472. Also, petition of Enoch Bilden and 38 other citizens of Lavina and Sahara, Mont.; to the Committee on the Post Office and Post Roads.

9473. By Mr. BURDICK: Petition relating to star route contracts and increasing the compensation thereof; to the Committee on the Post Office and Post Roads.

9474. By Mr. COFFEE: Petition of 576 patrons of star routes at Ellsworth, Anselmo, Ainsworth, Sargent, Crawford, Dunning, Whitney, and Gothenburg, Nebr., urging legislation to increase the compensation of star mail-route carriers to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9475. By Mr. CROWTHER: Petition of Italo-American Union, of Schenectady, N. Y.; to the Committee on Foreign Affairs.

9476. Also, petition of citizens of Schenectady, N. Y., requesting passage of House bill 8739; to the Committee on the District of Columbia.

9477. Also, petition of citizens of Scotia, N. Y., requesting favorable action on House bill 8739; to the Committee on the District of Columbia.

9478. By Mr. DONDERO: Petition of the Detroit sales committee of the Michigan Milk Producers Association, strongly opposing certain provisions of the trade agreement made between the Government of the United States and the Government of the Dominion of Canada which will work a serious hardship to the agricultural interest of the United States, and particularly the dairy farmers; to the Committee on Agriculture.

9479. Also, petition of citizens of Leonard and Oxford, Mich., urging the enactment of legislation extending all existing star-route contracts, and increasing the compensation thereon, to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9480. By Mr. GOODWIN: Petition of Isabella Council, No. 873, Knights of Columbus, Brooklyn, N. Y., urging support of policy, theory, and ideal that 50 percent of all radio frequencies or wavelengths be allotted to education, religious, agricultural, labor, and similar non-profit-making and human-welfare associations; to the Committee on Interstate and Foreign Commerce.

9481. By Mr. HIGGINS of Connecticut: Memorial of the Italian-American Citizen Club of Groton, Conn., protesting against the United States cooperating in any way with sanctions of the League of Nations against foreign countries now at war; to the Committee on Foreign Affairs.

9482. Also, petition of 138 citizens and patrons of star-route no. 6114 from Mansfield Center to Willimantic, Conn., favoring the indefinite extension of all star-route contracts, and an increase of the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9483. By Mr. CULLEN: Petition of Isabella Council, No. 873, Knights of Columbus, Brooklyn, N. Y., requesting that 50 percent of all radio frequencies or wavelengths be allotted to educational, religious, agricultural, labor, and similar non-profit-making and human-welfare associations; to the Committee on Interstate and Foreign Commerce.

9484. By Mr. KENNEDY of New York: Petition of Isabella Council, No. 873, Knights of Columbus, concerning radio allotment of time; to the Committee on Interstate and Foreign Commerce.

9485. By Mr. McCORMACK: Memorial of General Court of Massachusetts, memorializing Congress in favor of the immediate cash payment of the adjusted-service certificates of the veterans of the World War; to the Committee on Ways and Means.

9486. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, advocating immediate cash payment of the adjusted-service certificates of veterans of the World War; to the Committee on Ways and Means.

9487. By Mr. PFEIFER: Petition of the Joint Council Knitgoods Workers' Union, Brooklyn, N. Y., concerning the Walsh bill (S. 3055); to the Committee on Labor.

9488. By Mr. RICH: Petition of citizens of Williamsport, Lock Haven, and Hughesville, Pa., proposing amendments to Senate bill 5; to the Committee on Interstate and Foreign Commerce.

9489. By Mr. RUDD: Petition of the Joint Council Knitgoods Workers' Union, Brooklyn, N. Y., concerning the Walsh bill (S. 3055); to the Committee on Labor.

9490. Also, petition of the Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 1035, Jamaica, N. Y., concerning the Walsh bill (S. 3055); to the Committee on Labor.

9491. By Mr. WOODRUFF: Petition containing 129 names from Tenth Michigan District, favoring adoption of legislation extending the time of all existing star-route mail contracts and increasing the compensation thereon to an equal basis with that paid for other forms of mail transportation to the Committee on the Post Office and Post Roads.

9492. By Mr. TABER: Petition of Mrs. Earl F. Smith and others in support of House bill 8739; to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 14, 1936

The House met at 12 o'clock noon.

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

We bless Thee, our Father, that there is in this great wondrous, yet blind, world a presiding Deity named Love. We thank Thee that He will carry us through the night and the flood to the shore of untroubled hearts. Wherever there is nobility, patience, sweetness, and goodness; wherever there is heroism among men, and whatever there is of good report, we praise Thee that these virtues are of Thee, the eternal and universal Father. Be Thou a providence unto all in our country who are wrestling against cold and hunger and want. Open the hearts of all men that they may remember the brotherhood that is between man and man. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read.

CONSTRUCTION OF A 300-TON AIRSHIP FOR MILITARY SERVICE

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, the CONGRESSIONAL RECORD of July 2, 1935, printed a brief concerning the construction and operation of two large American commercial airships in trans-Atlantic service, as provided in bill H. R. 2744, which was introduced by my former colleague, the Honorable Fran-