By Mr. CULKIN: Petition of the Madison-Onondaga district of the Dairymen's League Cooperative Association, Inc., of Syracuse, N.Y., requesting the President to immediately exercise the powers granted him by Congress to raise the price of gold to the limit authorized; to the Committee on Ways and Means.

By 49 residents of Cazenovia, N.Y., urging a 4-cent additional tax on oleomargarine; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDEN: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on March 18, 1936, urging the allocation of funds for the relief of needy unemployed; to the Committee on Appropriations.

By letter from the Wilshire Lions Club, of Los Angeles, Calif., containing resolution adopted by the board of directors of that organization, urging the passage of House bill 4688 and Senate bill 2196, the purpose of which is to rehabilitate employable blind persons in the United States by permitting them to operate newsstands in Federal buildings, to find other suitable stand locations, and to make a national survey of industries wherein blind persons can be employed, and the blind, to purchase, and supervise blind persons in such jobs; to the Committee on Labor.

By Mr. CONNERY: Petition of the New England section of the Society of American Foresters, endorsing the efforts of the Federal and State agencies in eradication of the Dutch elm disease, together with the program of sanitation, by removal of dead and dying elms which are potential sources of spread of the disease; and that the Federal appropriation for Dutch elm disease eradication for the coming year be not less than $3,000,000; that these funds be made available upon appropriation, or, in any case, not later than April 1, 1936, in connection with and under the regulations governing the regular functions of the Department of Agriculture; to the Committee on Agriculture.

By petition of the General Court of Massachusetts, memorializing the Congress of the United States relative to requiring that preference be given to citizens of the United States in employment on unemployment-relief projects financed by Federal funds; to the Committee on Appropriations.

By petition of the General Court of Massachusetts, memorializing Congress against legislation violating the letter or spirit of neutrality; to the Committee on Foreign Affairs.

By petition of the State health officers of the New England States, in connection with Senate bill 3958, favoring steps to promote the betterment of New England streams and shore waters by antipollution measures; that the adoption by the New England States of interstate compacts to abate water pollution is the most satisfactory method of accomplishing that purpose; that no extension of Federal control over streams is desirable; that the activities of the Federal Government should be restricted in the field of stream pollution to fact finding and coordination and stimulation of State and Interstate programs and to directing the promotion of interstate compacts with the cooperation of the interested States; that the establishment of standards of water purity in particular areas and the enforcement of antipollution measures should be delegated to the States as provided for in compact agreements; to the Committee on Rivers and Harbors.

By Mr. LAMINBECK: Petition of Elizabeth S. Tilto, Mary H. Taylor, secretary, Young Women's Foreign Missionary Society, Columbus, Ohio, urging early hearings on motion pictures now before Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK: Memorial of the Massachusetts General Court, memorializing the Congress to require the President to include in the United States in employment on unemployment-relief projects financed by Federal funds; to the Committee on Appropriations.
I also announce that the Senator from North Carolina (Mr. Reynolds) is detailed at the Department of Labor on official business.

Mr. AUSTIN. I announce that the senior Senator from Delaware (Mr. Hastings), the junior Senator from Delaware (Mr. Townsend), the Senator from Iowa (Mr. Dickinson), and the Senator from Wyoming (Mr. Carter) are necessarily absent because of official business.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

LOANS AND ADVANCES UNDER NATIONAL HOUSING ACT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4212) to amend section 2 of the National Housing Act, relating to the Board of Trade of New York, favoring the reenactment of the so-called workers' rights amendment to the Constitution, which was referred to the Committee on the Judiciary.

The VICE PRESIDENT also laid before the Senate a letter in the nature of a memorial from the South Carolina Aeronautics Commission, Columbia, S. C., praying for the creation by the Senate of a committee on air commerce and civil aviation, which was referred to the Committee on Rules.

Mr. COPELAND presented a resolution of Local No. 574, National Federation of Farters, of New York City, N. Y., favoring the reenactment of Federal expenditures and the imposition of direct taxes, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Retail Dry Goods Clerks Union; the A. W. P. R. A.; Local No. 164, Bakery and Confectionery Workers International Union, and Branch No. 417 of the Workmen's Circle, all of New York City, N. Y., favoring the reinstatement of postal employees who quit the service for their own personal gain, and also favoring the establishment of a civil-service court of appeals, which was referred to the Committee on Civil Service.

He also presented resolutions adopted by the New York Board of Trade, of New York City, N. Y., favoring the reduction of postal wages and the imposition of direct taxes, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Chamber of Commerce of Canastota, N. Y., opposing Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a paper in the nature of a petition from the Saranac Lake (N. Y.) Bar Association, praying for the reenactment of Senate bill 2944, to prevent and make unlawful the practice of law before the Government departments, bureaus, commissions, and other agencies by those other than duly licensed attorneys at law, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the nursing committee of the Henry Street Visiting Nurse Service, New York City, N. Y., favoring the enactment of legislation to exempt licensed physicians, hospitals, and clinics from the provisions of law now excluding contraceptive supplies and literature relating to birth control from the mails, and common carriers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New York Board of Trade, of New York City, N. Y., favoring the establishment of a uniform rate of 2 cents per ounce on first-class mail matter within the city of New York, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Jackson Heights and vicinity, Long Island, N. Y., praying for the reenactment of the so-called workers' rights amendment to the Constitution, which was referred to the Committee on Post Offices and Post Roads.
IMPORTATION OF COTTON GOODS FROM JAPAN

Mr. W. A. WALSH. Mr. President, I ask unanimous consent to have printed in the Record, treated as a petition, and appropriately referred a letter I have received from the Secretary of the National Association of Cotton Manufacturers, Boston, Mass., giving information, including a table, prepared by the Cotton Textile Institute, on the continued and increasing importation of cotton goods from Japan.

There being no objection, the letter and the table were referred to the Committee on Finance and ordered printed in the Record, as follows:

THE NATIONAL ASSOCIATION OF COTTON MANUFACTURERS,
Boston, Mass., March 25, 1936.

Hon. David I. Walsh, Chairman, Committee on Finance, House of Representatives, Washington, D. C.

DEAR SIR: You will doubtless recall the pleasant conference we had with you about 2 months ago regarding importations from Japan, and in this connection I wonder whether the figures for January covering importations of cotton piece goods from Japan have come to your attention? A total of 6,812,986 square yards were imported for consumption, which is a volume more than double that of January 1935, and some 2,000,000 square yards greater than that of the peak month of February 1935. This is at the rate of over 80,000,000 square yards per year, compared with a total for all of 1934 of 34,474,000 square yards.

To give you a more complete picture, I am enclosing a table of importations of these cotton piece goods from Japan for a period of years, the greatest bulk of which, it will be noticed, is in the handkerchief and underwear trades which is sorely oppressed by the imports from Japan. The active season for velveteens is June and handkerchiefs—is seen .

Yours very truly,

RUSSELL T. FISCHER.

The Cotton-Textile Institute, Inc.,

DEAR SIR: You will recall that I wrote to you early in 1935, purporting last year is estimated to be over 50 percent of the domestic production for that year. The importation rate extends from late May, inclusive, which accounts for the substantial falling off of imports commencing in November 1935.

Another most disturbing development has been the arrival in this country during December 1935 and January 1936 of over 100,000,000 square yards of Japanese cloth under the unbleached classification. Last May, at a hearing before the Tariff Commission, in the matter of importations of bleached goods from Japan, representatives of the Japanese importers claimed that it was not practicable or possible for the Japanese exporters to extend their activities with respect to shipments to the United States to other types of cloth. New orders, since that time we have seen the tremendous expansion of receipts in this country of cotton velveteens, and more recently the above-mentioned unbleached goods.

There is nothing of special merit in these importations. They are largely imitations of American cloths, but with Japanese labor costs only one-seventh or one-eighth of our labor costs, the effectiveness of the Tariff Act of 1929 is completely destroyed. Consequently we find Japanese bleached goods selling in our markets in three-fourths to five-eighths of the price of comparable American goods; also Japanese velveteens from 10 to 25 cents a yard below the cost of comparable American products. And this does not reflect the full effect of Japanese labor costs, which normally sell in price brackets bearing certain relationships to goods now in competition with Japanese goods, are adversely affected, first, by the destruction of the open market by the Tariff Act, and second, by the threat of extension of activities by Japanese imports to types of cloth hitherto not brought into this country.

Needless to say, there will be little opportunity for our industry to make any further contribution toward relieving the unemployment situation when a rapidly increasing proportion of its markets is being supplied by a foreign country. Nor can our industry be expected to contribute materially toward unemploy­

Claudius T. Murchison.

United States Imports from Japan

(U.S. Department of Commerce, Bureau of Foreign and Domestic Commerce)

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APPORTIONMENT OF FUNDS FOR SLUM CLEARANCE

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the Record, treated as a petition, and appropriately referred, a letter I have received from the secretary-treasurer of the Massachusetts State Federation of Labor, enclosing a resolution adopted by the executive council of the federation, urging the apportionment of funds for the purpose of subsidizing through local agencies the work of slum clearance.

There being no objection, the letter was referred to the Committee on Appropriations, and ordered to be printed in the Record, as follows:

MASSACHUSETTS STATE FEDERATION OF LABOR,
Boston, Mass., March 24, 1936.

Hon. DAVID J. WALSH,
United States Senator.
Office Senate Building, Washington, D. C.

DEAR SENATOR WALSH: At the meeting of the executive council of the Massachusetts State Federation of Labor held on Friday, March 20, it was voted to urge you to consider favorably the apportionment of funds for the purpose of subsidizing through local agencies the work of slum clearance.

For the past 4 years the rate of building for family living units has been but 15 to 20 percent of the living units in existence. The Federal Housing Administration has failed to provide the necessary new construction in the field of single-family dwellings or of low-cost multiple units.

During the past 2½ years we have perfected in Massachusetts a responsible State housing board, along with local housing authorities, who, we feel, are capable of dealing with housing problems.

We now believe that the time is opportune to give consideration to large groups of people who have not had an opportunity to live under decent and sanitary conditions. We request that a substantial amount of money scheduled for relief be diverted toward the providing of legitimate employment in projects of a self-liquidating nature. This would not only provide employment, but it would assure for large numbers of wage earners an opportunity to live in quarters conforming to a decent American standard.

Very truly yours,
ROBERT J. WATT,
Secretary-Treasurer.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3784) to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 1733) thereon.

Mr. DUFFY. From the Committee on Military Affairs, I report favorably a joint resolution to award a posthumous Congressional Medal of Honor to a very distinguished soldier of Tennessee, who, we feel, is capable of dealing with housing problems.

We now believe that the time is opportune to give consideration to large groups of people who have not had an opportunity to live under decent and sanitary conditions. We request that a substantial amount of money scheduled for relief be diverted toward the providing of legitimate employment in projects of a self-liquidating nature. This would not only provide employment, but it would assure for large numbers of wage earners an opportunity to live in quarters conforming to a decent American standard.

Very truly yours,
ROBERT J. WATT,
Secretary-Treasurer.

MODIFICATION OR CANCELLATION OF CERTAIN CONTRACTS

Mr. McKELLAR. From the Committee on Post Offices and Post Roads, I report that the joint resolution (J. Res. 238) to extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act, 1934, and I submit a report (No. 1734) thereon.

The joint resolution reported by Mr. Duffy, from the Committee on Military Affairs, is Senate Joint Resolution 210, authorizing the President of the United States to award a posthumous Congressional Medal of Honor to William Mitchell, of Tennessee.

Mr. WHITE. Has the joint resolution been considered by any committee?

Mr. McKELLAR. Oh, yes. It was before the Committee on Post Offices and Post Roads this morning, and was unanimously reported by that committee. We will have to act quickly, because the 31st of March is not far away, and the joint resolution will have to go to the House for action. I hope the Senator from Maine will see fit to make no objection.

Mr. WHITE. Has the Senator from New York [Mr. COPELAND], the chairman of the Commerce Committee, given consideration to the joint resolution?

Mr. COPELAND. Mr. President, I have been spoken to about the joint resolution. It is a matter of utter indifference to me whether or not it passes. Last year I tried to have the time extended to the 30th of June, but the Senate was not willing to do so. So far as I am concerned, I do not care whether it passes or not. I do not pass. I repeat, it is a matter of utter indifference to me.

Mr. JOHNSON. Mr. President, is it the design of the joint resolution to extend the time for action upon the contracts which are now existing until real action may be taken or action may be defeated upon a merchant-marine bill?

Mr. McKELLAR. That is true.

Mr. JOHNSON. That is the purpose of it?

Mr. McKELLAR. That is the purpose, simply to extend the time for 60 days.

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

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

Mr. McKELLAR. I ask that the report of the committee accompanying the joint resolution may be printed in the Record at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

[8 Sept. No. 7329. To accompany S. J. Res. 298]

The Committee on Post Offices and Post Roads of the Senate, to which was referred Senate Joint Resolution 238, a resolution to extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act, 1934, after having considered the same, beg
leave to report the resolution back to the Senate with the recom-
mem leation that the same do pass.

Section 5 of the Independent Offices Appropriation Act, 1934, as amended, provides as follows:

"Sec. 5. Whenever it shall appear to the President, in respect of any contract made by the United States prior to the date of enactment of this act for the transportation of persons or things, that the full performance of such contract is not required in the public interest, and that modification or cancelation of such contract will result in substantial savings to the United States, the President is hereby, upon giving 60 days' notice and opportunity for public hearing to the parties to such contract, authorized, in his discretion, on or before April 30, 1935, to modify or cancel such contract. Whenever the President shall determine that for any such contract, he shall determine just compensation therefor; and if the amount thereof, so determined by the President, shall be insufficient to satisfy the individual, firm, or corporation entitled to receive the same, such individual, firm, or corporation shall be entitled to receive such portion thereof as the President shall determine. EXPENDITURES shall be entitled to sue the United States to recover such further sum as, added to said portion so received, will make up such amount as will be just compensation therefor, in the manner provided for by paragraphs 29 of section 41 and section 260 of title 26 of the United States Code: Provided. That where any such contract makes provision for settlement in the event of modification or cancelation, the amount of just compensation of which payments upon the said contract were authorized to be valid. The President has not yet acted on that report, and the time within which he may act expires March 31, 1936. Under the authority of that act the Postmaster General made a lengthy report some time ago concerning each and every one of the said contracts, and has reported that the provisions of such just compensation as determined hereunder shall not exceed such amounts as are authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation."

Under the authority of that act the Postmaster General made a lengthy report some time ago concerning each and every one of the said contracts, and has reported that the provisions of such just compensation as determined hereunder shall not exceed such amounts as are authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation. The President has not yet acted on that report, and the time within which he may act expires March 31, 1936. Under the authority of that act the Postmaster General made a lengthy report some time ago concerning each and every one of the said contracts, and has reported that the provisions of such just compensation as determined hereunder shall not exceed such amounts as are authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation.

Your committee recommends the passage of this resolution.

INVESTIGATION OF LOBBYING ACTIVITIES—INCREASE IN LIMIT OF EXPENDITURES

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, Senate Resolution 254 and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution reported by the Senator from South Carolina?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 254), submitted by Mr. Black on the 12th instant, reported by the Special Committee to Investigate Lobbying Activities, referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and by the Senate with amendments to the appropriations bill, had cut down the appropriation for ocean mail from $36,500,000 to $4,500,000 on the theory that subsidy legislation would be had at no expense.

The Post Office Department desires that the time of the President be extended for 60 days so that the bill which has been reported from the Senate Committee on Commerce may be considered.

Your committee recommends the passage of this resolution.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 26, 1936, that committee presented to the President of the United States the enrolled bill (S. 3899) to authorize the coinage of 50-cent pieces in commemoration of the fiftieth anniversary of the University of Cincinnati, Ohio, as a center of music and its contribution to the art of music for the past 50 years.

BILLS INTRODUCED

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

By Mr. POPE: A bill (S. 4376) to revise the tax on farm; to the Committee on Finance.
Those amendments are contained in S. 1424, which is the pending unfinished business before the Senate, having been temporarily laid aside for consideration of the agricultural appropriation bill.

Also I call to endorse the general program set forth in these resolutions, and I especially urge careful consideration by the Senate of the recommendation that the Argentine convention pact be not ratified. I am strongly opposed to the ratification of that pact, as I believe it would result in large importations of cattle and beef from the Argentine, which would subject our cattle to foot-and-mouth disease. I ask that this resolution be printed as a part of my remarks at this point.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

KANSAS LIVESTOCK ASSOCIATION
Topeka, Kans., March 16, 1936.

Senator Arthur Capper, Washington, D. C.

Dear Senator Capper: Please send me a copy of the principal resolutions passed at the annual convention of the Kansas Livestock Association in Topeka, March 6, 1936, which have reference to matters of national importance. I am sure these resolutions express the views of every thinking farmer and livestock producer in the state section of the country, and I hope I may appeal to the members of the Kansas delegation in Washington.

Very truly,

J. H. Mercer, Secretary.

Resolutions adopted at the annual convention of the Kansas Livestock Association in Topeka, Kans., March 6, 1936

(1) We demand protection for fats and oils of both vegetable and animal origin produced in continental United States against the competition of vegetable oils of foreign origin. We specifically demand that excess taxes be maintained in respect to the domestic utilization of coconut oil produced in the Philippines.

(2) We recommend that the United States Bureau of Animal Industry for eradicating the hoof and mouth disease and other foreign infections from our livestock. We urge strict regulations be maintained against the re-entrance of contagious diseases now present in foreign countries. We further urge legislation to prevent importation of dairy products unless such products are produced from herds free from tuberculosis and other contagious and infectious diseases.

(3) We urge the passage by Congress of the Capper-Hope-Wearin amendments to the Packers and Stockyards Act of 1921.

(4) We urge that the passage by Congress of the Capper-Hope-Wearin amendments to the Packers and Stockyards Act of 1921.

AMERICAN AND FOREIGN FLAG SHIP OPERATION

A. Moore and McCormack Steamship Co., New York. As per the enclosed advertisement, taken from the New York Journal of Commerce on page 1 of the enclosed exhibit, we find that this company are owners of the American Scantic Line. With reference to the operation of this line, I call your attention to the fact that no new tonnage has been provided for by the owners, and the reconditioning done on some of their vessels is of secondary character. They operate the Mooresk Lines, which is a foreign-flag service to South America, in direct competition with the American-flag subsidized Munson Line, which is in bankruptcy and in the process of reorganization by the Shipping Board. Foreign-flag ship operators in this country are not expected to fight their American competitors and do not have to compete with American ships. It is a pity that our government should continue to subsidize this foreign line in the face of competition from our own lines. This, I believe, should be a matter of concern to the Senate Committee on Commerce and Labor.

B. Another member of this conference is Barber Lines, of New York. Owners of the American West African Line, a subsidized American-flag service. However, Barber Lines operate foreign-flag ships on the Far East trade, which are in competition with the Shipping Board. As to this question, I call your attention to the fact that no new tonnage has been provided for by the owners, and the reconditioning done on some few of their vessels is of secondary character. They operate the Mooresk Lines, which is a foreign-flag service to South America, in direct competition with the American-flag subsidized Munson Line, which is in bankruptcy and in the process of reorganization by the Shipping Board. Foreign-flag ship operators in this country are not expected to fight their American competitors and do not have to compete with American ships. It is a pity that our government should continue to subsidize this foreign line in the face of competition from our own lines. This, I believe, should be a matter of concern to the Senate Committee on Commerce and Labor.

C. Barber Lines of New York. An American shipbuilding company, owners of the American-flag subsidized services, The American-East African Line. This is a foreign flag service operated and owned by the American-South African Line, a subsidized service operated and owned by the American-South African Line, Inc. As to this American-East African service, I call your attention to the fact that no new tonnage has been provided for by the owners, and the reconditioning done on some few of their vessels is of secondary character. They operate the Mooresk Lines, which is a foreign-flag service to South America, in direct competition with the American-flag subsidized Munson Line, which is in bankruptcy and in the process of reorganization by the Shipping Board. Foreign-flag ship operators in this country are not expected to fight their American competitors and do not have to compete with American ships. It is a pity that our government should continue to subsidize this foreign line in the face of competition from our own lines. This, I believe, should be a matter of concern to the Senate Committee on Commerce and Labor.
mail contracts and possible loss of services as a result of the two investigations into shipping and the evidence thereof, these so-called American ship operators have been compelled, under pain of a court order, to pay 
for continuation of their mail contracts under a threat of turning back their ships and going into foreign-ship operation, as they have deliberately threatened such action by showing what appear to be attractive ship-construction offers from foreign yards and attractive charters for foreign trade owned by foreign shipowners to certain Government officials having to do with the formulation of our shipping legislation.

This campaign has resulted in an apparent attitude of "leniency" toward these operators threatening such foreign-ship operation, who have been condemned in the reports of the Black committee and the Postmaster General. I question whether anything constructive can be accomplished for the operators until these threats have been completely nullified, completely thrown out of American-flag shipping, and the administration of our shipping and merchant marine placed in the hands of courageous officials who will not be lenient in the face of such threats of foreign construction and operation.

I have every desire to be fair and just in my opinions, and conclusions, but the facts as I have determined them, and truths developed in two investigations of our merchant marine within the last 3 years, compel me to disagree sharply with the views of the enclosed article and bring this matter to your attention.

Thanking you for your kind consideration, I remain

Yours very truly,

P. J. WILLIAMS

Hon. Senator Bennett C. Clark, Washington, D. C.

Dear Sir: In this morning's New York Tribune I read an article in which Mr. Robert C. Lee, vice president of Messrs. Moore & McCormack, quoted your views on the matter of steamer conferences. In this matter as well as in the vital question of the steamer monopoly in general, I have no opposition in principle to the article herewith copy of my letter of March 23 to the United States Shipping Board, which speaks for itself. There is no question in my mind that steamer conferences are defendant, but the monopoly of trade as you indicate yourself, and I trust that you will take every advantage of every opportunity that such abuses are done away with.

The penalty item is the most pernicious, as this gives the monopolizers the opportunity of establishing the amount of this penalty as a stoppage of their smaller lines from profiting therein. It does seem odd that companies that consider themselves honest should have to make such monetary deposit as a weapon to protect their monopoly, and it does not seem very well for their integrity if that is the only basis that they can do business on. In commercial transactions we find no such penalty requirements; and if a conference member did not live up to his agreement, the other members naturally would have damages that could be easily established at law. On the present basis the monopolizers attribute to themselves the role of the courts, which in itself is also contrary to the fundamentals of our Government.

I have been identified with the steamer business for 25 years. I was the founder of the Rapole Steamship Line, Inc., in 1915; and, after 5 years' development, and being the first steamship line to ply through the Leeward and Windward Islands and Guianas, the Clyde Steamship Line thought well enough of my connections in the Tropics to place in my control $250,000 cash for the purpose of that company plus my obligation to not reenter the steamer business for a period of 10 years. That period has now elapsed, and I have again the full control of my service; and abuses now present can be done away with, I fully expect to have an operation of a line second to none; but if the powerful interests are able to not only get financial support from our Government, but also secure perhaps treble the amount that they are entitled to, are allowed to continue on the present status quo, then I doubt as to whether other good Americans can find their place under the sun in the shipping world. I might state that I have also been a member of the maritime committee of the New York Maritime Exchange, as well as a member of the New York Produce Exchange for 27 years, and I offer you my personal ranger services in any direction that you may care to utilize same.

Yours truly,

RAPHEL STEAMSHIP LINE, Inc., NEW YORK, March 21, 1936.

EDWARD M. RAPHEL, President.

DEPARTMENT OF COMMERCE,
United States Shipping Board Bureau, Washington, D. C.

Gentlemen: Before I leave for New York, and thank you for agreement no. 4610, called the United States Atlantic and Gulf Forte-Jamaica (B. W. I.) Steamship Conference, and which we note was approved by the Black committee on November 4, 1935, and which was eventually amended on January 2, 1936, and which we note was approved by the Black committee on October 7, 1935, is in absolute restraint of trade and consequently shows to have no place in the rules and regulations of business in America. The paragraph in question refers to the deposit of a sum of money, in cash or otherwise, of $10,000, and which in itself might be sufficient revenue for the expected life of this agreement, and which is an absolute restraint of trade. The acceptance of such restraint by your Bureau in the sum of $10,000 might grant privileges to this conference which should not have been granted since it was being used to shut out other shippers that might have liked to join such conference. The monopolizing of this business is further controlled by clauses 16 and 18.

Before proceeding further in this matter, we would appreciate your decision as to whether you consider such conference within the laws prohibiting restraint of trade.

Yours truly,

EDWARD M. RAPHEL, President.

INFLATION—ADDRESS BY PROF. H. B. HASTINGS

Mr. RONEGAN. Mr. President, I ask unanimous consent to have inserted in the Record a radio address on the question of Inflation Address delivered by Prof. Hudson B. Hastings, of Yale University.

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

Ever since the summer of 1933, when the weight of gold in the country was reduced by 41 percent, there has been an increasing amount of talk about inflation. And it is well that there should be, for we are now faced with the danger of a disastrous inflation period.

There are many definitions of the term, but to the average person inflation means a rise in the prices of goods and services to which he is subject, and which are generally the more disastrous the consequences. There is not a single economist in this country that considers that the only basis that they have which have typically prevailed in recent years. This is not a satisfactory definition to economists but it is the sense in which I will consider the term in this talk.

If asked their opinion, practically all Americans would say that they are opposed to inflation, but it would be, on the whole, a pathetic fact that their opinions are based on the recognition of the terrible consequences of inflation, and, secondly, they do not know that its causes are being treated as causes that are irremediable.

In the first place, few people fully realize the terrible consequences of inflation, and, secondly, they do not know that its causes are being treated as causes that are irremediable.

Now it is possible to classify inflation, as I have just defined the term, into two general types. First, slow inflation, which is a somewhat moderate and irregular, but nevertheless sustained increase in prices over a long period of time. Second, rapid inflation, or a very sharp increase in prices over a short period of time which is always followed by a collapse of prices and business activity.

An example of the first type was the rise in prices of about 40 percent from 1897 to 1914. An example of the second was the rise in prices of 150 percent from 1915 to 1920, followed by the severe drop in both prices and business activity in 1921.

Few economists classify these two American experiences as examples of inflation, since during the entire period, all forms of money were freely redeemable in gold. But call them what you will, the fact remains that both price movements caused much injustice and suffering. Now let us examine why.

During a period of slow inflation the real income of all those who work for others suffers a decline. This is because increases in wages and salaries always lag, both relatively and absolutely, behind the rise in the cost of living. Farmers also lose heavily because the prices of the products of their toil rise less rapidly than the prices of the goods which they purchase.

Still greater injustice is done to all those who have placed their savings or endowments in savings banks, bonds, mortgages, notes, life-insurance policies, or preferred stocks. The principal of their savings or endowments in savings banks, bonds, mortgages, notes, life-insurance policies, or preferred stocks. The principal of their savings and the income therefrom remains an absolutely fixed number of dollars but the buying power of these dollars gradually diminishes. The thrifty are cheated out of the just rewards of their hard work and the sacrifices of saving. Likewise, pensioners, both public and private, suffer a progressive reduction in what their pensions will buy.

The only people who gain by slow inflation are some of the owners of business and the speculators. First, slow inflation which is a somewhat moderate and irregular, but nevertheless sustained increase in prices over a long period of time always has, in most cases, far greater than the temporary gains during the prior period of rising prices. Only a negligible number of shrewd stock speculators gain in the long run, from rapid inflation. For practically everybody it means financial disaster and suffering, often for a lifetime.

Thus slow inflation works injury to employees, pensioners, both public and private, suffering a progressive reduction in what their pensions will buy. It is certainly conservative to say that 9 out of every 10 people suffer a material and wholly unjust loss in the buying power of their paper income during a slow inflation.

In a rapid inflation these losses and injustices are greatly increased, and, in addition, every rapid inflation in this and all other countries has always ended in a collapse of business activity and severe depression. The greater and more rapidly the rise in prices, the more disastrous the consequences. There is not a single exception on record.

Even the owners of business and industry, and the financiers, also suffer losses on the collapse of March 10 and thank you for agreement no. 4610, called the United States Atlantic and Gulf Forte-Jamaica (B. W. I.) Steamship Conference, and which was eventually amended on January 2, 1936, and which we note was approved by the Black committee on October 7, 1935, is in absolute restraint of trade and consequently shows to have no place in the rules and regulations of business in most cases, far greater than the temporary gains during the prior period of rising prices. Only a negligible number of shrewd stock speculators gain in the long run, from rapid inflation. For practically everybody it means financial disaster and suffering, often for a lifetime.

Thus slow inflation works injury to employees, pensioners, both public and private, suffering a progressive reduction in what their pensions will buy. It is certainly conservative to say that 9 out of every 10 people suffer a material and wholly unjust loss in the buying power of their paper income during a slow inflation.
shall have to confine myself to an unsupported general statement that inflation will sooner or later occur when the volume of money in circulation increases at a faster rate than the growth in the physical volume of business. By money, I mean to include both hand-to-hand money and commercial bank deposits. Conditions of this kind have created and put into circulation by the process of financing the Government deficits by borrowing from the banks.

In our own country the rapid increase of prices by 150 percent from 1915 to 1920 was primarily due to the influx of gold from Europe, resulting in an increase in the quantity of bank money, the flow of new gold. Wages and salaries lagged seriously behind the rise in prices. Pensioners and those dependent on the income from savings felt the pinch.

Then even more intense suffering followed the inevitable consequences. Inflation which can be created on the given gold reserves and therefore a possibility that anything like it would happen here is not the slightest question. If the country maintains a gold standard, that is, all forms of money being freely redeemable in gold dollars of a fixed weight, then there is a rather definite limit to the amount of money which can be created. The quantity of gold reserves and the channel through which money is circulating, or the number of checks which can be put into circulation, are the factors that fix the amount of money that can be put into circulation.

If, however, we reduce the weight of gold in the dollar we increase the positive degree of inflation, and if we abandon the gold standard and permit the creation of government debt, the possibility of an indefinite increase in the supply of money exists. There is no limit to the amount of money that may be put into circulation, and therefore no limit to the amount of additional purchasing power that may be introduced.

This is the most insidious and dangerous form of inflation. Once a country embarks on financing a governmental deficit by paper money it is forced to throw all the weight of the Government with our business activity. By money, I mean the quantity of bank money, or of any form of money, which can be created on the given gold reserves and therefore a maximum ratio of the amount of money that can be created on given gold reserves to the amount of gold reserves. The Budget recently recommended to Congress by the Board of Governors of the Federal Reserve System, I think, was a mistaken estimate of the possible degree of inflation, and therefore a possible ratio of the amount of money that can be created on given gold reserves to the amount of gold reserves. It was printed in Collier's Weekly for March 21, 1936.

The steps which should be taken to prevent this inflation which has so far been beyond our power to prevent and which will bring disaster to its citizens.

The post-war paper-money inflation in France permanently wiped out four-fifths of the savings of the thirteenth and twentieth centuries that had been placed in apparently the most secure form. In Germany such savings were entirely wiped out.

In our own country the rapid increase of prices by 150 percent from 1915 to 1920 was primarily due to the influx of gold from Europe, resulting in an increase in the quantity of bank money, the flow of new gold. Wages and salaries lagged seriously behind the rise in prices. Pensioners and those dependent on the income from savings felt the pinch.

If we would never permit their representatives in Congress to pass the law, which would give the President power to issue $3,000,000,000 of greenbacks and the further power to devalue the gold dollar by another 17 percent; Second, Repeal the Silver Purchase Act of 1934; and Third, and most important of all: Immediately and drastically reduce Federal expenditures and increase taxes to a point where the revenues and increase in national deficit by the process of financing the Government with the banks.

The steps which should be taken to prevent this inflation which has so far been beyond our power to prevent and which will bring disaster to its citizens.

This is the first step to be taken in the fight of the people against the present dangers of inflation, but let no one suppose that a decisive victory over the paper-money inflationist will remove all danger of a tremendous rise in prices in this country in the near future. Far from it.

First. Increase money stock.

Congress has directed the Secretary of the Treasury to buy silver, and now we have added about $450,000,000 to our silver-secured money, and, although it is not yet a potent influence, unless this continues, inflation will result in a considerable degree of inflation. For the moment, however, the gold situation and the heavily unbalanced Federal Budget constitute the greatest single menace to inflation of magnitude than we suffered from 1915 to 1920.

We now have $16,000,000,000 of gold reserves in our banking system, as compared with $4,000,000,000 in 1929, and gold is still pouring in from abroad. The principal cause of this enormous increase in our gold holdings was that ill-advised devaluation of the dollar by the President in 1933 to 59 percent of its former gold content. This immediately increased the dollar value of our gold bullion by nearly 70 percent.

Our present gold reserves will permit the creation of a supply of hand-to-hand and bank credit money sufficient to finance full employment and purchase three times as much as those existing today. The Board of Governors of the Federal Reserve System and the Treasury call for no mean part in turning Minnesota's virgin forests into fields and orchards.

The Budget recently recommended to Congress by the President and the Federal Reserve Government cooperates by balancing its budget.

If the Budget deficit could be financed by the sale of Government bonds to those who have real savings to invest, rather than to the commercial and Federal Reserve banks, it would not put an undue burden on the present credit situation, which I have not time to explain, the deficit must continue to be largely financed by the banks, or, in other words, by credit of the people. Six billion dollars of bank credit money have already been created and put into circulation by the process of financing the Government deficits by borrowing from the banks.

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A BIGGER AND BETTER NEW DEAL

To give his radicalism an even more respectable background, he was the law to become a bank commissioner. As a young partner in the House of Morgan that to a representative of the rampant and rebellious democracy of the Northwest.

To make attack by Senate conservatives even more difficult, they will not be able to tell him to go back where he came from if he doesn't like it here. As it happens, Master Elmer was born in Eugene, Minn., and quit a law school to go to France to fight for his country. His parents, it is true, were immigrants, but they came from solid, substantial Norway as far back as 1866 and 1867 and have been no objectivity, and the article was ordered to be printed in the Record, as follows:

[From Collier's for Mar. 21, 1936]
Deals has only pecked at problems. Instead of going too far, it has only made an encouraging start. Take, for instance, his attitude toward the A. A. A. "Good enough in theory, but patently a makeshift." Leaning forward, he tapped the desk with well-tended fingers by way of emphasis. There can be no such thing as real recovery until the crucial problem of the depression has been affected from agriculture. The Frazier-Lemke bill goes straight to the heart of the matter. Three billion dollars' worth of farm produce is purchased by the Government Credit Administration bonds that will be used to take up farm mortgages under a long-term financing plan at low interest rates.

"Printing-press money!" His smile was one of amused tolerance. "What have we got right now? Our currency is not redeemable in gold. It is nothing on earth but the Government's promise. What's that, one of our cherished institutions? As a matter of fact, it is merely an ordinary commercial sales receipt, nothing more than an object to the calendar, because I am sure there is no objection to the measure.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3450) to regulate the sales of goods in the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows: Be it enacted, etc., That on and after July 1, 1933, all sales of goods in the District of Columbia shall be made under and in accordance with the following provisions of law:

PART I

FORMATION OF THE CONTRACT

Section 1. Contracts to sell and sales: (1) A contract to sell property is a contract whereby the seller transfers or agrees to transfer title in goods to the buyer for a consideration called the "price." (2) A sale of goods is an agreement whereby the seller transfers property in goods to the buyer for a consideration called the "price." (3) A contract to sell or a sale may be absolute or conditional. There may be a contract to sell or a sale between one party owner and another.

Section 2. Capacity—Liabilities for necessaries: Capacity to buy and sell is regulated by the law of the place of contract and to transfer and acquire property.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor. "Necessaries" in this section means goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

NORMALITIES OF THE CONTRACT

Sec. 3. Form of contract or sale: Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

Sec. 4. Statute of frauds: (1) A contract to sell or a sale of any goods or choses in action in writing signed by the party to be charged and witnessed by one or more witnesses shall not be enforceable by action unless the buyer shall accept, or the seller shall accept, a part of the goods or choses in action so contracted to be sold or sold, and actually receive the same or something in earnest to bind the contract, or in part payment, or unless some note or memorandum of writing of the contract or sale be signed by the party to be charged or his agent in the manner prescribed by statute. (2) The provisions of this section apply to every such contract or sale, notwithstanding that the means goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer, and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

Sec. 5. There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT

Sec. 6. Existing and future goods: (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in which case called "future goods." (2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen. (3) Where the parties purport to effect a present sale of future goods the agreement operates as a contract to sell the goods. SEC. 7. Unliquidated shares of stock: (1) There may be a contract to sell a share or an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

CONSIDERATION OF THE CALENDAR

The VICE PRESIDENT. Under the order entered yesterday, the Senate will proceed with the consideration of unobjected bills on the calendar, beginning with the number at which the Senate left off yesterday.

SALES OF GOODS IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, yesterday when Senate bill 3450, being Order of Business No. 1599, was reached on the calendar, the Senator from North Dakota [Mr. FRAZIER], believing that it is provided for the imposition of a sales tax, interposed a point of order. If it merely is an ordinary commercial sales measure such as obtained in a number of States of the Union, I now ask unanimous consent to recall to that bill on the calendar, because I am sure there is no objection to the measure.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3450) to regulate the sales of goods in the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows: Be it enacted, etc., That on and after July 1, 1933, all sales of goods in the District of Columbia shall be made under and in accordance with the following provisions of law:

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Sec. 5. There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

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Sec. 6. Existing and future goods: (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in which case called "future goods." (2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen. (3) Where the parties purport to effect a present sale of future goods the agreement operates as a contract to sell the goods. SEC. 7. Unliquidated shares of stock: (1) There may be a contract to sell a share or an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.
(3) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight, or measure of a specific mass, if the number, weight, or measure of the goods in the mass is underdetermined. By such sale the buyer becomes owner in common of such a share of the mass as he has procured, the buyer thereby acquiring a legal or equitable interest in the share. If the mass contains less than the number, weight, or measure bought, the buyer becomes owner of the whole mass, as the number, weight, or measure of the mass. If the mass contains more than the number, weight, or measure bought, the buyer becomes owner of a share of the mass, as the number, weight, or measure of the mass. If the mass contains the number, weight, or measure bought, the buyer makes good the deficiency from similar goods unless a contrary intent appears.

Sec. 7. Destruction of goods contracted to be sold: (1) Where there is a contract to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement was made, the contract is thereby voided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract as in case of a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole of the goods so perish or the whole of the goods perishes at the time when the agreement was made, the contract is thereby voided.

(3) If the goods are to pass to the buyer if the condition should happen, Rule 19. Rules for ascertaining intention: Unless a contrary intent appears, there is (a) Where there is a contract to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement was made, the contract is thereby voided.

(4) Where the goods are to pass to the buyer if the condition should happen, Rule 19. Rules for ascertaining intention: Unless a contrary intent appears, there is a sale, unless a contrary intention appears, there is—

(a) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(b) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract was made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell goods, the property in which the goods are sold, unless he have a legal or equitable interest.

Sec. 11. Implied warranties of quality: Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be merchantable quality.

(3) Where the buyer has examined the goods, or has had a reasonable opportunity of comparing the goods with similar goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(a) An implied warranty of fitness as to the quality or fitness for a particular purpose may be annexed by the usage of trade.

(5) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SECOND SCHEDULE

PART I

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

Sec. 17. No property passes until goods are ascertained: Where there is a contract to sell specific or ascertained goods, the property in the goods is transferred to the buyer unless and until the goods are ascertained, but notwithstanding the fact that the property in the goods has not passed to the buyer, any promise by the vendor to deliver goods, the property in which is to pass to the buyer, may be revoked by the vendor and the property in the goods transferred to the buyer, if such act of the vendor is not contrary to the contract to sell or a sale, unless a contrary intention appears.

Sec. 18. Property in specific goods passes when parties so intend: (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

(3) Rel. 19. Rules for ascertaining intention: Unless a contrary intent appears, the following are the rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract to sell specific goods, the property in the goods is transferred to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of preserving them in a deliverable state, the property does not pass until such time is done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return" or "on trial" or "on trial and return," or on other similar terms, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

(b) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;
(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault towards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE

Sec. 23. Sale by a person not the owner: (1) Subject to the provisions of this act, where goods are sold by a person not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the validity of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Nothing in this act, however, shall affect—
(a) The provisions of any factors' acts, recording acts, or any enactment enabling the assignee of goods to dispose of them as if he were the true owner thereof.
(b) The validity of any contract to sell or sale under any special law or statutory condition of sale or under the order of a court of competent jurisdiction.

Sec. 24. Sale by one having a voidable title: Where the seller of goods has a voidable title, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

Sec. 25. Sale by seller in possession of goods already sold: Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title to another, is sufficient to transfer title therefrom, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall be valid as against any subsequent transferee who is not a holder in due course, if the delivery or transfer were expressly authorised by the owner of the goods to make the same delivery or transfer.
SEC. 34. Rights of person to whom document has been transferred: A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferee of the document, all the rights of the person in whose hands the document was at the time when the endorsement is actually made, to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferee of a nonnegotiable document of title, the transferee of such bailee, be it by endorsement or otherwise, shall be deemed to have one, and, if not, his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the party to whom the contract was given are in some other place, then that place is the place of delivery.

(Where by a contract to sell or a sale the buyer is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

If the goods at the time of sale are in the possession of a third person, the seller has a legal right to send the goods to the buyer unless a contrary intent appears.

If the goods are sent mixed with goods of a different description not in consequence of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

PART III

PERFORMANCE OF THE CONTRACT

SEC. 41. Seller must deliver and buyer accept goods: It is the duty of the seller to deliver the goods to the buyer as nearly as may be consonant to the nature of the goods and to the circumstances of the case, whether the contract is for the sale of specific goods or goods of a kind commonly sold by description, and the seller must pay for them; in accordance with the terms of the contract to which they relate.

SEC. 42. Delivery and payment are concurrent conditions: Unless otherwise agreed, delivery of the goods and payment of the price shall be concurrent conditions, that is, ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to receive and pay for them.

SEC. 43. Place, time, and manner of delivery: (1) Whether it is for the purpose of taking possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties.

Apart from any such contract, express or implied, or usage of trade, the place of delivery is the place to which the goods are to be sent, or if the goods are specifically described, the place to which the seller is to send them; and in case of a contract to sell or a sale of specific goods, which to the knowledge of the party to whom the contract was given are in some other place, then that place is the place of delivery.

(Where by a contract to sell or a sale the buyer is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

If the goods at the time of sale are in the possession of a third person, the seller has a legal right to send the goods to the buyer unless a contrary intent appears.

If the goods are sent mixed with goods of a different description not in consequence of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SEC. 44. Delivery of wrong quantity: (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains them, or unless a contrary intent appears, the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

If the goods at the time of sale are in the possession of a third person, the seller has a legal right to send the goods to the buyer unless a contrary intent appears.

If the goods are sent mixed with goods of a different description not in consequence of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SEC. 45. Transfer of negotiable document without endorsement: Where a negotiable document of title is transferred for value without an endorsement, the transferee acquires thereby, as against the transferee of the document, all the rights of the person in whose hands the document was at the time when the endorsement is actually made, to hold possession of the goods for him according to the terms of the document.

If the goods at the time of sale are in the possession of a third person, the seller has a legal right to send the goods to the buyer unless a contrary intent appears.

If the goods are sent mixed with goods of a different description not in consequence of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SEC. 46. Delivery in installments: (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SEC. 47. Right to examine the goods: (1) Where goods are delivered to the buyer which he has not previously examined, he is not bound to accept them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(Where goods are delivered to the buyer under circumstances in which the seller knows or has reason to know that it is not practicable for him to examine them, such notice to the buyer as may enable him to inspect them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during the entire transit.

(Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods or reject the whole or any part thereof, or may refuse to accept the goods and treat the same as delivered to the carrier.

(Unless otherwise authorized by the seller, the buyer must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(Unless otherwise agreed, goods are sent by the seller to the buyer under circumstances in which the seller knows or has reason to know that it is not practicable for the buyer to examine the goods, such notice to the buyer as may enable him to inspect them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during the entire transit.

(Where goods are delivered to the buyer, the buyer is bound, on request, to afford the seller reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(Where goods are delivered to a carrier on behalf of the buyer, or otherwise authorized by the buyer, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(Unless otherwise agreed, any such contract, express or implied, or usage of trade to the knowledge of the parties. Apart from any such contract, express or implied, or usage of trade, the place of delivery is the place to which the goods are to be sent, or if the goods are specifically described, the place to which the seller is to send them; and in case of a contract to sell or a sale of specific goods, which to the knowledge of the party to whom the contract was given are in some other place, then that place is the place of delivery.

(Where by a contract to sell or a sale the buyer is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

If the goods at the time of sale are in the possession of a third person, the seller has a legal right to send the goods to the buyer unless a contrary intent appears.

If the goods are sent mixed with goods of a different description not in consequence of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to accept the whole or any part of the goods, or the buyer neglects or refuses to take delivery of or pay for the goods so delivered, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

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(Where goods are delivered to the buyer, the buyer is bound, on request, to afford the seller reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.
Sec. 50. Definition of unpaid seller: (1) The seller of goods is deemed to be an unpaid seller, for the purposes of this act—
(a) When the whole of the price has not been paid or tendered.
(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.
(2) In this part of the act the term “seller” includes an agent of the buyer, consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Sec. 53. Remedies of an unpaid seller: (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—
(a) A lien on the goods or right to retain them for the price while he is in possession of them; and
(b) In case of insolvency of the buyer, the right of stopping the goods in transitu after he has parted with the possession of them.

(2) A right of resale as limited by this act; and
(a) Where the goods have been sold without any stipulation as to credit, ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a confession of the want of an entire contract, the seller shall have the right against the goods and on the contract hereinafter provided for in favor of the seller when the buyer is in default.

PART IV
RIGHTS OF UNPAID SELLER AGAINST THE GOODS

Sec. 54. When right of lien may be exercised: (1) Subject to the provisions of this act, an unpaid seller of goods who is in possession of the goods is entitled to retain possession of them until payment or tender of the price in the following cases, namely—
(a) Where the goods have been sold without any stipulation as to credit.
(b) Where the goods have not been sold on credit, but the term of credit has expired; and
(c) Where the buyer becomes insolvent.
(2) The seller may exercise his right of lien, notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Sec. 55. Lien after part delivery: Where an unpaid seller has made part delivery of goods without intimating to the buyer that he has retained a right upon the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

Sec. 56. When lien is lost: (1) The unpaid seller of goods loses his lien thereby—
(a) If he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the possession thereof and does not, with such intention, reserve possession thereof; or
(b) If the buyer or his agent lawfully obtains possession of the goods; and
(c) If the contract therefor.
(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSIT
Sec. 57. Seller may stop goods on buyer's insolvency: Subject to the provisions of this act, the unpaid seller of goods, who becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu: that is to say, he may resume possession of the goods at any time while they are in transitu, and he will be entitled, in like manner, to the same rights in regard to the goods as he would have had if he had never parted with the possession.

Sec. 58. When goods in transitu: (1) Goods are in transitu within the meaning of section 57—
(a) From the time when they are delivered to a carrier by land or by water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee; and
(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no more in transitu within the meaning of section 57—
(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination; or
(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer; and
(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the masters possession or the masters are as bailees in respect of the buyer.

Sec. 59. Ways of exercising the right to stop: (1) The unpaid seller may exercise his rights in one of two ways—
(a) By obtaining actual possession of the goods or by giving notice of his intention to resell the goods on a reasonable time after the buyer has been in default in the payment of the price; and
(b) If the neglect or refusal of the buyer to take delivery amounts to an admission of the want of an entire contract, the unpaid seller shall have the right against the goods and on the contract hereinafter provided for in favor of the seller when the buyer is in default.

Sec. 60. When and how resale may be made: (1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price for an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He may make such a delivery to the buyer as to make it evident that he intended to give the goods to the buyer, and it is not necessary that such overt act should be communicated to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeem the goods to, or according to the directions of, the seller. Unless such directions are given within a reasonable time, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justify in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESELLE BY THE SELLER
Sec. 61. When and how resale may be made: (1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price for an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He may make such a delivery to the buyer as to make it evident that he intended to give the goods to the buyer, and it is not necessary that such overt act should be communicated to the buyer.

(2) Where a resale is made, as authorized in this section, the buyer shall acquire a good title to the goods, free of all claims or incumbrances, having the same effect as if the goods had been paid for and delivered to him from the seller.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default in an unreasonable time before the sale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCSSION BY THE SELLER
Sec. 62. When and how the seller may rescind the sale: (1) An unpaid seller having the right of lien or having stopped the goods in transitu may rescind the sale and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may rescind the sale. He may do so by delivering the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the possession thereof and does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

(2) The transfer of title shall not be held to have been rescinded by the unpaid seller until he has made such delivery to the carrier or other bailee or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or refusal to give such notice shall be relevant in any issue involving the question whether the buyer had been in default in an unreasonable time before the right of rescission was asserted.
Sec. 62. Effect of sale of goods subject to lien or stoppage in transitu: Subject to the provisions of this act, the unpaid seller's rights, and those of any other person entitled to such rights by way of lien or other disposition of the goods which the buyer may have made, unless the seller has asserted thereto. If such a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any person for whose benefit the seller has not been notified, if the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment delivered the goods to the buyer, and, if the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for the price of the goods.

Sec. 63. Action for the price: (1) Where, under a contract to sell, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to accept and pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the buyer has the goods in his possession, and has not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment delivered the goods to the buyer, and, if the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for the price of the goods.

Sec. 64. Action for damages for nonacceptance of the goods: (1) Where the buyer of the goods has wrongfully neglected or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for nonacceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, the difference between the contract price and the market or current price of the goods at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for any greater damages than the seller would have suffered if he did nothing toward carrying out the contract or the sale after receiving notice of repudiation. The amount of damages the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Sec. 65. When seller may rescind contract or sale: Where the buyer has repudiated the contract to sell or the sale, or has committed a material breach thereof, the seller may rescind the contract or the sale by giving notice of his election so to do to the buyer.

Sec. 66. Action for converting or detaining goods: Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nonacceptance, and for an accounting of the proceeds of the goods.

(2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, the difference between the contract price and the market or current price of the goods at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for any greater damages than the seller would have suffered if he did nothing toward carrying out the contract or the sale after receiving notice of repudiation. The amount of damages the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Sec. 67. Action for failing to deliver goods: (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nonacceptance, and for an accounting of the proceeds of the goods.

(2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, the difference between the contract price and the market or current price of the goods at the time or times when the goods ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Sec. 68. Specific performance: Where the seller has broken a contract to deliver specific or ascertained goods, a court having the power of a court of equity may, if it thinks fit, on the application of the buyer or of its judgment or decree that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment shall be in such manner as may be ordered by the court, and on such conditions as to damages, payment of the price, and otherwise as to the court may seem just.

Sec. 69. Remedies for breach of warranty: (1) Where there is a breach of warranty by the seller, the buyer may, at his election, either within the ordinary course of events, from the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for the breach of warranty; and

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or, if the goods have already been received, return them or offer to return them to the seller and recover the price or any amount which has been paid.

(2) When the buyer has claimed and has been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has been paid, the seller may, at his option, either require the buyer to repay so much thereof as has been paid, concurrently with the return of the goods, or, immediately after an offer to return the goods, exchange for replacement goods.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer may, after the property has been deemed to be held the goods as bailee for the seller, but subject to a lien for the payment of any portion of the price which has been paid, and in addition, the remedies against the seller shall be limited to an unpaid seller by section 53.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

Sec. 70. Interest and special damages: Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI

INTEREST

Sec. 71. Variation of implied obligations: Where any right, duty, or liability of the parties to any contract or sale is not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating causes, shall continue to apply to contracts and sales of goods.

Sec. 72. Rights may be enforced by action: Where any right, duty, or liability of the parties to any contract or sale is not provided for in this act, the remedies against the seller, and the rights of the buyer, as provided by this act, may, unless otherwise provided by law, be enforced by action.

Sec. 73. Rule for cases not provided for by this act: In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts and sales of goods.

Sec. 74. Interpretation shall give effect to purpose of uniformity: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

Sec. 75. Provisions not applicable to mortgages: The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell, or a sale which is to be operated by way of mortgage, pledge, charge, or other security.

Sec. 76. Definitions: (1) In this act, unless the context or subject matter otherwise require:

"Action" includes counterclaim, set-off, and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legatee, devisee, or assignee in possession under a claim of right. The term includes a person who has bought or agreed to buy goods or any legatee, devisee, or assignee from a person in possession under a claim of right. But "buyer" does not include a person who buys or agrees to buy goods as a pledge, security, or for other than the ordinary purposes of trade, business, or consumption.

"Defendant" includes a plaintiff against whom a right of set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Demandable contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Remedy" includes relief based upon such thing as a breach of warranty, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the
Mr. JOHNSON. Mr. President, to what cooperatives does the joint resolution refer?

Mr. FRAZIER. It refers to grains, and I intend to offer an amendment to strike out cotton.

The VICE PRESIDENT. The joint resolution is before the Senate and open to amendment.

Mr. FRAZIER. I offer the amendment which I send to the desk of sale.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, after the word "grain", it is proposed to strike out the words "and/or cotton"; on page 2, line 6, after the word "grain", to strike out the words "and/or cotton"; and in line 8, after the word "cotton", to strike out the words "and/cotton", so as to make the joint resolution read:

Resolved, etc. That for the purpose of adjustment and settlement of losses sustained by the cooperative marketing associations dealing in grain during the stabilization operations of the Federal Farm Board in the years 1929 and 1930 when such cooperative marketing associations were induced and requested by the Federal Farm Board to withhold grain from the market and to make advances to their members in order to stabilize prices, the Federal Farm Credit Administration is hereby authorized and directed to make adjustments and settlement in accordance with such associations plus carrying charges and operation costs in connection with such grain from the date of the loans or advances to the date that such grain is sold. That the act shall apply to any sale, or to any contract to sell, or to any order to sell, made prior to the taking effect of this act.

The amendment was agreed to.

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

ESTATE OF EMIL HOYER (DECEASED)

Mr. GIBSON. Mr. President, I ask unanimous consent to return to Calendar No. 1706, being House bill 885, and I ask the consent of the senior Senator from Tennessee (Mr. McKELLAR).

The VICE PRESIDENT. The Senator from Vermont asks unanimous consent to return to Order of Business 1705. Is there objection? The Chair hears none.

Mr. McKELLAR. Mr. President, I objected yesterday to the consideration of the bill, but I have since talked with the Senator from Vermont and am glad to withdraw my objection.

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

There being no objection, the bill (H. R. 685) for the relief of the estate of Emil Hoyer (deceased) was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Emil Hoyer (deceased), the sum of $5,000, in full settlement of all claims against the Government of the United States, and any employee thereof, for the fatal injury to Emil Hoyer as the result of his being struck by an Essex mail truck, no. 1604, owned by the United States Post Office Department, Boston, Mass., and operated by John Mohr, of Brockline, Mass., the accident occurring at 11 o'clock p.m., August 22, 1933, on Massachusetts Avenue, Boston, Mass., near the intersection of St. Botolph Street, the said Emil Hoyer, as a result of said injuries received at said time, and died at 11:10 o'clock p.m., August 22, 1933, at the Boston City Hospital, Boston, Mass. Provided. That no part of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.
Mr. KING. Mr. President, I hope the request of the Senator from Florida will be granted. Yesterday when the Senator from Florida said I would have an objection to it if the Senate would accept the recommendation of the Navy Department to strike out all the bill after the enacting clause and insert in lieu thereof the language which had been recommended by the Navy Department, I understand my friend the Senator from Florida is willing to strike that amendment. I hope the Senate may consider the bill in order that I may offer the substitute tendered by the Navy Department.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida to recur to Calendar No. 1732? The Chair hears none. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8372) to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon.

Mr. KING. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Navy be, and is hereby, authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple of such lands as he may deem necessary or desirable in the vicinity of Miami, Fla., approximately 650 acres, as a site for such naval development as, when, and if, in his discretion, he may consider warranted by naval necessities, the property to be returned to the grantor if not used by the United States for such purposes within 10 years.

Mr. FLETCHER. Mr. President, I do not agree to the amendment; but in order to secure action in the Senate and so that the bill may go to conference I am willing to have it acted on at this time.

Mr. WALSH. Mr. President, in behalf of the Committee on Naval Affairs I will say that if the proposal is agreeable to the Senator from Florida, the Committee on Naval Affairs is likewise agreeable. The measure involves a gift of land near Miami, Fla., for a naval air station and it is desirable that some action be had.

The PRESIDENT (Mr. BARKLEY in the chair). The question is on agreeing to the amendment of the Senator from Florida (Mr. King).

Mr. FLETCHER. I am willing to have the amendment adopted in order to have the bill go to conference.

The amendment was agreed to.

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

The bill was read the third time and passed.

PENSIONS TO SOLDIERS AND SAILORS OF REGULAR ARMY AND NAVY, ETC.

The bill (H. R. 9074) granting pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of war other than the Civil War, and to widows and dependents of such soldiers and sailors, was announced as next in order.

Mr. MCGILL. Mr. President, I reported this bill on behalf of the Committee on Pensions. In my judgment, it is entirely too complicated a measure to take up on this call of the calendar. In addition to that, a measure of a general character has been introduced which would cover such cases, and I am inclined to this bill. For that reason I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ACCEPTANCE OF BEQUEST OF THE LATE HENRY H. ROGERS

The Senate proceeded to consider the bill (S. 3870) to authorize the Secretary of the Navy to accept on behalf of the United States the bequest of the late Henry H. Rogers, of Southampton, Long Island, N. Y., a collection of ship models, with glass exhibit cases, bequeathed to the United States Naval Academy by the late Henry H. Rogers, of Southampton, Long Island, N. Y.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000 to carry out the purposes of section 1 of this act.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Maine, who reported the bill, as to the nature of the bequest, and its probable value. I observe that $6,000 is appropriated to carry out the purposes of the bill.

Mr. HALE. Mr. President, in reply to the Senator from Tennessee, I will say that in the will of the late Henry H. Rogers a bequest to the Government was made of a very fine collection of ship models, which are valued at between $300,000 and $500,000. This bill provides for accepting the collection and authorizes the appropriation of a small sum of money to care for it.

Mr. McKELLAR. That answers the question.

Mr. WALSH. Mr. President, this bill should not be enacted without a word of commendation.

The gift of the late Henry H. Rogers is that of a collection of model ships, the finest in the world, valued at about $300,000.

The purpose of the bill is to authorize the Secretary of the Navy to accept on behalf of the United States, to be placed in the Naval Academy, the bequest of the late Henry H. Rogers, of Southampton, N. Y., a collection of ship models and to authorize the appropriation of $6,000 to carry out the purposes of this act.

This collection consists of 107 ship models varying from 6 inches to 6 feet, the average being about 4 feet in length. It is estimated that the value of this collection is about $300,000 and is probably the most valuable collection of its kind in the world.

The passage of this bill is necessary before this bequest can be accepted, and the Navy Department has received notice of the pending probate of Colonel Rogers' will and is concerned lest its lack of authority to accept the specific bequest delay the probate. The committee strongly recommends that this bill be enacted.

The Navy Department favors this bill as indicated by the letter from the Secretary of the Navy to the Chairman of the Committee and made a part of the report.

Mr. BORAH. Mr. President, I do not yet understand what it is that was bequeathed.

Mr. WALSH. A collection of 107 ship models that represent the development and expansion of shipbuilding. The collection is a very remarkable and very valuable one.

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

LEAVE OF ABSENCE TO HOMESTAD SETTLERS

The Senate proceeded to consider the bill (S. 3870) granting a leave of absence to settlers of homestead lands during the year 1936, which had been reported from the Committee on Public Lands and Surveys with an amendment at the end of the bill to insert a new section, so as to make the bill read:

Be it enacted, etc., That any homestead settler or entryman who, during the calendar year 1936, should find it necessary, because of economic conditions, to leave his homestead to seek employment in order to obtain the necessities of life for himself or family or to provide for the education of his children, may, upon filing with the register of the district his affidavit, supported by corroborating affidavits of two disinterested persons, showing the necessity of such absence, be excused from compliance with the requirements of the homestead laws as to residence, cultivation, improvements, expenditures, or payment of purchase money, as the case may be, during all or any part of the calendar year 1936, and said entries shall not be open to contest or protest because of failure to comply with such requirements during such absence; except that the time of such absence shall not be deducted from the actual residence required by law, but shall be deemed to be part of such residence upon the conditions provided herein, and shall not be Rogers entitled to the benefits of any installment of the purchase price of the land except upon payment of interest, in advance, at the rate of 4 percent per annum on the unpaid balance of any unpaid purchase price due from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted hereunder.
Sec. 2. Any homestead settler or entryman, including any entryman on ceded Indian lands, who is unable to make the payment of the purchase price on account of economic conditions, shall be excused from making any such payment during the calendar year 1936 upon payment of 4 per centum per annum on the principal of any unpaid purchase price from the date when such payment or partial payment becomes due and payable to the end of the period of relief granted hereunder.

The amendment was agreed to.

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

**RETIREMENT OF EMPLOYEES OF LEGISLATIVE BRANCH**

The bill (H. R. 3044) to amend the act of May 29, 1920 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch was announced as next in order.

Mr. VANDENBERG, Mr. KING, and other Senators. Let the bill go over.

Mr. COPELAND. Mr. President, if those who object to the consideration of this bill will withhold their objections for a moment, with the permission of the Committee on Rules, I should like to say a word about the bill.

This measure is intended to give to the benefits of a very small retirement fund to employees in the legislative branch which have been provided for by the regular pension law.

We have here in the Senate, in the persons of the Sergeant at Arms, the assistant on both sides of the Chamber, the Secretary, and others, and some clerks in our office—I think I perhaps have one; I am not sure—officers and employees who have done valiant service for the Government through a great many years. The provision proposed in this bill is identical with the benefit extended to civil-service employees.

There is an impression, I think, that civil-service employees contribute, and thereby have the benefits of retirement through their own financial participation. As a matter of fact, every single civil-service employee has an outright grant of $30 a month. Then, under the general law, they may make monthly contributions from their salaries which accumulate and on their retirement will be added to the original $30.

The purpose of the pending bill—which was discussed on two different occasions at special meetings of the Committee on Rules—is that the benefits which are now given to all other employees of the Government may be extended to our clerks and our employees in the legislative branch.

I do not know that it is possible for me to convert the Senators here, as I recall, many Senators objected because they did not exactly realize the significance and the propriety of the measure.

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

Mr. COPELAND. I yield.

Mr. ROBINSON. This bill, as it is now presented to the Senate, does not place Senate clerks under the Civil Service Commission.

Mr. COPELAND. No; it does not.

Mr. ROBINSON. It merely gives them the privilege of retirement, as stated by the Senator from New York, after they shall have served 15 years and reached the age of 50 years.

Mr. COPELAND. That is correct.

Mr. ROBINSON. The bill does not interfere with the right of a Senator to choose his own clerk or confidential employees.

Mr. COPELAND. Or to dismiss them.

Mr. ROBINSON. Or to dismiss them. It merely gives to those who are fortunate enough to have had the required service and also who have reached the required age an opportunity for retirement.

Mr. COPELAND. That is correct.

Mr. ROBINSON. I myself raised in the committee, as the Senator from New York will recall, the suggestions which are now being made by the Senator from Tennessee. I became satisfied that those objections were removed in the final draft of the bill.

Mr. McKellar. Mr. President, I believe objection has already been made to the consideration of the bill; but if I should like to ask for him to read the section from New York to let it go over and let me look into the measure.

Mr. COPELAND. Very well. At this point I ask that a letter from the Civil Service Commission be inserted in the record so that the record will be complete.

Mr. PRESIDENT.-OFFICER. Without objection, the letter will be printed in the Record, and objection having been made, the bill will be passed over.

The letter is as follows:

**UNITED STATES CIVIL SERVICE COMMISSION.**


Mr. CHESLEY W. JENNEY,
Sergeant at Arms, United States Senate.

Dear Mr. JENNEY: Receipt is acknowledged of your communication of March 17, 1936, inquiring whether the Civil Service Commission would have anything to do with the appointment of employees at the Capitol in the event either the House or Senate bills providing for retirement of employees in the legislative branch of the Government should pass. It is assumed that you refer to H. R. 3044, introduced by Mr. Ramspeck, and S. 3855, introduced by Senator Nextl.

In reply you are advised that if either bill should become law the Commission would have nothing whatever to do with appointments to positions at the Capitol. The civil-service retirement law in no way limits or repeals the power of appointing officers to make appointments; but if it becomes law, the Senate appoints the senators and the House appoints the members of the legislative branch of the Government, such as employees of the Architect of the Capitol and Library of Congress are now subject to the provisions of the Civil Service Retirement Act of May 29, 1910, whose appointments are made without regard to Civil Service Act and rules, the Commission exercising no control over such appointments.

Of course, under both bills records of service would be necessary, Section 18 of the Civil Service Retirement Act provides in part: "The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act."

If H. R. 3044, as passed by the House of Representatives, should become law, such records would be prepared under regulations approved by this Commission, but so far as appointments are concerned they would not come under the jurisdiction of this office.

Very sincerely yours,

HARRY B. MITCHELL, President.

SANTA BARBARA NATIONAL FOREST, CALIF.

The Senate proceeded to consider the bill (H. R. 5644) to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public land, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws, which had been reported from the Committee on Public Lands and Surveys with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

"Be it enacted, etc., That the public lands of the United States, within the boundaries of the Santa Barbara National Forest, located
in the State of California and hereinafter described, are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in sections 29, 30, 31, 32, and 33, township 7 north, range 24 west, San Bernardino meridian.

All Government lands in sections 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, township 7 north, range 25 west, San Bernardino meridian.

All Government lands in sections 7 to 36, inclusive, township 7 north, range 26 west, San Bernardino meridian.

All Government lands in sections 1 to 36, inclusive, township 7 north, range 27 west, San Bernardino meridian.

All Government lands in sections 7, 13, 15, 16, 19, 22, 23, 24, 26, 27, 34, 35, and 36, township 7 north, range 28 west, San Bernardino meridian.

All Government lands in sections 8, 9, and 17, township 6 north, range 24 west, San Bernardino meridian.

All Government lands in township 6 north, range 25 west, San Bernardino meridian.

All Government lands in sections 6, 7, 18, 19, 30, township 5 north, range 26 west, San Bernardino meridian.

All Government lands in township 5 north, range 25 west, San Bernardino meridian.

All Government lands in sections 6, 7, 18, 19, 30, 31, township 5 north, range 24 west, San Bernardino meridian.

All Government lands in township 5 north, range 23 west, San Bernardino meridian.

All Government lands in sections 1, 2, 4, 12, township 6 north, range 26 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 30, 31, 32, 33, 34, 35, 36, township 7 north, range 28 west, San Bernardino meridian.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. MCKELLAR. Mr. President, may we have an explanation of this bill? It seems to be more or less important.

Mr. JOHNSON. Mr. President, I simply know that this is a House bill which has come over here with the approval of the Department of the Interior and the Department of Agriculture. The reports of both Departments are annexed to the report of the committee, and the Senator will see if he will examine his records, approving the bill, and making no objection to it.

Mr. KING. Mr. President, I should like to ask the Senator from California if he knows the cost that will be involved to the Federal Treasury as a result of the enactment of this measure.

Mr. JOHNSON. It is a matter of withdrawal of lands. I do not see how there can be any very great cost, or in fact any cost.

Mr. McNARY. Mr. President, I will state that, after examination, if it shall be ascertained that no valuable minerals are on the lands, it he knows the cost that will be involved to the Federal Treasury as a result of the enactment of this measure.

Mr. MCKELLAR. Mr. President, may we have an explanation of this bill? It seems to be more or less important.

Mr. JOHNSON. Mr. President, I simply know that this is a House bill which has come over here with the approval of the Department of the Interior and the Department of Agriculture. The reports of both Departments are annexed to the report of the committee, and the Senator will see if he will examine his records, approving the bill, and making no objection to it.

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Mr. JOHNSON. It is a matter of withdrawal of lands. I do not see how there can be any very great cost, or in fact any cost.

Mr. McNARY. Mr. President, I will state that, after examination, if it shall be ascertained that no valuable minerals are on the lands, it is desirous of incorporating them in the Santa Barbara National Forest for the purpose of conserving the watersheds of Santa Barbara County.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

The bill was read the third time and passed.

HELEN CURTIS

The bill (S. 4155) for the relief of Helen Curtis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helen Curtis, widow of James L. Curtis, late American Minister to Liberia, the sum of $8,000, as compensation for the loss of her deceased husband.

AMENDMENT OF NATIONAL FIREARMS ACT

The bill (H. R. 3254) to exempt certain small firearms from the provisions of the National Firearms Act was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc. That subsection (a) of section 1 of the National Firearms Act, relating to the definition of "firearms", is amended by inserting, after "definition", a comma and the following: "but does not include any rifle which is within the forever be interpreted in accordance with such laws:

Mr. MCKELLAR. Mr. President, will the Senate yield to me?

Mr. WALSH. I yield.

Mr. MCKELLAR. Then it does not do away with the law which provides that States may have this information? It is merely to expedite and give the Treasury Department less trouble?
Mr. WALSH. It seeks to enforce the regulation that copies shall be filed with the income-tax returns.

Mr. McKELLAR. It seems to me that is proper. I thought at first it was a bill to repeal the provision of the law referred to.

Mr. WALSH. It is unanimously reported by the committee.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

GRANT OF LAND TO THE NORTHERN MONTANA AGRICULTURAL AND MANUAL TRAINING SCHOOL

The bill (S. 1871) granting certain public lands to the State of Montana for the use and benefit of the Northern Montana Agricultural and Manual Training School was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

Mr. ROBINSON. Mr. President, I observe from the report submitted with this measure that the recommendation of the Interior Department is adverse. Some Senator suggested that the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

GRADING OF ENLISTED MEN IN THE ARMY

The Senate proceeded to consider the bill (S. 4132) to amend section 4b of the National Defense Act, as amended, relating to certain enlisted men of the Army, which was read, as follows:

Be it enacted, etc., That section 4b of the National Defense Act, as amended, be, and the same hereby is, amended by striking out the present wording and substituting therefor the following:

"That all enlisted men: On and after July 1, 1938, the grades and ratings of enlisted men shall be such as the President may from time to time direct, with monthly base pay in each grade and pay for each rating as prescribed by law. The numbers in grades and/or ratings of enlisted men shall be such as are authorized from time to time by the President by Executive order: Provided, That nothing in this section shall operate to reduce the compensation in the respective grades?"

Snc. 2. All laws and parts of laws in conflict with the provisions of this act are repealed as of the effective date of this act.

Mr. KING. Mr. President, I should like to have an explanation of the bill.

Mr. SHEPPARD. Mr. President, this bill enables the President to rearrange grades and ratings of enlisted men without increasing the total number. It is an administrative measure, which gives the Department greater flexibility in these respects.

Mr. KING. May I inquire of the Senator whether it would increase the cost to the Government?

Mr. SHEPPARD. As to whether there would be any actual increase in appropriations would depend on the appropriations made by Congress for the Army from time to time.

Mr. KING. If the ratings and grades changed the status and gave the men advanced status, obviously it would increase their facility or expenses of the War Department.

Mr. SHEPPARD. Final power in the matter would rest with the Committees on Appropriations and Congress. The Navy Department has the same flexibility in rearranging grades and ratings.

Mr. KING. Is there any limitation as to the grades and the combination in the respective grades? Suppose the President should transfer all the men to the highest grade; what would be the result?

Mr. SHEPPARD. He is supposed to exercise his discretion in the matter within the enlisted strength allowed by law.

Mr. KING. Does the law fix the grades and the compensation in each grade?

Mr. SHEPPARD. It does at present. Under the National Defense Act there are established for the enlisted men in the Army seven grades and six specialist ratings, the specialist ratings carrying extra pay applicable to men in the sixth and seventh grades. In addition there are two specialist aeronautics ratings applicable to the Air Corps.

This bill would permit the President by Executive order from time to time to establish the numbers of enlisted men of the Regular Army in grades or ratings in accordance with changed circumstances and conditions. Its effect would be to eliminate from the National Defense Act the provisions specifying the numbers in enlisted grades and specialist ratings.

The War Department advises that the Navy already has this administrative freedom to adjust its allotments. In recommending this legislation for favorable action the War Department contends that the bill will have no effect at all on endangering the control of expenditures for enlisted pay, and that since the appropriation for enlisted pay has been the basic control factor in the past and will so continue in the future, the enactment of the bill would not increase the cost of the Military Establishment.

Mr. KING. Obviously the latter statement of the War Department is not quite accurate, because if we should lift from a lower grade to a higher grade any considerable number, it would be bound to increase the expenditures, and though the Committees on Appropriations finally have the say as to what the aggregate appropriations for the Army shall be, the enlisted men are lifted from grades A, B, and C to higher grades, and serve in those grades, obviously when the Committees on Appropriations are asked to make appropriations they would take into account the fact that those grades had been filled by persons of lower grades, and it would be their duty, it seems to me, to make the necessary appropriations to meet the larger expenditures.

Mr. SHEPPARD. It is a matter of policy, of determination as to what should be done in the best interest of the Army. The same rule we are trying to adopt by this bill prevails in the Navy.

Mr. KING. Mr. President, we are in the habit of citing the case of one department that has had some favorable consideration, and had a set-up that becomes a precedent, in an endeavor to provide certain set-ups in all the departments. That is true in the civil service; employees are moved to grades, and because Mr. A has been elevated to a higher grade, then Mr. B must be elevated to a higher grade. The result is that in the higher grades there is, in my opinion, a superabundance of employees.

Mr. SHEPPARD. I do not think the War Department has anything like that in mind. I think they are actuated by a desire to use the best method of classifying enlisted men.

Mr. KING. Mr. President, I shall not object to the consideration of the bill, but I shall vote against it, because I think it is unwise legislation.

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

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

STUDIES OF SUB-BITUMINOUS AND LIGNITE COAL

The Senate proceeded to consider the bill (S. 3746) to authorize the Bureau of Mines to conduct certain studies, investigations, and experiments with respect to sub-bituminous and lignite coal, and for other purposes, which had been reported from the Committee on Mines and Mining with an amendment, on page 2, line 15, after the word "act" and the period, to insert the words, "the above amount to be expended over a period of 3 years, as follows: $49,000 to be expended during the fiscal year ending June 30, 1937; $50,000 to be expended during the fiscal year ending June 30, 1938; and $50,000 to be expended during the fiscal year ending June 30, 1939", so as to make the bill read:

"Be it enacted, etc., That the Bureau of Mines, under the general direction of the Secretary of the Interior, is authorized to conduct investigations, studies, and experiments on its own initiative and in cooperation with individuals, State institutions, laboratories, and other organizations, with a view to (1) the development of a commercially practicable carbonization method of processing sub-bituminous and lignite coal so as to convert such coal into a high-potential fuel, to process any byproducts thereof as may be commercially valuable; (2) the development of efficient methods, equipment, and devices for burning
Mr. FRAZIER. It is not all privately owned. It is not a question of the land. The State owns a good deal of coal in North Dakota, and I presume the same is true in the other States. It is a question of the Bureau of Mines, in cooperation with State institutions, like the schools of mines in those States, or private institutions, in making the investigation.

Mr. McKELLAR. Is any part of the money to be used in paying people to use this particular kind of coal?

Mr. FRAZIER. It may be used to demonstrate, under the direction of the Bureau of Mines, how that coal can be burned, and the process of making briquets by carbonization. It is also to be used in the generation of electricity. It is claimed that 2½ tons of lignite coal will make a ton of first-class briquets, which have the heating quality of anthracite coal.

The PRESIDING OFFICER. Under the rule, the Senator's time has expired. The Senate is operating under the 5-minute rule.

Mr. FRAZIER. Mr. President, yesterday, under the 5-minute rule, certain Senators spoke for an hour and a half. I ask unanimous consent to have a little more time.

The PRESIDING OFFICER. Without objection, the Chair will recognize the Senator from North Dakota for 5 minutes more. The Chair feels that he should enforce the rule. Everything done yesterday was done by unanimous consent. The Senate is operating under a rule, and should recognize if the rule is to continue in existence.

Mr. ROBINSON. Mr. President, it is to be observed that the bill as originally introduced by the Senator from North Dakota contemplated that the appropriation should be made without express limitation on the time for its expenditure.

Mr. FRAZIER. The expenditure is under the direction of the Bureau of Mines, of course.

Mr. ROBINSON. Yes. It will be noted also that the approval of the bill by the Department is on condition that the investigations be continued over a period of 3 years.

Mr. FRAZIER. There is no objection to that.

Mr. ROBINSON. I know; but I am wondering if there is not really an objection to it. Considering the research which has been made, the progress which has been had in the matter, why is it necessary to have a 3-year investigation?

Mr. FRAZIER. The Department seems to think—and I suppose the suggestion came from the Bureau of Mines—that it would be necessary to carry out experiments through a period of 3 years. Personally, I did not think it would take that long; but I was perfectly willing to comply with the request of the Department. I have talked several times with officials of the Bureau of Mines in regard to a proposition of this kind. In fact, the Bureau of Mines made the request for funds from the P. W. A. for this purpose; but its request was not granted, either because the money at that time was allocated, or because there were so many requests for money that they could not be accommodated.

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

Mr. FRAZIER. I yield.

Mr. COUGENS. Mr. President, may I ask the Senator whether the lignite land is not all privately owned?

Mr. FRAZIER. I appreciate the remarks of the Senator from Utah. One of the important things is the generation of electricity by the use of lignite coal. I started to make a statement in that connection.
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In making a ton of briquettes out of 2½ tons of lignite coal, natural gas or coal gas is eliminated by the carbonization process. It is claimed by engineers who have experimented on it, and who are ready to stake their reputations on it, that the carbonization process is the most economical way to do it. Where there is a sufficiency of gas, as in the State of Florida from Florida-Georgia State line to the Gulf of Mexico.

The amendment was agreed to.

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

PRELIMINARY EXAMINATION OF SUWANNEE RIVER, FLA.

The Senate proceeded to consider the bill (H. R. 8390) to authorize a preliminary examination of Suwannee River in the State of Florida from Florida-Georgia State line to the Gulf of Mexico.

REFERENCES TO DEBATE IN HOUSE OF COMMONS (LONDON) ON THE AMERICAN FOREIGN DEBT—REPLY TO SPEECHES

Mr. LEWIS. Mr. President, I ask the Senate to indulge me for one or two moments. I should like to have the attention of the eminent Senator from Idaho [Mr. BORAH], the Senator from Virginia [Mr. VAUGHN], and the Senator from California [Mr. JOHNSON]—those who have ever joined me in the preservation of American rights.

Mr. President, the public press brings us information this morning that yesterday, in the House of Commons in London, Mr. Lloyd George, known to fame and recorded in history, impeached the conduct of England for repudiating the treaty and that which you (England) made with the United States.

In addition to this, sirs, let it be recalled that at the same time, sirs, he was responded to by the officer of England cries out that the payment to us is impossible. We cannot refrain from reminding the two great Nations of Europe should be remembering the kindnesses of this America in advancing to each of them, in the hour of their travail and danger, the money which rescued them from devastation and death.

Mr. President, what do these eminent men mean? Do they mean that they are deceiving the country? Is it not the witches, Senators, who, referring to their attitude as to Macbeth, cry out, as a model of execution?

Pair is foul, and foul the air.
Hover through the fog and filthy air.

Mr. President, the United States of America is seeking nothing from these lands as a favor. We are asking nothing from them, sir, that is not due us. In the meantime, while they are seeking trade relations with us, they are denying every opportunity to give us a fair profit from a just trade. They are embarrassing us with every obstruction, of which we are not complaining. They are expending large sums preparatory to a conflict which they feel and openly assert in all instances will involve us, with the assertion on the part of their great leader that we—to use the exact language of the quotation—"cannot escape being brought in" to preserve what they call our rights.

Mr. President, I resent the intimation that it is impossible to recognize this debt. I resent the more the effort to avoid its existence; and, sir, I both repudiate and resent it as bad manners, their refusal even to negotiate with us, or even to include the subject in a memorandum, as they presume upon the theory that this, the Nation of America, will forget the debt.

It is deduced we will ignore it, because it is known that certain large financial interests in the United States, which wish to dispose of new bonds, are exerting themselves to have the debt wiped out, canceled, to the end that the new bonds will become a first lien. In this prospect they hope to negotiate further loans from America,
while they would deprive us of all the benefit of the loans of European debtors now due America.

As to the masters of finance who manipulate this trickery, I denounce them in their combination with the English policy and that of the French design. For myself, I announce that the time has come when Government, through whoever speaks for it, will proclaim that the American people exact something in the name of America, and that we here today again remind these honorable debtors that America will not forget the debts due us; she will not cancel them, and she will not excuse the insult unnecessarily heaped upon her.

We will inform the world that as to America our position is, as against these debtors to us, that the debts should be paid, particularly at a time when our needs are so great to compensate the woes and agonies of the farmers and to assuage the distress of the toiler in his need and to restore the ravaged lands upon which the rivers and great floods have belched their infliction and devastation. For the relief of all these we seek this money due, that we may repair these damages and these destructions. For these causes it is seen that we are not seeking favor, sir; we are asking in order to help ourselves to pay and what the governments should pay. The money had been loaned. These debts are not, therefore, debts which were incurred at a time of national conflict, representing the entire amount of it in default. That is very great, because the amount now due, interest and principal, is quite right.

Mr. McKellar. The Senator is quite right. These debts taken as a whole represent a settlement upon the basis of about 50 cents on the dollar. With one nation we settled on the basis of about 25 cents on the dollar. It is true that the proportion in the case of Great Britain was higher than those of other nations in that respect, but so far as moral or legal obligation goes, the nations are just as much bound to respect these obligations as Germany was to respect the Versailles Treaty, and infinitely more so, because Germany signed the Versailles Treaty under duress, at the point of the bayonet, while these debt contracts were made after full, free, deliberate investigation and agreement to pay.

Mr. McKellar. Mr. President, I yield. Mr. BORAH. They really represent an adjustment and compromise of very, very much larger sums which the nations actually owed us.

Mr. BORAH. The Senator is quite right. These debts taken as a whole represent a settlement upon the basis of about 50 cents on the dollar. With one nation we settled on the basis of about 25 cents on the dollar. It is true that the proportion in the case of Great Britain was higher than those of other nations in that respect, but so far as moral or legal obligation goes, the nations are just as much bound to respect these obligations as Germany was to respect the Versailles Treaty, and infinitely more so, because Germany signed the Versailles Treaty under duress, at the point of the bayonet, while these debt contracts were made after full, free, deliberate investigation and agreement to pay.

If we are not to give consideration to such contracts as these, I ask, how we can expect international contracts to be respected by any nation which has the slightest interest in disregarding them. What element of integrity, of validity, of honor, is absent in these solemn contracts entered into for the highest consideration, and after the most thorough investigation the great war Minister in urging payment is not going for the benefit of the nation and for the validity of international agreements.

It is not alone a question of the dollars and cents involved. That is very great, because the amount now due, interest and all, is about $12,000,000,000, and about $10,000,000 of it in default. That is an item of very great moment.

But of even greater moment than that is the fact that these nations came here when in distress, and came here to this Chamber and spoke from the Senate to our people in behalf of their people. And the people of the United States, the taxpayers, went down in their pockets and contributed, and we took the obligations of the nations which borrowed from

over. The repudiation of these debts when all circumstances are considered is without precedent in international affairs.

It will be recalled that the great Premier of England, Mr. Ramsay MacDonald, according to press reports, stated that eight months ago in New York, he pronounced that the time has come when Government, through whoever speaks for it, will proclaim that the American people exact something in the name of America, and that we here today again remind these honorable debtors that America will not forget the debts due us; she will not cancel them, and she will not excuse the insult unnecessarily heaped upon her.

We will inform the world that as to America our position is, as against these debtors to us, that the debts should be paid, particularly at a time when our needs are so great to compensate the woes and agonies of the farmers and to assuage the distress of the toiler in his need and to restore the ravaged lands upon which the rivers and great floods have belched their infliction and devastation. For the relief of all these we seek this money due, that we may repair these damages and these destructions. For these causes it is seen that we are not seeking favor, sir; we are asking in order to help ourselves to pay and what the governments should pay. The money had been loaned. These debts are not, therefore, debts which were incurred at a time of national conflict, representing the entire amount of it in default. That is very great, because the amount now due, interest and principal, is quite right.

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us. It is an obligation due to the taxpayers of the United States. After the war was over and all the equities which might inhere were disposed of, we entered into an agreement.

I ask what reason there can be for entering into any agreement with any of these nations in the future if they disregard an obligation of that kind? It is striking at the very heart of international order, of international amity, of international good faith to disregard the obligation.

Mr. Chamberlain says, in reply to the ex-Premier:

His Majesty's Government never repudiated its obligations to the debtor countries. No country, no person, can be bound to fulfill the impossible.

I ask, in reply to that peculiar answer, what has the Government of Great Britain indicated by word or act as to their intention to meet these obligations in the future? Have they said to the American people "that under the depressed conditions which now prevail we are unable to meet the debts, but we propose to meet them"? Have they indicated that in the future, when conditions are different economically and financially, they will meet them? Certainly not. They have eliminated them from their budget. Have they ever said to the people of the world that "We propose to pay as soon as it is possible for us to pay." Her reputation calls for an assuring statement that the default is temporary. Mr. McKellar. Mr. President, will the Senate yield?

Mr. BORAH. May I say in that connection that Great Britain could not possibly offer the excuse of not being able to pay because she is today continuing to build one of the greatest navies that the world has ever seen and is adding tremendously to her Army expenditures? With all the money that she has she could easily reduce the expenditure on the Navy and Army alone and pay along on her debts.

Mr. BORAH. Mr. President, whatever argument Great Britain may advance as to her present inability to meet the situation, and certainly in the present conditions as they obtain, they would all be considered sympathetically. Whatever argument she might advance, she can advance no argument against the attitude of mind which she has unmistakably manifested with reference to these debts.

Mr. President, Great Britain alone is not responsible for this situation. We have had numerous travelers abroad—and some of them much more regarded abroad than at home—advising the people of Great Britain and the people of Europe that they should not pay the debts, that the people of the United States do not expect them to pay the debts, and undoubtedly that has had its effect in molding the policy of Great Britain and the other nations. For a little attention abroad they betray the rights of their own people.

Who can speak for the taxpayers of the United States? This Government has no right to compromise their claim, and it should not permit any act or policy which would indicate that they propose to do so.

Mr. WALSH. Mr. President, will the Senate yield?

Mr. BORAH. I yield.

Mr. WALSH. Have the members of the Committee on Foreign Relations requested or examined any correspondence which has passed between the departments of the Federal Government and the Government of Great Britain and other debtor countries in connection with these claims?

Mr. BORAH. Not that I know of.

Mr. WALSH. Does anyone know just what moves have been made by officials of the Federal Government to urge and impress upon the Government of Great Britain and the other debtor governments what the attitude of the American Government is?

Mr. BORAH. I will say to the Senator that I was not speaking of any act upon the part of any official of our Government.

Mr. WALSH. I understand that. The Senator is speaking for the taxpayers, but I do think there ought to be some person who made other than on the floor of the Senate or the floor of the House.

Mr. BORAH. I do not know why the Members of the body which made this contract should not have an opportunity to discuss it and to manifest our disposition toward it. I do not know why we should be silent. We were the people who loaned this money. The Congress is responsible for the loan and for the settlement.

Mr. WALSH. I did not intend to infer any criticism of the Senator. I think he is pursuing exactly the proper course, but I did want to inquire what else was being done besides making protests on the floor of the Senate and the floor of the House.

Mr. BORAH. In my opinion, nothing.

Mr. WALSH. Does not the Senator think something ought to be done?

Mr. BORAH. I do. I feel a firm, decisive attitude on the part of our Government would restore payment.

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

Mr. BORAH. I yield.

Mr. KING. I think I am speaking entirely within the record when I speak in answer to the question propounded by the Senator from Massachusetts (Mr. Walsh) that the President of the United States in a recent utterance indicates that Congress has declared upon this question, and, as the Chief Executive, he took the same view.

Mr. BORAH. Mr. President, I am not contending that proposition. But the question was asked me what was being done except recording the protest. I do not know of anything being done except that.

Mr. WALSH. It seems to me that the Foreign Relations Committee might well ask what correspondence has passed between these debtor countries and what available information there is.

Mr. BORAH. A few days ago, Mr. President, the distinguished Senator—he is not present, and I hesitate therefore to refer to the matter—the distinguished Senator from California (Mr. McAnnulty) introduced a resolution looking to a future compromise of the debt, a further reduction of the debt. That can be construed across the water in one of the greatest navies that the world has ever seen. With all the money that she has she could easily reduce the expenditure on the Navy and Army alone and pay along on her debts.
Be it enacted, etc., That section 1 of the act of Congress approved February 7, 1913 (37 Stat. 653), be, and the same is hereby, amended as follows:

"That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate Cemetery in Little Rock, Ark., which property was accepted by the Secretary of War under the authority contained in the act of February 7, 1913, supra, for the purposes therein specified. A large portion of the tract so conveyed will never be required for the burial of Confederate veterans, and the purpose of burying worthy ex-Confederates, for decorating the graves, and for enjoyment, all under proper and reasonable regulations and restrictions, thereon and therefrom, is hereby recommended for enactment by the War Department. At the request of the War Department, the original donors, the city of Little Rock, are agreeable to the bill, which has been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the President is hereby authorized to cause the recommendation for the award of a decoration to Col. John A. Lockwood, United States Army, retired, which bad been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

"A bill to authorize the award of a decoration for distinguished service to Col. John A. Lockwood, United States Army, retired."
The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof was announced, as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4898) providing for the employment of shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. COUZENS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WASHINGTON GAS LIGHT CO.

The Senate proceeded to consider the bill (S. 3977) to authorize the Washington Gas Light Co. to alter its corporate structure, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 5, after the word “Company”, to insert the word “may.”

The amendment was agreed to.

Mr. CLARK. Mr. President, I ask that the bill go over.

Mr. KING. Mr. President, will the Senator withhold his objection?

Mr. CLARK. I will be glad to withhold it.

Mr. KING. This bill is very important. It has been unanimously reported by the respective committees of the House and the Senate. It has the approval also of the District Commissioners and the Public Utilities Commission. They are very much in favor of it.

Mr. CLARK. I will ask the Senator to let the bill go over. I should like to have an opportunity to examine it. I regard the Washington Gas Light Co. as the most uncensorious monopoly that I know of in the utilities field in the United States, and I have come under my observation, and I am not disposed to consent by my vote to any change in its corporate structure unless I have an opportunity to examine it and see what it is.

The PRESIDING OFFICER. The bill will be passed over, and the clerk will state the next bill on the calendar.
A basic salary of $3,500 per year, with an annual increase in such 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. 294).

Sec. 6. This act shall take effect on July 1, 1936.

RED RIVER BRIDGE, MINNESOTA AND NORTH DAKOTA

The Senate proceeded to consider the bill (S. 3345) to extend the times for commencing and completing the construction of a certain free highway bridge across the Red River between Moorhead, Minn., and Fargo, N. Dak., authorized and directed to be constructed by the State Highway Departments of the States of Minnesota and North Dakota by an act of Congress approved June 4, 1934, hereafter extended by an act of Congress approved August 5, 1935, as hereby further extended 1 and 3 years, respectively, from June 4, 1936.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

ALICE D. HOLLIS

The bill (S. 3316) for the relief of Alice D. Hollis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby, authorized and directed to pay, out of any money that may be in the Treasury not otherwise appropriated, to Alice D. Hollis, widow of William Stanley Hollis, late a consul general of the United States, the sum of $7,000, representing 1 year's salary of her deceased husband who died while in the Foreign Service.

BILL PASSED OVER

The bill (S. 3744) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. VANDENBERG. I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION IN NORTHERN AND MIDDLE DISTRICTS OF ALABAMA

The bill (S. 3477) relating to the jurisdiction of the judge for the northern and middle districts of Alabama was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That from and after the date of enactment of this act, except as hereinafter provided, the jurisdiction of the present district judge for the northern and middle districts of Alabama, and his successors, shall be confined to the middle district of such State.

Sec. 2. (a) If the trial of any case has been entered upon in the northern district of Alabama before said district judge for the northern and middle districts of Alabama and has not been continued, either in or before the date of enactment of this act, the jurisdiction in such northern district of said judge shall be deemed to be extended as to such trial, but not in any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken.
by him within such district and prior to the date of enactment of
such act.
Sec. 3. Nothing in this act shall be construed to alter or amend
any provision contained in the act of June 13, 1926, or in the
convention of any district judge to hold court in a district other than his own.

CONVEYANCE OF LAND TO ENFIELD, CONN.

The bill (H. R. 8559) to convey certain land to the city of
Enfield, Conn., was considered, ordered to a third reading,
read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and
he is hereby, authorized to convey to the board of selectmen of the
town of Enfield, the right, title, and interest of the
post-office property to the town of Enfield, county of Hartford,
State of Connecticut, for street purposes only, all the right, title,
and interest of the United States to the following described parcel of land which forms a part of the new
post-office site at Enfield, Conn.:
Lying and being in the town of Enfield, county of Hartford,
State of Connecticut, being a strip of land running 93 feet on
the northerly side of High Street and extending of that width in a
northwesterly direction along the westerly side of Bartley Avenue
for the full depth of the post-office site, a distance of 160 feet:
Provided, however, That the said town of Enfield, Conn., shall not
have the right to sell or convey the said described premises nor
to devote the same to any other purpose than as hereinbefore pro-
vided: and in the event said premises shall not be used for street
purposes only and cared for and maintained as other streets in said town, the right, title, and interest conveyed to
the town of Enfield shall revert to the United States.

DISPOSITION OF POST-OFFICE PROPERTY AT OAKLAND, CALIF.

The bill (H. R. 6645) to amend the act entitled "An act
to provide for the construction of certain public buildings, and for
other purposes", approved May 25, 1926, was considered,
ordered to a third reading, read the third time, and passed,
as follows:

Be it enacted, etc., That the act entitled "An act to provide for
the construction of certain public buildings, and for other purpos-
es", approved May 25, 1926, was considered, ordered to a third
reading, read the third time, and passed, as follows:

The Senate proceeded to consider the bill (S. 2553) for
the relief of C. C. Young, which had been reported from the
Committee on Claims with an amendment to strike out all
after the enacting clause and insert:

The Senate is hereby conferred upon the United States
District Court for the Eastern District of Arkansas to hear, de-
termine, and render judgment, as if the United States were liable
in the claim of C. C. Young, father of Ardie Young, who was killed
by the explosion of a 37-millimeter shell near Camp Pike, Ark., on September 15, 1929.

Sec. 2. Suit upon such claim may be instituted at any time
within 1 year after the enactment of this act, notwithstanding the
lapse of time or any statute of limitations. Proceedings for the
determination of such claim, and appeal from and payment of
any judgment thereon, shall be in the same manner as in the
cases of claims over which such court has jurisdiction under the
provisions of paragraph 29 of section 34 of the Judicial Code,
as amended.

The amendment was agreed to.

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

C. C. YOUNG

The Senate proceeded to consider the bill (H. R. 3629) to
authorize the acquisition of additional land for the use of
Walter Reed General Hospital, which was read, as follows:

The Senate is hereby authorized and directed to negotiate for
the purchase from the present owner or owners, and to enter into a contract for the purchase, if the price be satis-
factory to the Secretary of War, of all the right, title, and interest, of all the
parcels of land shown on plat book of the District of Columbia
as parcels 89-1/2, 89-1/4, 89-3/4, and 89-3/4, located adjacent to and
on the south side of the existing reservation of the Walter Reed General Hospital, and extending from Sixteenth Street on the west to the boundary line of the District of Columbia, all of which is more, or less, exclusive of all lands therein set apart for streets; and if said land be acquired, the said Walter Reed General
Hospital, by the Secretary of War, is hereby empowered to use for hospital purposes all land indicated upon
said plat book as reserved and set apart for streets within said tract of
land, and all of said land so acquired shall be for the special
connection with the Walter Reed General Hospital.

Sec. 2. That there is hereby appropriated a sum not exceeding $204,162 to enable the Secretary of War to carry out
the provisions of this act.

3. Nothing in this act shall be construed to authorize the contract
for the purchase of said tract of land from the present owner or
owners thereof at a price that he shall deem to be fair and reason-
able, and not exceeding the sum of $204,162; and in such event the
Secretary of War is hereby authorized to cause condemnation
proceedings to be instituted in the name of the United States for
the condemnation of said tract of land for the purposes herein
stated, under the provisions of the act of May 18, 1933, Anning Public Law No. 17, of the Seventy-third Congress, and en-
titled "An act to improve the navigation of the Tennessee
River; to provide for the reforestation and the proper use of marginal lands in the Tennessee Valley; to provide
for the agricultural and industrial development of said
valley; to provide for the national defense by the creation of a
reservation for the operation of national defense properties
at Muscle Shoals, in the State of Alabama; and for other purposes."
Section 25 of said act, with reference to the procedure in
condemnation proceedings, is hereby made a part of this act
by way of reference and for the purpose of prescribing the mode and manner
of exercising the right of eminent domain for securing for the
use of the Government lands and properties for the
Government properties at said Muscle Shoals, as specified before mentioned. The provisions of this section shall not be con-
strued to be in substitution for, but shall be supplemental to
the method of acquiring land or interests therein provided in existing
law.

4. In the hearing upon said condemnation proceedings it shall be
in order to introduce in evidence the tax assessments
as to said real estate of the taxing authorities of the District of
Columbia for the 10 years prior to the date of the
enactment of this legislation, and that in addition it is
exempted from such condemnation proceedings, irrespective and notwithstanding any
existing rules of evidence herebefore prevailing in the United States courts in the District of Columbia, or elsewhere.

Mr. KING. Mr. President, I notice that the War De-
partment opposes this measure. I am not familiar with it.

Mr. SHEPPARD. Mr. President, the purpose of this bill
is to authorize the Secretary of War to negotiate for
the purchase of a tract of land of some 22 acres lying immedi-
ately south of the present location of the Walter Reed Hospital in
Washington, which includes Walter Reed Hospital. The
War Department points out that this land is needed for
additional facilities, primarily for quarters. Eighty-three
officers of the 105 on duty at Walter Reed General Hos-
ital now reside at varying distances therefrom, and at an
annual commutation cost to the Government of about $100,-
000. The War Department calls attention to the fact that
the savings would eventually accrue to the Government by the
enactment of this legislation, and that in addition it is con-
sidered necessary for the efficient functioning of the hos-
pital that a greater number of the officer personnel on duty
at the hospital should reside in closer proximity thereto.

The land for which provision is made in the bill is the only
available land remaining for the expansion of Walter
Reed General Hospital, expansion in any other direction
being precluded by existing street and building develop-
ments. The bill authorizes the Secretary of War to acquire
land needed $204,162 to enable the Secretary of War to carry out
the provisions of the measure. In view of the fact that the
Budget Bureau points out this proposed legislation is not in
accord with the President's financial program, the War
Department does not recommend favorable action.

However, in its report on the bill the needs for the addi-
tional land for Walter Reed are clearly set forth, and in
view of these needs the Military Affairs Committee, after
giving careful consideration to House bill 3839, has reported it favorably with a recommendation that it pass.

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

**Timber Rights on Gigling Military Reservation, Calif.**

The 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, was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.* That the Secretary of War be, and he is hereby, authorized to acquire by purchase, condemnation, or otherwise, all the rights and interests which were reserved by the former owners on conveyance to the United States of the land embraced in the military reservation known as the Gigling Military Reservation (now designated as Camp Ord), in Monterey County, Calif., relative to the cutting of timber thereon and the preparation and removal of forest products, and to terminate all easements, rights, and privileges insofar as they have application to timber operations for private benefit; and there is hereby authorized to be appropriated the sum of $25,000 to carry out the provisions of this act.

**Relief of State of Alabama**

The bill (H. R. 3389) for the relief of the State of Alabama, was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.* That the State of Alabama be, and is hereby, relieved from all responsibility and accountability for certain quarter-master and other property to the approximate value of $22,361.43 in the custody of the War Department in possession of the Alabama National Guard, which was lost, destroyed, or used for emergency relief work incident to the Elba (Ala.) flood of March 1929, as was subsequently retransferred and has been retransferred to the Secretary of the Army in March 1932, and the Secretary of War is hereby authorized and directed to terminate all further accountability for said property.

**Army Base Terminal, Charleston, S. C.**

The Senate proceeded to consider the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army base terminal to the city of Charleston, S. C., which had been reported to the Committee on Commerce with an amendment, on page 1, after line 7, to strike out the words "leased by the United States Shipping Board to the Port Utilities Commission of Charleston, S. C., on December 31, 1930, with the exception of such portion of said land as has been transferred by the War Department by Executive order" and to insert in lieu thereof "transferred to the United States Shipping Board by Executive Order No. 3920 dated November 3, 1932, with the exception of such portion of said land as has been transferred by the War Department by Executive order, or is now under consideration for retransfer, and also subject to all the rights and privileges now enjoyed by the War Department as specifically set forth in said Executive Order No. 3920, or as may hereafter be agreed upon by Secretary of War and the city of Charleston: Provided, however, That the charges for water and electric current furnished the War Department shall not exceed rates prevailing in the city of Charleston and vicinity for such services", so as to make the bill read:

*Be it enacted, etc.* That the Secretary of Commerce is authorized and directed to convey to the city of Charleston, S. C., that portion of the Charleston Quartermaster Intermediate Depot, including improvements thereon, which was transferred to the United States Shipping Board by Executive Order No. 3920 dated November 3, 1932, with the exception of such portion of said land as has been retransferred to the War Department by Executive order, or is now under consideration for retransfer, and also subject to all the rights and privileges now enjoyed by the War Department as specifically set forth in said Executive Order No. 3920, or as may hereafter be agreed upon by Secretary of War and the city of Charleston: Provided, however, That the charges for water and electric current furnished the War Department shall not exceed rates prevailing in the city of Charleston and vicinity for such services.

Exc. 2. The deed executed by the Secretary of Commerce shall contain the provision that in the event of a national emergency the property so conveyed, with all improvements thereon, shall be seized, or broken upon emergency order, by the President by and with the consent of the City of Charleston for the use of the War Department during the period of such emergency.

The amendment was agreed to.

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

**Irrigation Charges on Indian Reservation Projects**

The bill (S. 1318) to authorize the Secretary of the Interior to adjust irrigation charges on projects on Indian reservations, and for other purposes, was announced as next in order.

Mr. McKELIAR. Let the bill go over.

Mr. O'MAHONEY. Mr. President, I hope the Senator will withdraw his objection; in order that I may make an explanation of the measure.

Mr. McKELIAR. I shall withhold it to hear what the Senator has to say.

Mr. O'MAHONEY. This is a measure to authorize and direct the Secretary of the Interior to make an investigation into the question of irrigation charges to white settlers on certain Indian reclamation projects. As long ago as 1914 a law was enacted by Congress which made reimbursable to the Federal Government all expenditures that had been theretofore or might thereafter be made on Indian reclamation projects. The result has been that in numerous cases whites who purchased lands within certain projects were by that act of Congress made responsible for the repayment pro rata of expenditures which had previously been made.

In 1932 Congress enacted a law authorizing the Secretary of the Interior to make investigation with respect to Indian lands and to adjust charges thereon. The Acting Director of the Bureau of the Budget and the Secretary of the Interior will have ample time to finish the hearings and make a report. The bill merely authorizes the Secretary to make investigation and report to Congress. No modification of charges can be made without an act of Congress after the report is submitted.

Mr. McKELIAR. Mr. President, I invite the Senator's attention to the report of Secretary Ickes, who said:

The foregoing facts, and the substitute draft of legislation, were submitted to the Bureau of the Budget on April 22 for consideration and appropriate recommendation. The Acting Director of the Bureau advised on May 28 that neither S. 1318, nor the proposed substitute therefor, would be in accord with the financial program of the President. His reasons are set forth at some length, as will be noted from the enclosed copy of his letter to me.

That is signed by Secretary Ickes. In the report of the Acting Director of the Budget, who is the present Budget Director, I find this statement:

In this view of the situation you are advised that neither the bill nor the proposed substitute therefor, would be in accord with the financial program of the President.

Mr. O'MAHONEY. The committee has met that objection.

Mr. MCKELIAR. Why did they overrule the objection?

Mr. O'MAHONEY. The committee did not overrule the objection as a matter of fact, but met it by eliminating from the bill the provision which would have made the recommendations of the Secretary effective within 60 days after being reported to Congress unless rejected. That provision is no longer in the bill, so that nothing can be made effective without special act of Congress. Therefore the Bureau of the Budget and the Secretary of the Interior will have ample opportunity to raise objections if any financial problem should be involved.

Mr. McKELIAR. Will the Senator state in a word what is the purpose of the bill?

Mr. O'MAHONEY. The purpose of the bill is to enable the Secretary of the Interior to make recommendations to Congress for the modification or cancellation of certain charges upon the old Indian projects where white settlers, having moved in and having purchased the land in good faith, are now being bound by expenditures which were made before they purchased the land.

Mr. MCKELIAR. The effect of the bill would be to give the Secretary a power which he does not want to assume and does not think proper to assume, and he reports against the bill.

Mr. O'MAHONEY. Only because of the provision regarding the budgetary objection.

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

Mr. O'MAHONEY. Certainly.
Mr. KING. May I inquire whether the investigation contemplated by the act is limited only to the State of Wyoming or will it embrace investigations in other States where white settlers have obtained Indian lands and many of whom now are unable to get water, though water was promised them when the land was ceded to the United States?

Mr. O'MAHONEY. It will apply to all Indian reclamation projects.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There was no objection, the Senate proceeded to consider the bill (S. 3383) to authorize the Secretary of the Interior to adjust irrigation charges on projects on Indian reservations, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That the Secretary of the Interior is authorized and directed to cause an investigation to be made to determine whether the owners of non-Indian lands under Indian irrigation projects and under projects where the United States has purchased water rights for Indians are unable to pay irrigation charges, including construction, maintenance, and operating charges, because of inability to operate the project on account of lack of fertility of the land, inadequacy of water supply, defects of irrigation works, or for any other reason. The Secretary shall make reports to the Congress on the same subject matter. The Senate then adjourned.

The PRESIDING OFFICER. That is all there is to it.

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

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

ADDITIONAL JURISDICTION UNDER THE BANKRUPTCY ACT

The bill (H. R. 14490) to amend chapter 9 of the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 97 of chapter 9 of the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, is amended to read as follows:

"Sec. 97. Additional jurisdiction: Until January 1, 1940, in addition to the jurisdiction exercised in voluntary and involuntary proceedings to adjudge persons bankrupt, courts of bankruptcy shall exercise original jurisdiction, for the relief of debtors, as provided in this chapter of this act.

Mr. ROBINSON. Mr. President, may I say with reference to the bill just passed that it merely extends the time in which debtors may be adjudged bankrupts.

OPERATION OF FOREIGN AND AMERICAN SHIPS IN THE FOREIGN TRADE

The Senate proceeded to consider the resolution (S. Res. 260) requesting certain information concerning the operation of foreign ships and of American ships engaged in foreign trade.

Mr. COPELAND. Mr. President, there are on the desk some amendments which have been considered and reported by the Commerce Committee. I ask that they be now considered.

The PRESIDING OFFICER. The clerk will report the amendments.

The amendments were, on page 1, line 3, after "of", insert "all"; on page 1, line 3, after "the", strike out "most important"; on page 2, line 13, after "of", strike out "the six" and insert "each of the"; on page 2, line 13, after "operating", strike out "the largest"; on page 2, line 14, after "for", insert "each of"; on page 2, line 14, after "1926" strike out all down to and including "and" in line 15 and insert "of"; on page 2, line 15, after "1933", insert a comma and the following: "inclusive"; and, on page 2, line 19, after
"contracts", strike out all down to and including "mail" in line 22, so as to make the resolution read:

Resolved, That the Secretary of Commerce is requested to furnish to the Senate, as soon as practicable, the following information: (1) a list of all the acts or resolutions of Congress authorizing the operation of American ships in foreign trade; (2) a brief summary of the handi­caps or restrictions confronting American-flag ships when competing with ships of a foreign flag; (3) show how these handicaps result in higher operating costs to the American shipowner; (4) whether it is the general practice of foreign shipowners to purchase fuel and supplies in this country or abroad, and the approximate annual amount of such purchases for all foreign-trade ships of the American merchant marine; (5) whether it is the general practice of foreign shippers to purchase fuel and supplies in this country or abroad, and the approximate annual amount of such purchases for all foreign-trade ships of the United States and its possessions; (6) the percentage of the relative operating costs of ships flying the flags of Great Britain, Germany, France, Italy, and Japan on the basis of 100 percent for ships flying the flag of the United States; (7) the percentage of American trans-Atlantic cargo carried by American-flag ships and the percentage carried by foreign-flag ships; (8) the percentage of American trans-Pacific cargo carried by American-flag ships and the percentage carried by foreign­flag ships; (9) the profit or loss of American lines operating American-flag tonnage for each of the years 1928 to 1935, inclusive; (10) the operating expenses of the same lines for the same years and the gross income therefrom; (11) how many of such lines held mail contracts, either on a poundage or per-mile basis, and the aggregate amount of money paid to them under such contracts.

The amendments were agreed to.

Mr. BLACK. Mr. President, I have a number of amendments that I desire to offer to the resolution.

The PRESIDING OFFICER. The amendments offered by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 2, line 19, after the word "ships", it is proposed to insert "during each year from 1918 to 1935, inclusive."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 12, it is proposed to make the same amendment.

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 12, it is proposed to strike out the words “the profit” and all of lines 13 and 14, and in line 15 to strike out “1934, and 1935” and to insert in lieu thereof:

The profit or loss of all American lines now holding foreign ocean mail contracts for each of the years from 1928 to 1935, inclusive, showing in each instance all commissions and profits or losses on all lines, including the profit or loss of such contracts other than those on which the profit or loss bears to the capital stock of the company reported upon, and showing in each instance all commissions and compensation of any nature paid by such lines to all affiliated, associated, subsidiary, or holding companies of such lines.

Mr. McNARY. Mr. President, before action is taken upon that amendment, I wish to ask the Senator from Alabama a question. The amendment has not been printed, has it?

Mr. BLACK. It has not.

Mr. McNARY. This is the first exposition we have had of the amendment, and there has been no discussion of it. A number of absent Senators are interested in this matter.

Mr. BLACK. No; there has been no discussion of it. I may state to the Senator that I did explain to the Senator from Maryland the type of amendment I desired to offer. This is a resolution calling for information only.

Mr. McNARY. I appreciate that fact: but, in view of the absence of some Members on this side of the Chamber, I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. COPELAND. Would it not be well to have the amendments printed so that they will be available?

Mr. McNARY. Of course, my request would include the printing of the amendments.

The PRESIDING OFFICER. The amendments will be printed and lie on the table.

ENFORCEMENT OF TWENTY-FIRST AMENDMENT

The Senate proceeded to consider the bill (H. R. 8368) to enforce the twenty-first amendment, which had been reported from the Committee on the Judiciary with an amendment. In page 1, line 1, strike out “thereafter” and insert “and nothing in this act shall apply to the Canal Zone”, so as to make the section read:

Sec. 11. Nothing contained in this act shall repeal any other provisions of existing laws except such provisions of such laws as are directly in conflict with this act and nothing in this act shall apply to the Canal Zone.

Mr. McKELLAR. Mr. President, will the Senator from Utah explain this bill?

Mr. KING. Mr. President, a number of amendments have been submitted in part to meet typographical errors and because of the necessity of renumbering the paragraphs and sections. There is one amendment which strikes out a provision which is found in another bill which has passed the House and will be reported by the Finance Committee within a few days. The primary purpose of the bill is to protect the dry States against the transportation of liquor into the same.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. BORAH. Mr. President, I have not had an opportunity to read the bill. What do I understand the Senator to say to be the object of the bill?

Mr. KING. It is to protect the dry States.

Mr. BORAH. In what way?

Mr. KING. In matters arising under the twenty-first amendment; that is, following the repeal of the eighteenth amendment and the adoption of the twenty-first amendment, it became necessary to provide by Federal law for the protection of the so-called dry States.

Mr. BORAH. I understand; but how is it proposed to protect the dry States?

Mr. KING. So that liquor may not be transported into dry States, or, if so, then, with respect to its movement or use, it shall be subject to the laws of such States.

Mr. BORAH. Does the bill undertake to deal with the matter of transporting liquor into the States?

Mr. KING. As I understand the bill, it forbids it.

Mr. BORAH. It forbids the shipment of liquor into dry States?

Mr. KING. Yes.

Mr. BORAH. And provides a penalty for such shipment?

Mr. KING. Yes; that is my understanding.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time and passed.

Mr. KING subsequently said: Mr. President, inadvertently, when the Senate considered House bill 8368, there were a number of amendments not disposed of. I now enter a motion to reconsider the votes whereby the bill was ordered to a third reading, read the third time, and passed; and when the Senate again meets, I shall ask to have the bill again considered.

The PRESIDING OFFICER. The motion of the Senator from Utah will be entered.

BILL PASSED OVER

The bill (S. 4197) relating to the admissibility in evidence of certain writings and records made in the regular course of business was announced as next in order.

Mr. ASHURST. Mr. President, in that bill there is a word which I think I should like to explore further before I ask the Senate to consider the bill. I ask to have the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

TEMS OF DISTRICT COURT, MIDDLE DISTRICT OF PENNSYLVANIA

The bill (H. R. 11098) to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa., was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

Mr. ASHURST. Mr. President, I should like to take a moment on the next bill.
My able friend from New York, the senior Senator from that State, has objected to this bill. With reluctance and regret, my conception of my duty will require me to move to proceed to the consideration of the bill as soon as the call of the calendar shall have been completed. Not as a threat, not in any bad humor, but, carrying out what I believe to be my duty, I now respectfully give notice that just as soon as the call of the calendar shall have been completed I will move to proceed to the consideration of this bill, for reasons which I shall then give.

I ask to have the notice entered that I shall make the motion and crave the recognition of the Chair when the calendar shall have been completed.

STATEMENT OF ALBERT GALLATIN

The Joint resolution (S. J. Res. 216) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That authority is hereby granted to any association organized within 5 years from date of the approval of this resolution for that purpose to erect a statue of Albert Gallatin, Secretary of the Treasury, from May 14, 1801, to February 9, 1814, opposite entrance to the Treasury Building in the District of Columbia, up the Potomac River, where the monument of Washington within the grounds occupied by such building, or at such other place within such grounds as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library, the same to be presented to the people of the United States.

Sec. 2. That for the preparation of the site and the erection of a pedestal upon which to place the said statue, under the direction of the Secretary of the Treasury and Public Parks of the National Capital, the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated.

CONSTRUCTION OF BASIN FOR TESTING MODELS OF NAVAL CRAFT

The bill (H. R. 10155) to authorize the construction of a model basin establishment, and for other purposes, was announced as next in order.

Mr. BORAH. Mr. President, what is the proposed model basin?

Mr. WALSH. Mr. President, this is a bill which has already been passed by the House. The naval appropriation bill, in an appropriation of the amount mentioned in this bill, which authorizes the appropriation of $3,500,000.

I can best explain what the naval experimental model basin is by reading some of the testimony presented to the Naval Affairs Committee by Admiral Land.

Mr. BORAH. I will not ask the Senator to do that; but I will not understand the object of the basin. Is it a bathing basin?

Mr. WALSH. No, sir. Before ships are built, models of them are made, and tests are made of the speed and strength of the models; tests are made of the material of the different parts of the mechanism, and so forth; and that is true also of airplanes. There is now in every country such a basin. We now have one at the Washington Navy Yard, but it is obsolete and is unable to perform the functions that are required. Great Britain has two such model basins; Germany has one; Japan is planning one; nearly every maritime country of the world has one. The one at the Washington Navy Yard is obsolete and inadequate and too small for the purposes required.

Mr. BORAH. This basin is necessary as a part of the Naval Establishment; is it?

Mr. WALSH. In order correctly to build a ship, it is necessary to have a basin of this kind, not only for the Navy but for our merchant marine. Private shipping interests hire the use of this basin for the purpose of testing out their models; and it is expected that one-half the expense will be borne by income received from American shipping interests which now have to go to foreign countries to have this work done.

Mr. KING. Mr. President, may I ask the Senator a question?

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Line Survey, San Francisco Bay, 1919. Sheet No. 6, on file in the United States engineer's office, Customs House, San Francisco; and running thence north 78°56' west 409.56 feet to a point, said line being described during the survey as being 127.7 feet measured at right angles from center line of the South Pacific Coast Railway Co.'s right-of-way; thence north 83°28' west 543 feet to a point; thence north 79°5' west 500 feet to a point; thence north 83°50' west 1,657.58 feet to a point on the United States Pierhead Line, thence south 47°47' west 4,190.05 feet to a point on the United States pierhead line with the southwesterly line of the city of Alameda (already surveyed); thence north 27°50' east 11,529 feet along the southwesterly boundary line of the city of Alameda to a point, which point is the intersection of the westerly line of Benton Field; thence north 16°2' east 9,344.13 feet to a point; thence north 78°56' west 409.56 feet to the point of beginning, containing 982 acres more or less, one of all encumbrances and covenants hereinbefore mentioned, certain lease entered into by and between the city of Alameda and the Alameda Airports, Inc., a subsidiary of the Curtiss-Wright Corporation. Title to the above-referred-to property is accepted by the United States upon the understanding that at least $1,000,000 will be expended by the Government of the United States in development work by December 31, 1939, otherwise title to said lands will revert to the city of Alameda.

Sec. 2. The Secretary of the Navy is further authorized to construct, install, and equip as said naval airport, such buildings and utilities, technical buildings and utilities, landing field and mata, and all structures necessary for the operation and maintenance, and repair of landplanes and seaplanes, including ammunition storage, fuel and oil storage, and distribution systems; runway and seaplane ramp, roads, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the removal and remodeling of existing structures and installations.

Sec. 3. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following sums: (a) Not to exceed $30,000 for the purpose of acquiring the Curtiss-Wright Corporation leasehold and all improvements of every kind and nature on said tract of land; (b) $4,000 to be paid to the city of Alameda, Calif., to reimburse said city for the expense of a special election held for the purpose of authorizing the city council of the city of Alameda to convey to the United States the above-described parcel of land for the purpose, and only for the purpose, of being used in connection with such conveyance; and (c) $1,000,000 to be used for any of the purposes as set forth in section 2 of this act.

Mr. KING. Mr. President, I should like to have an explanation of this bill. I notice that it requires the expenditure of at least a million dollars in the development of work by December 31, 1939.

Mr. JOHNSON. The Senator is in error in saying that it requires that expenditure. The grant is made upon the condition that by the time referred to a certain amount of work will have been done on this particular project.

Mr. KING. It is provided that the property is accepted by the United States upon the understanding that at least $1,000,000 will be expended by the Government of the United States in development work by December 31, 1939.

Mr. JOHNSON. There is something over 900 acres of land, and a portion of 85 acres in use as an airport. In addition to that there are eight-hundred-and-some odd acres of tide lands. The city has held a referendum on the grant of the site to the Navy Department, and upon the terms stated on the referendum voted overwhelmingly to convey it. Of course it wants to make this grant, and to be certain that if it is accepted—and the acceptance is wholly discretionary—the work will be done. So it is made a condition precedent that by 1939 a million dollars shall have been expended upon this particular project, which the Navy Department and everybody connected with the national work in any way worked. Between Puget Sound and San Diego there is not a single naval airport, and that one is essential on San Francisco Bay, or in its vicinity, nobody questions.

The PRESIDING OFFICER (Mr. Clark in the chair). The question is on the engrossment and third reading of the bill.

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

THE AMERICAN MERCHANT MARINE

The bill (S. 3500) to develop a strong American merchant marine to promote the commerce of the United States, to aid national defense, and for other purposes, was announced as next in order.

SEVERAL SENATORS. OVER.

INTERNATIONAL EXPOSITION OF PARIS—ART AND TECHNIQUE IN MODERN LIFE

The Joint resolution (H. J. Res. 305) accepting the invitation of the Government of France to the United States to participate in the International Exposition of 1937, Paris, for the exposition of Art and Technique in Modern Life, to be held at Paris, France, in 1937, was considered, ordered to a third reading, read the third time, and passed.

AVIATION INSTRUCTION IN PUBLIC SCHOOLS

The bill (S. 2926) to authorize the Commissioner of Education in the Department of the Interior to conduct a study and disseminate his findings and recommendations regarding suitable aviation instruction courses for the public schools, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to meet the growing demand from parts of the United States for practical experiences in aviation, and to make available to the public schools a through knowledge of suitable aviation instruction courses, there is authorized to be appropriated, out of any money in the Treasury, including any further money appropriated for the purpose of the act entitled "The Treasury Act of 1936," $20,000, to be used for the purpose of effectuating an intensive study of instructional methods, and for all expenses incurred in connection with such study, and the report and findings thereof, and the report and findings thereof shall be furnished to the Office of Education and the Committee on Education and Labor with an amendment, on page 2, line 6, to strike out "$30,000," and to insert in lieu thereof "$15,000," so as to make the bill read:

Be it enacted, etc., That the Territory of Alaska shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money for such purposes," approved February 29, 1917, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1926, and annually thereafter, the sum of $15,000, to be available for allotment under such act to the Territory.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.
COMMEMORATION OF THE LANDING OF THE SWEDES IN DELAWARE

The Senate proceeded to consider the joint resolution (S. J. Res. 85) to authorize the coining of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Swedes in Delaware, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:

That in commemoration of the one hundredth anniversary of the landing of the Swedes in Delaware, which had been reported by the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:

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That in commemoration of the one hundredth anniversary of the landing of the Swedes in Delaware, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:
The Senate proceeded to consider the bill (H. R. 16480) to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y., which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:

That in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y., there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 25,000 silver 50-cent pieces of standard size, weight, and composition, and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Sec. 2. The coins herein authorized shall bear the date 1936, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amounts of their face value, and shall be issued only upon the request of a committee of not less than three persons duly authorized by the mayor of the city of New Rochelle, N. Y., upon payment by it of the par value of such coins, but not less than 4,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this Act. Such coins may be disposed of at par or at a premium by such committee, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the coinage of such event.

Sec. 3. All laws now in force relating to the coining of coins, the melting or striking of the same, regulating and guarding the process of coining, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

The amendment was agreed to.

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

The bill was read the third time and passed.

COMMEMORATION OF THREE HUNDREDTH ANNIVERSARY OF LONG ISLAND, N. Y.

The Senate proceeded to consider the bill (H. R. 11932) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the first settlement on Long Island, N. Y., which had been reported from the Committee on Banking and Currency with an amendment, to strike out all after the enacting clause and to insert:

That in commemoration of the three hundredth anniversary of the founding of the first settlement on Long Island, N. Y., there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 100,000 silver 50-cent pieces of standard size, weight, and composition, and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Sec. 2. The coins herein authorized shall bear the date 1936, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amounts of their face value, and shall be issued only upon the request of the chairman or secretary of the Long Island Tercentenary Committee upon payment by him of the par value of such coins, but not less than 4,000 such coins shall be issued to him at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this Act. Such coins may be disposed of at par or at a premium by such committee, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the coinage of such event.

Sec. 3. All laws now in force relating to the coining of subsidiary silver coins of the United States and to the coinage of the same, regulating and guarding the process of coining, providing for the purchase of material, and for the transportation, distribution, and redemption of such coins, and for the payment, assessment, and collection of the gold and silver taxes, and for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

The amendment was agreed to.

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

The bill was read the third time and passed.

The PRESIDING OFFICER. That completes the calendar.

The Senate resumed the consideration of the bill (S. 1424) to amend the Packers and Stockyards Act, 1921.

PERSONNEL OF REGIONAL OFFICES OF HOME LOAN BANK BOARD

Mr. McKELLAR. Mr. President, I ask that the unfinished business be laid aside temporarily in order that I may bring before the Senate a resolution. I think there will be no objection to the consideration of the resolution.

A day or two ago I submitted Senate Resolution 286, asking for certain information from the Federal Home Loan Bank Board and the Home Owners' Loan Corporation. I ask unanimous consent to have the unfinished business temporarily laid aside in order that the resolution may be considered.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily? The Chair hears none. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 286) calling on the Federal Home Loan Bank Board for certain information concerning regional offices and employees.

Mr. McKELLAR. I send to the desk an amendment, which I ask to have stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 1, after the word "Board", it is proposed to insert "and Home Owners' Loan Corporation."

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

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Federal Home Loan Bank Board and Home Owners' Loan Corporation furnish to the Senate, at the earliest practicable moment, the number and location of regional offices, the number of persons employed in each, the names of the various officers and employees of such offices, the legal residence of each such official and employee at the date of their first employment by the Corporation, the date of such first employment, the salary of each such official and employee, the general duties of such regional offices, and for what reasons, if any, regional offices were established in States where the same are not desired by the Congress, and the total monthly pay-roll expense, for the last available month, of State and regional offices in each State in which such offices are located; also the total pay-roll expense of the home office in Washington, by months, from January 1, 1933, to January 31, 1936, inclusive.

The preamble was agreed to.

NORTHERN MONTANA AGRICULTURAL AND MANUAL TRAINING SCHOOL

Mr. MURRAY. Mr. President, I ask unanimous consent to revert to Senate bill 1811, Calendar No. 1753, granting certain public lands to the State of Montana for the use and benefit of the Northern Montana Agricultural and Manual Training School. The bill was introduced by my colleague the senior Senator from Montana (Mr. Wheeler).

The purpose of the bill is to provide a grant of lands to the Northern Montana Agricultural and Manual Training School. An amendment was presented in the Committee on Public Lands and Surveys which provides—

That the withdrawal of lands for purposes of classification or the inclusion of lands within a grazing district, as provided by the 3. Act approved June 28, 1934, for the purposes of the allotment of land for Indian reservations and the withdrawal of lands for classification, shall not be considered to be a reservation for the purposes of this Act.

The purpose of the bill is to overcome the fact that all of these lands had been temporarily withdrawn in connection with the passage of the Grazing Act. All the other colleges in the State of Montana have already been granted. This is the only college in the State that is without such a grant. The land is all practically worthless; all of the good lands have already been granted. I do not understand why there should be any objection to the consideration of the bill.
Mr. VANDENBERG. Mr. President, I ask the Senator from Montana to explain why the Department of the Interior is opposed to the bill.

Mr. MURRAY. I do not understand that the Department of the Interior is opposed to it. Here is the statement made:

It has not been the policy of this Department to recommend further grants of lands to the States for specific purposes, except in the case of some special and urgent reason for such a grant.

The urgent reason is that this is the only college in the State that has not had a similar grant. The land, as I have said, is practically worthless, and it is doing the Federal Government a favor to allow it to turn the land over to the State.

Mr. VANDENBERG. Is what the Senator has read the extent of the Department's opinion?

Mr. MURRAY. That is the important part of it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Pursuant to an objection, the Senate proceeded to consider the bill (S. 1871) granting certain public lands to the State of Montana for the use and benefit of the Northern Montana Agricultural and Manual Training School, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 8, after the word "Senator":

"Provided, That the withdrawal of lands for purposes of classification or the inclusion of lands within a grazing district, as provided by the act approved June 28, 1934 (48 Stat. 1289), shall not be considered to be a reservation for the purposes of this act", so as to make the bill read:

"Provided, That the withdrawal of lands for purposes of classification or the inclusion of lands within a grazing district, as provided by the act approved June 28, 1934 (48 Stat. 1289), shall not be considered to be a reservation for the purposes of this act."

Mr. McNARY. Mr. President, will the Senator Yield?

Mr. VANDENBERG. Mr. President, I move that the President yield.

Mr. McNARY. Mr. President, I move that the Senate proceed to consider House bill 11098 as a special order.

The PRESIDING OFFICER. The Chair will state to the Senator from Arizona that even the motion as he now puts it, fails to proceed to the consideration of the bill indicated by him as a special order, would have the effect of displacing the unfinished business.

Mr. ASHURST. Then, with the distinct understanding that it will not displace the unfinished business for longer than this day, I move that the Senate proceed to the consideration of the bill named by me.

The PRESIDING OFFICER. The Chair will state that he is unable to put the motion, except as a request for unanimous consent, with the proviso attached to it by the Senator from Arizona.

Mr. ASHURST. I do not believe that I can procure unanimous consent. That is my judgment.

Mr. President, I will state the reason why I make the motion. Law and order broke down in Los Angeles, Calif. Law and order have now to some extent been restored in Los Angeles. Law and order have broken down in New York City. There are eight judges in the southern district of that State. Each judge last year tried and disposed of an average of 170 cases. The dockets for the next 22 months are almost filled up to the trial of actions at law; 23 months in arrears in the trial of suits in equity; and 27 months in arrears in the trial of admiralty suits. The intervals are computed not from the date of filing the suits but from the date of joining the issue.

The judicial conference recommended two additional district judges for the southern district of New York.

The Judiciary Committee last year agreed to the bill, and the bill was passed by the Senate. A bill has now come from the House to provide for the terms of the district court in the middle district of Pennsylvania. The Judiciary Committee authorized its chairman to move as an amendment to that bill that the bill which passed the Senate last August, if the United States Senate believes that a condition which denies justice; for justice long delayed is justice denied, should be allowed to continue because, forsooth, one of the most powerful political organizations of America is opposed to the creation of any more judges, peace be with you.

I now insist on my motion—and I shall later ask for unanimous consent, if I am so driven—that the Senate proceed to the consideration of the House bill. Let the roll be called and let us see who stands for law and order and who stands for a political organization which says, "You shall have no law and order." Mr. President, have I spoken plainly? If not, I can use more direct English, if necessary. [Laughter.]

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

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. I always yield to my able friend the Senator from New York. He has been frank; that virtue has characterized him always; he has never deceived me, and in his long career I do not think he has ever deceived any man. He is opposing this bill. I yield to him my tribute of respect, because he is opposing it on grounds that seem to him sufficient. I simply do not agree with him, and I wish the Senate to meet this test without avoidance, without shrinking. The man who meets a test squarely is always; he has never deceived me.

Mr. McNARY. Mr. President, I thought the Senator said it was not his purpose to displace the unfinished business.

Mr. ASHURST. I do not intend to do so. I now call as a witness the Senator in charge of the unfinished business to confirm my statement that the unfinished business will not be considered until next Monday. It is well known that I do not intend to displace the unfinished business. I should prefer to have the measure providing the two additional for
Mr. McNARY obtained the floor.

Mr. McNARY. I simply wish to inquire whether the Senator from Arizona persists in his motion to displace the unfinished business?

Mr. ASHURST. Yes, Mr. President; with all due respect, all I want is a test. I want a vote, and if it is required of me I shall move to substitute as the unfinished business the bill I have indicated, and then I will move to replace the unfinished business just as soon as this day's work shall have been ended.

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

Mr. McNARY. I yield.

Mr. NORTIS. The motion of the Senator from Arizona, as I see it, will not bring a test such as he has outlined to those who are opposed to law and order, and one thing and another. The unfinished business is a bill which the Committee on Agriculture and Forestry has reported pertaining to public stock markets in the United States. As between that bill and the bill the Senator wants considered, it may be that many Senators favor them both.

Mr. ASHURST. That is true.

Mr. NORTIS. But the Senate cannot consider them both at once; and under our parliamentary rules, if the Senator's motion should prevail, then the unfinished business, the other bill, would be out in the air. It could be taken up again, of course, but it would have to go through a certain formality.

Mr. ASHURST. As usual, the Senator from Nebraska is correct. While I doubt the propriety of such a procedure, I will ask the senior Senator from Kansas, who is in charge of the unfinished business, if he intends to have the unfinished business considered until Monday, if the Senator from Kansas will be so courteous as to reply to that question?

Mr. CAPPER. President, if Senators are absent from the city at this time who have asked that the unfinished business be not brought to a vote until Monday, there is no objection, of course, to a discussion of the unfinished business.

Mr. ASHURST. But the Senator has no intention to have the unfinished business seriously considered until Monday?

Mr. CAPPER. I can promise not to ask that, so far as I have anything to do with it.

Mr. ASHURST. The Senator's promise is as good as his bond. His promise to his colleague is that the bill will not be considered until Monday. So another fiction has fallen and been shattered. Let us not try now to say that the unfinished business is going to be interrupted by the consideration of the bill to which I have referred. I am opposed to the unfinished business; I shall not vote for it; but I am, when any action at the New York judicature bill shall have been disposed of, to resume the consideration of the unfinished business. I give a pledge that, while I am very much opposed to the unfinished business, I shall not use 3 minutes in arguing against it. Now, I call for a vote on my motion to proceed to the consideration of House bill H.R. 2198.}

Mr. COPELAND. Mr. President, I should like to ask the Senator from Arizona, who is very well informed regarding Federal judges, whether there is now a vacancy on the bench in New York City?

Mr. ASHURST. Does the Senator mean the district bench?

Mr. COPELAND. Yes.

Mr. ASHURST. Really I do not know. There are eight judges in the southern district of New York, and those eight judges in the last calendar year each tried and disposed of 772 cases. As to a vacancy, I do not know.

Mr. COPELAND. Let us test the matter. The Senator does not know whether there is or is not a vacancy.

Mr. ASHURST. A vacancy to be filled?

Mr. COPELAND. Yes.

Mr. ASHURST. Frankly, I do not know.

Mr. COPELAND. There is a vacancy which has been there a long time. It is a great pity that law and justice have broken down in New York, when the situation could be saved if we had judges. Why has not the vacancy been filled? Why not fill the vacancy?

Mr. ASHURST. The Senator is too able to fail to know that we have no appointing power and that judges are appointed upon the recommendations of Senators. Have the Senators from New York made the recommendation?

Mr. COPELAND. Upon the recommendation of a Senator?

Mr. ASHURST. Yes; the judges are appointed upon the recommendation of Senators.

Mr. COPELAND. Why, Mr. President!

Mr. ASHURST. My able friend is not going to set up a screen and say these judges are appointed without our recommendation. We know they are appointed upon the recommendation of Senators. Has the Senator made his recommendation for the filling of the vacancy?

Mr. COPELAND. Does the Senator mean that individual Senators make recommendations?

Mr. ASHURST. Mr. President, I cannot accuse the Senator of being disingenuous. He is too frank, too manly, and too lovable a man, but he would be disingenuous, which is the last quality he wishes to assume, to pretend that Senators do not make recommendations as to the appointment of Federal Judges. A great deal of the trouble arises because our recommendations are not respected by the executive arm of the Government.

If I were the President, I would appoint judges upon the recommendation of the Senators from New York. I have read—and not one Senator has read more often than I—the life of Roscoe Conkling and the life of David B. Hill. I am familiar with the works of Elihu Root, James A. O'Gorman, and James W. Wadsworth. But the Empire State of the life of Roscoe Conkling and of the life of David B. Hill, with those learned men in the United States Senate, was never better represented than she is now when ROYAL COPELAND and "Bob" WAGNER sit in the Senate.

I regret that the performance of my duty requires me even for a moment to embarrass them, but if they are embarrassed because the chairman of the Senate Committee on the Judiciary proceeds with his duty, I am not to blame. Let us not be embarrassed too much in this life. The able Senator from Tennessee (Mr. McKellar) one morning about a year ago said something that I have remembered, and I shall never forget. He said, "Do not try to come to the Senate unless you are a fighter. If you are not a fighter, do not attempt to come to the United States Senate.

I am only making this fight because I am profoundly convinced of the propriety of that which the Judiciary of New York three times has requested, to wit, the appointment of additional Judges. The Senate of the United States last August considered and passed a bill providing for their appointment. Now the necessity is equally as great. I do not retreat because of any objection that may come from very capable men politically.

Senators, I am proud of the Senate. Do not forget when you enter the door to this Chamber that you have walked in the greatest body of the world. Here we can talk all the time or at any time upon any subject we please without individual hesitation, and sometimes we talk without reflection. It is the greatest office to which an American may aspire. We may talk about the executive and Judicial branches of the
Government. These seats, Senators, are the seats of learning. This is the forum where liberty is perpetuated. This is the place where justice is done.

We criticize the courts, and I have been a critic in my time. I believe first before we become too vengeful in our criticism of courts and Presidents, that we are doing our own duty. To refuse and fail to pass this bill granting needed aid to the judicial arm of the Government would be a failure on the part of the Senate to do its duty. I may not be parliamentarily correct. When I have had to enlist myself against trained parliamentarians possibly I have erred, but I am not going to believe that a mere parliamentary technicality will keep the Senate from doing what it knows ought to be done. I ask for a vote upon my motion.

Mr. COPELAND. Mr. President, I am delighted to have been interrupted by the Senator from Arizona. I am always happy to hear him. However, I return to my question. There has been a vacancy in the southern district of New York for about a year. If law and justice are breaking down in New York—and I had not known that it had until today; indeed, I thought we were really quite orderly.

Mr. ASHURST. Mr. President, will the Senator yield further right at that point?

Mr. COPELAND. I yield.

Mr. ASHURST. Before this debate proceeds further, duty and courtesy require me to say that I followed the lead of the Senator from New York and his speeches, not only in this forum but in others, in which he reiterated that law and order were breaking down in our country, which convinced me. Because of his leadership we have today anticrime statutes which the Government is using in pursuing and convicting and imprisoning the hopeless inmates of crime in our public laws. If I have said that law and order were breaking down in various parts of our country, I have but followed the lead and cribbed the speeches of the splendid Senator from New York.

Mr. COPELAND. Mr. President, have I still the floor? The PRESIDING OFFICER. The Senator from New York still has the floor.

Mr. COPELAND. Mr. President, it is true the Senator from Michigan (Mr. Vanderven) and I have called attention of the country repeatedly, together with our colleagues, the Senator from New York (Mr. Murphy).

Mr. ASHURST. I hope I may be indulged another interruption to say that I beg the pardon of the Senator from Iowa. He should have been included as a member of the illustrious trio which led the fight for law and order. It was not the chairman of the Judiciary Committee who led that fight. I was but a wayward and heavy-paced traveler. I wish to include in that worthy trio the junior Senator from Iowa (Mr. Murphy).

Mr. COPELAND. Mr. President, when we made our speeches around the country we were not talking about the Federal courts. Law and order have broken down in certain sections of the country, large communities in the country under the domination of the underworld. In those communities law and order have broken down, but not so far as the Federal Government is concerned. No man who knows the facts would say that there has been any failure in the part of the Federal Government to do its duty. If we were talking today about police courts or magistrate courts, courts having to do immediately with the underworld, I would say of almost every community in America that law and order have disappeared. No matter how carefully the police may make the fight, no matter how well the facts may be presented, the magistrates and judges in the lower courts is preventing the proper administration of law and order in the United States of America.

There is no trouble with the Federal courts. One reason why, in the work of our crime committee, we sought to transfer larger powers to the Federal courts was that the underworld fears the Federal courts. Those in the underworld do not want Uncle Sam to pursue them. They do not want to be in the clutches of the Federal Government.

So, when the Senator from Arizona said that law and order have broken down in New York or Chicago or any other community of the country because of the failure of Federal judges to do their duty, he demonstrated that he is not well informed.

Mr. President, as regards New York, there has been a vacancy there which might have been filled by appointment at any time from the time we were in session last summer up to this moment. If law and order suffer in New York, why has not that vacancy been filled? We have been hearing about fictitious this morning—legal fictions, social fictions, legislative fictions. There is no break-down in law and order so far as the Federal courts are concerned in the southern district of New York.

Mr. President, the Senator has spoken about something else. He has spoken about the recommendations of Senators being conclusive or influential.

Mr. WALSH. Mr. President, will the Senator yield? The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I do.

Mr. WALSH. Would the Senator be willing to tell the Senate why the vacancy has not been filled for a period of over a year?

Mr. COPELAND. I think perhaps I should say that we have just enough candidates so that we ought to have three places, and to make one appointment would break the balance.

Mr. WALSH. So the Senator implies that the purpose of this proposed legislation is to make jobs for three persons?

Mr. COPELAND. It is to make enough in the group so that all of them may be taken care of.

Mr. WALSH. That is a rather serious charge.

Mr. NORRIS. Mr. President—The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. How many new judges are provided for in this bill?

Mr. COPELAND. Two in this bill, and we have one vacancy.

Mr. NORRIS. Does the Senator mean to say that it is necessary to take care of only two men? Mr. COPELAND. No; three men.

Mr. NORRIS. Cannot more candidates than that be found in New York?

Mr. COPELAND. We have to take care of three men.

Mr. NORRIS. Will three positions be enough?

Mr. COPELAND. No; three are not enough to take care of all those who want the jobs.

Mr. NORRIS. Then provision for more ought to be put in the bill. (Laughter.)

Mr. COPELAND. But if we could have three jobs, we would just about balance things, so that everything would be all right.

Mr. President, there is no man in the Senate who is less interested in politics, pure and simple, than am I; but we have had long and many discussions here about the Federal judges. I opposed the increase of Federal judges in the southern district of New York back in the time when former Senator Wadsworth was my colleague, and figures were brought here to indicate that there was no necessity for any more. I was prevailed upon by somebody—I have no idea now who it was—to introduce the bill which passed last year providing for two additional judges. But since discovering that through a year's time those in authority have not known how to fill the vacancy and do away with 33 1/3 per cent of the break-down of law and order, I have become weakened in my belief that we need any more judges.

Mr. President, this is a matter of very little concern to me personally. I am not a member of the legal profession.
I have no occasion to consult Federal judges. So far, I have been able to keep out of their grasp; but so far as I can see there is no pressing need at the moment for the expenditure of $20,900 a year, beginning now and going on forever, for two additional judges at $10,000 each.

Mr. COPELAND. I yield to the Senator from Arizona.

Mr. ASHURST. In the first place, I do not know why the vacancy has not been filled. I have dispatched a young man to telephone the executive branch and ask the reason.

I remember an occasion in New York when a great explosion occurred, and glass was flying everywhere. The pieces of glass were 6 inches or more long. They flew around as poniards and pierced the eyes of people; and the able Senator from New York left his place of business and went out and served bleeding and crushed humanity; but he could not properly take care of more than two or three cases at one time.

Applying the same test, refusing help to a judge who disposes of 772 cases each year would be like saying to my able friend the Senator from New York, “Take care of more cases of injury than you can possibly care for. We will not give you help. You shall not have nurses; you shall not have the money with which you can efficiently do your work.”

I say, and the record is unchallenged, that the eight judges in the southern district of New York—in some instances they call in a judge from the outside—between July 1, 1934, and July 1, 1935, disposed of 6,176 cases, an average of 772 cases each. I was suggested that their vacations were too long, wherupon I caused an investigation to be made and found that their vacations were not one-tenth as long as the vacations which Senators of the United States take each year, on full salary—and I do not complain of that; I hope the vacations will continue. So I found that we cannot say that the judges are not working properly. Their vacations are short. Moreover, the bankruptcy law which we passed, and I think properly passed, has thrown each year 1,500 more cases on these judges.

I am no great apologist for Federal judges. I believe in the Federal judiciary. They have no way of enforcing their opinions and decisions save the force of public opinion and the respect and reverence of the people. They have no army, no navy, no treasury, no patronage.

There was one beautiful thing about the old regime of England during feudal times, in the days of the harsh laws of the knights—nobleesse oblige. Lofty station, noble birth, and in order to be the hereditary men, they were required to perform the arduous duties by 3 or 4 o’clock in the afternoon. I never knew that about the nicest, easiest job a man may have is to be a Federal judge. I observe that Federal judges are sent into New York in the summertime from other districts. They come from southern districts, where it is hot. They come to escape the atmosphere of New York and take a little holiday in the summer. Then our own judges go up in the mountains, or go to Europe. Mr. President, without speaking from professional knowledge, I venture to say that we could reduce the number of Federal judges in this country by 25 percent, and law and order would not break down.

It is a notorious fact that one cannot have the ear of a judge until 10 o’clock in the morning. He is all through his arduous duties by 3 or 4 o’clock in the afternoon. I never in my life had any job that I could finish within those hours. If it were a fact that Federal judges were taking home with them packages of papers and burning the midnight oil to inform themselves regarding the precedents and the decisions in order to determine what they ought to do in the various cases presented to them, we should say, “Well, you ought to have some help.” But when anyone says that law and order in this country are breaking down because of the lack of Federal judges, “it is to laugh”; it is an absurdity; it is not in accordance with the observation of any man who looks into the matter at all.

If we were now to adopt a motion to take away two Federal judges from the southern district of New York, in my judgment, it would be a wise motion. We have had a vacancy, as I have said several times, a year. If these judges are so overworked and interfered with in their trips to the mountains, let us fill that vacancy and provide them a little more leisure. I cannot see a particle of statesmanship in the proposal to add now to the one vacancy which exists two more judgeships so that three judges could be appointed.

I am not interested personally; it makes no difference to me. The political aspects mean nothing. I would not have anything to say about the appointment of one of them any way, but if I felt the judges were needed, that would not make any difference. I am not concerned myself with the political aspects of this job or that; I am trying here to inform the Senate, in the first place, the people of these states, and so far as I can serve the people of the United States, to do those things which I can in the free sphere to help my Government.

I do not care who the persons may be who recommend the appointments; I am not concerned as to that; but I know there is a place which should have been filled, and which has not been filled. And why is it not filled? If that does not give it the taint of politics I do not know anything about politics from observation. Yet before we can fill one vacancy, which has existed for a year, there must be two more vacancies in order that the balance may be maintained.

Mr. President, the Senate may do as it pleases, of course, and in their trips to the mountains, let us fill that vacancy and provide them a little more leisure. I cannot see a particle of statesmanship in the proposal to add now to the one vacancy which exists two more judgeships so that three judges could be appointed.

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The roll call was concluded.

Mr. BILBO. I have a pair with the Senator from Iowa [Mr. Douglas], I transfer to the Senator from Alabama [Mr. Bankhead] and vote "yea." I am not advised as to how the Senator from Iowa or the Senator from Alabama would vote if present.

Mr. LEWIS. I announce that the Senator from Alabama [Mr. Bankhead], the Senator from Rhode Island [Mr. Gifford], the Senator from California [Mr. McAfee], and the Senator from Florida [Mr. Trammell] are detained in important committee meetings.

The Senator from North Carolina [Mr. Bailey], the Senator from Washington [Mr. Bone], the Senator from Virginia [Mr. Neely] is unavoidably absent.

Mr. ASHurst (when Mr. Neely's name was called). I am authorized to announce that the Senator from West Virginia [Mr. Neely] is unavoidably absent. If present, he would vote "yea."

The result was announced—yeas 36, nays 25, as follows:

YEAS—36

Adams
Ashurst
Austin
Bachman
Barbour
Barkey
Bilbo
Borah
Bulkley
Byrnes

Chaves
Clark
Cozens
Couch
Cousens
Costigan
Duffy
Prater
Gibson
Gibson

King
Law
Logan
Lew
Leberkan
Fletcher
McGuire
Minton
Harrison

O'Mahoney
Fitzman
Pope
Parker
Radcliffe
Robinson
Schwienebach
Shipard
Truman

NAYS—25

Adams
Barbour
Byrnes
Cooper
Coppeland

Bilbo
Borah
Bulkley
Cartwright
Cayce

Barkey
Bilbo
Borah
Bilbo
Cooper

La Follette
McNary
Sanders

Duffy
Prater
Gibson
Hale

Nye

Murray

Vandenberg
Wagner
White

NOT VOTING—35

Bailey
Bankhead
Benson
Boyd
Byrd
Caraway
Cayce
Connally
Coolidge

Costigan
Dickinson
Dieterich
Dwyer
Glass
Hastings
Hazen
Hayden

Long
McAdoo
McMarr
McNary
Metcalfe
McCullough
McCulloch
Norbeck

Russell
Smith
Smith
Townsend
Townsend
Truman
Wheeler

So Mr. Ashurst's motion was agreed to; and the Senate proceeded to consider the bill (H. R. 11099) to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa., which had been reported from the Committee on the Judiciary with an amendment to add a section at the end of the bill, so as to make the bill read:

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BE IT ENACTED, ETC., That terms of the United States District Court for the Middle District of Pennsylvania shall be held at Wilkes-Barre, Pa., on the Monday of the first Monday of September of each year: Provided, however, That all writs, precepts, and processes shall be returnable to the terms at Scranton and all court papers shall be kept in the clerk's office at Scranton unless otherwise specially ordered by the court, and the terms at Scranton shall not be terminated or affected by the terms herein provided for at Wilkes-Barre: Provided further, That this authority shall continue only during such time as suitable accommodations for holding court at Wilkes-Barre are furnished free of expense to the United States.

Sec. 2. That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, two additional judges of the District Court of the United States for the Southern District of New York.

INSPECTION AND ALLOWED SEIZURE OF TELEGRAMS, ETC.

Mr. STEWART. Mr. President, I desire for a few minutes to present another question to the Senate. In response to Senate Resolution No. 245 the Federal Communications Commission some days ago made its report in writing, and in its report set forth certain transactions which have been had in association with the taking of telegraphic messages from certain telegraph companies. There seems to be some misunderstanding concerning the purport and effect of this response. Certainly there is more than one interpretation which may be placed upon it. There are those who believe that the report in its effect is a general and sweeping acquittal of all those concerned; that it tends to or actually does exonerate all concerned from the charges which have been made against them.

In view of this apparent interpretation of the report, I desire to call attention very briefly to three or four of the facts which are stated in the report.

In the first place, on page 3 we find reference to an agreement between the Communications Commission and the Senate committee, or the agents of the committee. I read at that point only one sentence, as follows:

In order to secure information with the least possible disruption of the business of the telegraph companies, it was agreed that the separate studies of the Commission and of the committee, to be made in Washington, should be coordinated.

I make no point of this particular part of the response except to call attention to the fact that the report does disclose that an agreement was entered into. It is then further stated as follows:

The Commission formally authorized this procedure in the following minute entry of September 26, 1935, which has been a matter of public record from the date on which the action was taken:

And there is set out the entry referred to, and I should also like to read that entry. It is as follows:

The Commission authorized Commissioner Stewart to detail a member of the Commission's staff to work with examiners from Senator Black's investigating committee in an examination of the messages and records in the Washington offices of telegraph companies, relating to lobbying activities which are being investigated by the Senate committee, the records and messages to be made available in the name of the Federal Communications Commission.

I make no comment upon that entry, Mr. President, except to say that it evidently was made in furtherance of the agreement and in effect to secure the understanding that had been had. The significant fact at issue in this entry is the indication, clearly there recited, that the records and messages which were to be obtained by the agents of the Commission were to be made available in the name of the Commission, and I take that phrase "to be made available" means that such messages were to be made available to the Senate's investigating committee.
of the committee and the agents of the Commission—I now quote again:

entered the Washington offices of the telegraph companies at the same time.

Thus we find reference to the agreement to the entry made in order to effectuate the agreement establishing the fact that the Commission was undertaking to obtain telegrams in its own right and then to turn them over to the committee and we find also that the agents of the two bodies were proceeding at the same time in quest of the various messages which were in controversy.

It has been said in effect that it was a mere coincidence that the two investigations went on simultaneously. A rare coincidence! But this report indicates that there was not even the first hint of coincidence, because these two groups of investigators, by the authority of those by whom they were employed and under an agreement in pursuance of the entry made in the records of the Federal Communications Commission went together to the office of the telegraph companies. And on page 4 we find further significant language.

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

Mr. STEIWER. I yield.

Mr. JOHNSON. May I call to the Senator's attention the sentence immediately following that which he read:

Thus we find reference to the agreement to the entry made in the records of the Federal Communications Commission and that page on 4 we find further significant language.

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Mr. STEIWER. I yield.

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and that there is no theory upon which it may usurp or arrogate unto itself an authority to examine communications for the purpose of learning what is included therein, and then to divulge that information either to the agents of a Senate committee or anyone else.

It probably is worth while, in considering the procedure to which the information had by the Commission, to go back to the proposition of inquiring exactly what was done. Obviously, from the face of the report, the Senate committee was not content to issue a subpena and by the force of that subpena to command the production of the records. Evidently there was something desired. Obviously, the Communications Commission was not content to examine messages for the purpose of ascertaining whether there had been forgeries or whether messages had been destroyed by burning or otherwise. Obviously, the purpose of the Communications Commission was to find means to make delivery to our committee of the contents or information contained in the telegrams.

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

Mr. STEIWER. Yes.

Mr. MINTON. Does not the Senator think that the Senate committee had as much power or more than the Federal Communications Commission had? If the methods by which a valid process the Senate committee might have far greater power than has the Commission.

Mr. MINTON. Then, why should we resort to the aid of the Federal Communications Commission?

Mr. STEIWER. I do not know.

Mr. MINTON. Or enter into any conspiracy with them to get things that we ourselves have authority to get?

Mr. STEIWER. I have charged the Senate committee with conspiracy. I am frank to say that the Senator's question raises a speculation that might be invoked for the purpose of exculpating employees of the Commission or the committee's agents. I cannot answer the question. I am merely dealing with the report itself, and I deal with the report because there are those who have drawn the inference and arrived at the understanding that this report acquits everybody concerned. I am trying to show that, so far as the face of the report is concerned, it recites affirmatively that there was an agreement; it recites also that the entry which shows that information was to be taken in the name of the Commission and delivered to the committee. It discloses that the agents of both bodies went to the offices of the telegraph companies together. It discloses that the Commission, at the request of the agents of the committee, requested the copying of telegrams and that the telegrams were copied by agents of the telegraph company, and that the information thus derived was turned over to the agents of the Commission, and it was then turned over by the agents of the Commission to the agents of the committee. I merely wish to stress the fact, which I think cannot be escaped unless the Commission's report is to be impeached, a fact that cannot be escaped if we are to be guided by this report, namely, that messages were not taken by process of law under subpena; original messages were not taken at all; the physical message, the paper on which it was written, was never taken apparently. The thing that was taken was information. It was abstracted from the message. The process that was had was not one of delivery under a subpena but it was one of divulging contents and apparently divulging contents in violation of the statute.

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

Mr. STEIWER. I will yield in a moment; I wish to finish one more sentence.

I do not rise, Mr. President, to characterize anyone; I do not rise to attempt to fix blame. I concedo that I do not know where the blame should be fixed. I cheerfully admit that there may be a complete defense to the implications that grow so forcefully out of this report. I hope there is such a defense. I accuse no one. I merely say that, in my judgment, the report may not be used in and of itself to acquit anybody of anything.
Mr. STEIWER. I ask if the Senator from Alabama can see it. I do so see it.

Mr. BLACK. I think the Senator is in such frame of mind that for some reason nothing this committee has done or can do or will do will meet with his meticulous taste.

Mr. STEIWER. Is the Senator going to attempt to answer my question?

Mr. BLACK. I have answered the Senator's question. I do not intend to try to answer it to the satisfaction of the Senator, because I do not think anyone who believes that we should conduct this investigation can satisfy the Senator.

Mr. STEIWER. I merely ask the Senator if he can see the difference between the procedure he just outlined and the procedure referred to and outlined in the report of the Federal Communications Commission.

Mr. BLACK. I said I did not, because there is no difference. The parts of the report which the Senator did not read, which he was very careful not to read, state repeatedly that the Senate committee went into that office with a subpoena. The Senate committee went into that office with a subpoena of exactly the same type as that used by the representatives of the Banking and Currency Committee which he went into the other office.

Mr. STEIWER. What I wanted to suggest to the Senator is that in the case to which he is referring—I assume he is referring to the procedure of the Banking and Currency Committee? In that case the evidence was actually secured under subpoena.

Mr. BLACK. So was this.

Mr. STEIWER. Possibly it was, but so far as the report of the Federal Communications Commission is concerned the information was not obtained under subpoena, but was obtained under the vicarious practice of getting the contents of the telegrams copied or abstracted and turned over to the Communications Commission, and then the Communications Commission delivered them to the agents of the Senate committee. There is the difference.

Mr. BLACK. The Senator should be perfectly familiar with the facts if he has read the remainder of the report, which he did not.

Mr. STEIWER. I have read it all.

Mr. BLACK. Certainly, but the Senator was careful not to read it all to the Senate in the remarks which he was making. He withheld it. He did not abstract it. He withheld it.

Mr. STEIWER. Will not the Senator add that this report was delivered to the Senate and printed and a copy placed upon each Senator's desk? I assume every Senator is familiar with it. There is no necessity for me to read the whole report.

Mr. BLACK. If the Senator thought every Senator was familiar with it, why did he read any of it into the Record? Mr. STEIWER. The report has not been printed in the Record; I read it to call attention to the points I was trying to make.

Mr. BLACK. And to leave out those parts which the Senator did not want called to the attention of the public and to leave it out in such a way that the paper the Senator was reading the other day when he made his remarks, the Chicago Tribune, could utilize it as the Senator's statement without putting in the remainder of the report.

Mr. STEIWER. The Senator is not justified in making that statement. I would be glad to print the whole report in the Record.

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

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. If the Senator was making his remarks for the benefit of the Members of the Senate, there might be some excuse for the method he is using, because of his statement that Senators have had an opportunity to read the report; but every Member of the Senate knows that the Senator from Oregon is making these speeches not for the general benefit of the Senate but for the benefit of the Hearst papers, so they can publish his remarks in the papers.

Mr. STEIWER. Why do the two Senators rise and question the motives of the Senator from Oregon? Does not the Senator remember that my colleague the senior Senator from Oregon [Mr. McNary] asked for order and that we were endeavors to get the attention of Members of the Senate? I cannot help it if Senators were not listening to the presentation I was making.

Mr. BLACK. Mr. President, the facts remain that this report shows that the Senate committee obtained its messages by a subpoena. The fact is the subpoena was exactly the same type as the subpoenas to which the Senator from Oregon paid such high tribute, issued by the Banking and Currency Committee, of which he was a member. I assume he was vitally interested in that investigation. I assume he actively and aggressively assisted Mr. Pecora and the others who wanted to obtain the truth. Therefore I assume he was sympathetic with their subpoenas and the methods they adopted.

Mr. STEIWER. May I help the Senator from Alabama on that point? That investigation was conducted by a subcommittee, of which the Senator from Oregon was not a member except during the period when the senior Senator from Michigan [Mr. Couzens] was abroad on official business. During that time I served in his stead. During the time I was on the subcommittee I took a very close and active interest in the proceedings of the subcommittee.

Mr. BLACK. Mr. President, the fact remains that the Senate committee, a committee of this body, followed this procedure. If the Senator from Oregon does not like the way the committee has proceeded, let him cite the committee to come before this body. Let him present his accusations and not with "whys" and "hows" but, for example, with data. Let him call upon the newspapers. Let him join issue face to face like a man and let the country know to whose defense he has sprung in this body—whip it is behind the attacks which are being made. We know who it is.

Let us determine whether or not the time has come when a small group of lobbyists and a small group of men, including a newspaper owner who has a great deal of power, who want to control this country, can control it. Let it be determined whether any man can rise to such fame that he can secure the Presidential nomination upon a rotten issue like this, an issue honeycombed with the efforts of people to conceal the truth; people who are afraid of the truth, who dare not let the truth come out; people who are adopting every conceivable plan in court, in the Senate or elsewhere, to conceal from the Nation the nefarious practices in which they have been engaging.

It be determined whether or not a man can hide behind the Constitution, when as a matter of fact he is an enemy of the Constitution. Let it be determined once and for all whether or not this country believes, as I believe it does, that the safety of the Republic does not depend upon concealment and secrecy and attempting to hide behind innuendos and veiled threats and veiled charges and practices which are contrary to the best interests of the people of the Nation.

Mr. President, this committee is serving as a part of the Senate. It is a little strange that Members of the Senate choose as their method to rise and say, "We do not know just exactly what is the fact, but we make no charges, and we would not exculpate anyone, and we are not going to try to prove the defense."

This committee has acted in accordance with the rules of the Senate and the rules of law. It has obtained evidence. It has obtained evidence which some persons wish to conceal. That is the trouble. Some persons do not desire to have this evidence exposed. They wish to keep it buried. They desire, if possible, to prevent any more committees investigating the truth and exposing the corruption seeping through certain groups in this country. Therefore, their method is the same as the method: "We do not know; we will not find out; we will not exculpate anyone, and we are not going to try to prove the defense."

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man having far-flung possessions over America, South and North, interested in various activities, is, perhaps, interested in activities which might cause profits to roll into his pocket if war should be declared with foreign nations. Conceal, hide, do anything, just so that you create a smoke screen in order that the truth may be concealed."

Mr. SCHWELLENBACH. Mr. President, the Senator from Oregon [Mr. STEIWER] spoke upon this question last Friday. It had been my intention to reply to this week to the remarks of the Senator from Oregon. I have been detained from the Senate this week on account of illness. I do not feel like discussing the question at length today. I doubt whether I shall feel so on Monday.

However, I do wish at this time to serve notice that on Tuesday next, as soon after the convening of the Senate as it is possible for me to obtain the floor, I shall discuss the subject. Shall the Senate Permit Mr. William Randolph Hearst to Prevent a Committee of the Senate From Uncovering Fraudulent and Corrupt Lobbying Activities by Hiding Behind the Shield of Legal Technicality?

Mr. STEIWER. Mr. President, I merely wish to express my regret that the distinguished Senator from Alabama [Mr. BLACK] and the others who are defending the course of our committee in this matter have not seen fit to deal with the affirmative recitals contained in the report of the Communications Commission nor to explain away the apparent violation of law which is there recorded.

It is not possible that when we need light we get only heat, and that the members of the committee who seek to defend the methods which have been employed resort only to insinuation, to velied and unveiled accusation, to an unfounded questioning of motives, and then permit the report to remain unexplained and the arguments to go entirely unanswered.

TEMS OF DISTRICT COURT, MIDDLE DISTRICT OF PENNSYLVANIA

The Senate reconsidered the consideration of the bill (H. R. 11098) to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee. On that amendment the Senator from New York [Mr. COPELAND] has demanded the yea and nays.

Mr. COPELAND obtained the floor.

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

Mr. COPELAND. I yield to the Senator from Michigan.

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that when the churches are full the prisons are empty. He does not undertake to discuss the question at all from the standpoint of a religionist, or as one who is interested in a denomination, or a special branch of the church. He merely makes the statement that when the churches are full the prisons are empty.

In the average city community today, if on one Sunday all the citizens should strangely want to go to church, there would not be pews enough to take care of one-tenth of those who desired to enter. There are attractive forms of amusement and entertainment outside the church and outside the home.

There no longer seems to be the impulse to go to church which characterized the Nation in 1850. I do not know how to reach the church. I have no right to criticize any church but my own. I do not hesitate to do that; but the church is falling of its high purpose. It is not doing for youth today what it did in olden times. As I dismiss the home as being impossible to reach by any method that I know except through the church, and as it is impossible to give strength to the church, I go to the third agency in character building; that is the school.

I have a right as a citizen, as a taxpayer, to inquire whether the school is doing its part in the development of character, whether it is doing its part in the prevention of juvenile delinquency. I do not think it is. In saying that, I do not reflect upon the public-school teacher. No one honest with himself, who would express his mind, can fail to find most of this and that teacher who had much to do with molding thought and character. Every man knows that to be true. I have no fault to find, Mr. President, with the teachers. It is the system of which I complain.

In my judgment, the objectives of education must be revised. What that statement is made, someone may ask, "Well, what are the objectives of education? What should be the objectives of education?"

The objectives of education are clear to me: In the first place, to fit for parenthood. That means a clean body and a clean mind. Second, so far as possible, to fit for a livelihood. Third, to give every child a sense of social responsibility, and make him understand that he belongs to a country, to make him a patriotic citizen, to make him a lover of the flag, to give him an appreciation of the necessity of the recognition of authority.

The trouble with the schools, as I see it—and all this has a bearing on the question before us—is the fact that mass instruction is the rule. Every child must measure up to that yardstick. The differences of the individual child as compared with the mass of children are utterly disregarded. The result is that many a child is a retarded child. He does not progress. He begins a hindrance and a nuisance to the rest of the children, and to the teachers, and to the system. Then what happens? Pretty soon the teacher, in the language of the street, "gets sore" on the child. She "picks" on the child; and the poor little humiliated youngster, resentful of his surroundings and of the treatment accorded him, does the perfectly human thing; he runs away from school. He is an occasional truant, and it is not long before he becomes an habitual truant. The boy meets with other bad boys. That is the beginning of a gang. It is not long before there are pillerings and burglaries and even murders in that community. The evil ways begin.

Mr. President, as I see the matter, the hope of the country lies in the school. The prevention of crime lies in the school. The development of what we should like to know as American character depends upon the school. Failure there is very soon brought to the attention of the police; they are arrested and taken to court; and that is the beginning of the outrageous treatment of youth by the machinery of the courts.

Upon the wall in the office of Mr. Sanford Bates, the Director of the Bureau of Prisons of the United States—a very able man, a great credit to his country—is a great map of the United States, as large as two panels on the wall before me; and in this map are stuck pins. The face of the map looks like the face of a man who has had virulent smallpox, so pitted is it, so marked is it. I said, "Mr. Bates, what is that map?" He replied, "Every pin in that map marks the location of a county jail. There are 35,000 of them in the United States, every one of them a breeding-place for crime."

We do not deal intelligently with our youth who fall on evil ways. Instead of preventing the tendency to crime or antisocial conduct in the first place, when you are arrested for one cause or another they are taken before a court, found guilty, and sent to some kind of a custodial institution. Older youths are sent to jails where hardened criminals are incarcerated. Certainly such jails are breeding places of crime. The youngsters may have been simply nonsocial at the time of their admission. They come out against society, and ready to carry on depredations against organized society.

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

Mr. COPELAND. I yield.

Mr. HATCH. I am quite interested in the subject which the Senator is discussing. I have had some little experience with the matter. I was wondering whether the Senator intended to say that there is a custom prevailing in the United States today under which first offenders are sent to jail.

Mr. COPELAND. Many first offenders. I am sorry to say, are sent to jail. That is an indecent thing, an unthinkable thing; but, due to the inertia of our people, we can become more excited over the question whether there shall be two new Federal judges in the southern district of New York than over the question how we are going to deal with wayward children.

If I had my way, I should not permit a judge who deals with a case involving a child, to pass sentence, unless it were a juvenile-court judge operating under laws which are humane, and which give consideration to all the things we are discussing.

A child taken to court for a misdemeanor or a crime should be fairly tried; and then, if found guilty, the question is, what is going to be done with him? I would have another body of equal dignity with a court. I would have a doctor on that board; I would have a psychologist or a psychiatrist; I would have another specialist who could test the eyesight and the hearing; I would have a sociologist and a social worker; and I would have one fine, motherly woman on that board.

Mr. President, in response to the question of the able Senator from New Mexico [Mr. Harcheri], who, himself, served for years as a juvenile-court judge—and I should like to say in passing that I have no doubt he used the degree of kindliness and good judgment that a man in that important position should use—I will say that undoubtedly the laws of his State made it possible for him to exercise his judgment; but there are places in these great United States where conviction is automatically followed by a sentence to a jail, a prison, or some other custodial institution. It is cruel beyond words. I am sure the Senator will agree with me as to that.

I said I would have upon that board which would examine the child a doctor. I presume I will be accused of thinking of the doctor first because I, myself, used to be one, but we have learned much in the medical profession about health and the relationship of health to the mental processes.

There is an insane asylum in this country where the discharges are 78 percent of the admissions; that is to say, there are 78 chances out of a hundred that recovery will be brought about. Mr. President, when I tell you that the average discharges in this country from certain institutions amount to only 35 percent you naturally inquire, Why is it possible that in this particular institution proportionately twice as many are restored to health as in the average institution? The answer is because every person admitted to that insane asylum is regarded as a patient. The question is in every instance, "What is wrong with this patient?"
They do not have bars and shackles. This institution is operated as a hospital, and a careful physical examination is given to find out what is wrong with the patient. Is there an infection, a bad gall bladder or bad teeth or bad tonsils or an infected intestinal tract or an infection somewhere else?

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

Mr. COPELAND. I will yield in just a moment. Then the doctor proceeds to get rid of the infection, and, strange as it may seem, when the source of the poison is removed, and the poisons already absorbed have been eliminated, then the processes are restored and sanity is given to the person who theretofore was insane. Now I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, there may be implied in the question I am about to ask, some thought that I am listening with impatience to the able Senator from New York. Ashurst. Why I always gladly listen to him. He speaks with very cool locution and without excitement. I have learned much from his speeches, and when I ask this question of him it is not because I think he should desist, for I assure him I am glad to hear him and he is one of the fairest men we see. If, however, he be the purpose of the able Senator to prevent a vote—and he has the intellectual power and the laryngeal activity to prevent a vote if he wishes to do so (laughter); and he is always frank—I certainly have no comment to make, and I have no criticism, but, if that be his purpose, I think the Senate has other business to which it could turn its attention at this time.

Now I am exploring to ascertain if we can agree upon a time to vote, say, next Tuesday or next Wednesday, or some other time, with the understanding that the bill which is in charge of the Senator from Kansas (Mr. CAPPER), shall be restored Monday morning to its status as the unfinished business. Would the Senator from New York have the kindness to enlighten me as to his views as to when we may fix a time for a vote?

Mr. COPELAND. I think I have no objection to that; in fact, I would rather welcome it.

Mr. ASHURST. Will the Senator himself fix a time?

Mr. COPELAND. I would welcome it, because I find myself at the moment without certain material which fully demonstrates the fact that these judges are not needed, and I will be glad to have a few days in order to gather the material together.

Mr. ASHURST. Would the Senator object to a final vote at 3 o'clock 1 week from today?

Mr. COPELAND. Will that be Friday?

Mr. ASHURST. Say Thursday next at 3 o'clock.

Mr. COPELAND. When would the measure be taken up for consideration?

Mr. ASHURST. The Senator from New York may choose the time, but, as men of honor, we are bound to restore the unfinished business to its place on Monday morning. Much as I want this bill passed, I would help to defeat it rather than break my word that I have given the Senator from Kansas. So I feel on Monday morning the unfinished business, being Senate bill 1424, should be restored to its place. That, however, would leave the Senator from New York or any other Senator at full liberty at any time to talk on the judgship bill, because, as we all know, there is in the Senate no rule of germaneness, and a Senator, if he obtains recognition, may speak at any time he chooses.

Mr. COPELAND. Mr. President, will the Senator yield for a moment?

Mr. ASHURST. Certainly. The Senator from New York has the floor, and I am speaking by his indulgence.

Mr. COPELAND. The Senator, of course, realizes that I have spoken with germaneness. I am discussing penal institutions.

Mr. ASHURST. While the Senator’s discussion may not have been germane, it has been very enlightening to me. So, Mr. President, may we not agree that a vote on the judgship bill, House bill 11098, be taken at 3 o’clock on Thursday next?

Mr. COPELAND. I think we may do that. Could it not be made a special order under the rules?

Mr. ASHURST. I doubt it. I fear that might be inconvenient.

Mr. ROBINSON. I think that could be done, if there were no objection to it.

Mr. COPELAND. Suppose we make it a special order for 1 o’clock on Thursday and vote not later than 3 o’clock on that day.

Mr. ASHURST. Very good.

Mr. ROBINSON. Mr. President, I ask unanimous consent that on next Thursday at not later than 1 o’clock the unfinished business be laid aside temporarily; that at that hour the Senate proceed to the consideration of House bill 11098; and that at not later than 3 o’clock a vote be taken on the bill and all amendments that may be pending or that may be offered.

The VICE PRESIDENT. Does the Senator want a quorum called?

Mr. ROBINSON. Action on the request would require a quorum. 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:

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The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. COPELAND. Mr. President, I merely wish to say that I had not finished what I wanted to say about juvenile delinquency. The hour is late. I want to make one statement about the bill itself, and I hope Senators will bear it in mind.

The Senate passed a bill which I introduced nearly a year ago. That bill is now before a committee of the House. It has seemed to me a very unusual thing, with a bill being in the House upon which the House has not chosen to act, that another bill for the same purpose should be sent to the House in the form of a rider. I do not think it is quite fair to the other body. We certainly have no desire and no right to interfere here with the orderly processes of the operation of legislation in the other House.

I believe Senators do not quite realize that this bill is already in the House. It is there to be acted upon whenever the House chooses to do so. Yet, in our anxiety to pass this particular bill, we propose now to hitch it on to another bill. We will dispose of this one next Thursday, and then, I suppose, if the House fails to act, in 3 or 4 weeks’ time we will put it on another bill, hoping some time to give it wings sufficient to carry it through the House on its way to ultimate passage.

STOCKYARDS AND MEAT PACKING

Mr. ROBINSON. Mr. President, I ask unanimous consent that the bill (S. 1424) to amend the Packers and Stockyards Act, 1921, be proceeded with. The reason for that is that it was displaced by the motion submitted by the Senator from Arizona (Mr. ASHURST).
The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent that the bill known as the stockyards bill, in charge of the Senator from Kansas (Mr. Capper), be restored to the parliamentary status which it occupied before the motion of the Senator from Arizona was adopted. Is there objection?

There being no objection, the Senate resumed consideration of the bill (S. 1424) to amend the Packers and Stockyards Act, 1921.

The VICE PRESIDENT. Let the Chair state the parliamentary situation. The motion of the Senator from Texas (Mr. Connally) to recommit the bill is the pending question before the Senate at this time.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment, or appointment by transfer, in the Regular Army.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar. If there be no further reports of committees, the first nomination in order on the calendar will be stated.

THE JUDICIARY

The legislative clerk read the nomination of Lamar Hardy to be United States attorney for the southern district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

NATIONAL EMERGENCY COUNCIL

The legislative clerk read the nomination of Richard B. O'Connell, of Connecticut, to be State director, National Emergency Council, for executive business.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Thomas Parran, of New York, to be Surgeon General, Public Health Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. ROBINSON. I ask that nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters may be confirmed en bloc.

The VICE PRESIDENT. Without objection, the post-office nominations are confirmed en bloc.

That completes the calendar.

THE JUDICIARY—LAMAR HARDY

Mr. NORRIS. Mr. President, I have just come into the Chamber. Were any nominations from the Judiciary Committee acted upon?

Mr. ROBINSON. All nominations on the calendar have been disposed of. There was one nomination on the calendar from the Judiciary Committee—the nomination of Lamar Hardy to be United States attorney for the southern district of New York.

Mr. NORRIS. Has it been disposed of?

Mr. ROBINSON. That nomination was confirmed.

Mr. NORRIS. Mr. President, I think it has been known that I desired to oppose the confirmation of this nomination. I now understand that it has been disposed of. I will ask the chairman of the committee about it.

Mr. ASHURST. Mr. President, does the Senator refer to the Hardy nomination?

Mr. NORRIS. I do.

Mr. ASHURST. Frankness and candor require me to say that the Senator told me yesterday that he wished to speak in opposition to the confirmation of this nomination.

Mr. NORRIS. Yes; and I am informed that it has been disposed of.

Mr. ASHURST. It is on the calendar.

Mr. NORRIS. Mr. President, if the nomination has been confirmed, I ask unanimous consent that the vote by which the nomination was confirmed be reconsidered. I desire to be heard on the nomination.

Mr. ROBINSON. Mr. President, it is my intention to move a recess until Monday.

Mr. NORRIS. I am not anxious to fix the time now; but in any event, we could not take up the nomination at this time of the day. I am willing to let it stand just as it is.

Mr. ROBINSON. Very well.

The VICE PRESIDENT. The nomination will go over.

Mr. ROBINSON. I ask unanimous consent that on next Tuesday, at the hour of 3:30 p.m., the Senate proceed to the consideration of this nomination in executive session.

Mr. NORRIS. I have no objection to that; but I suggest that the hour be fixed at 2:30, in anticipation of considerable debate.

Mr. ROBINSON. Very well; I modify the request to that effect.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent that, at 2:30 o'clock p.m., on Tuesday next, the Senate resolve itself into executive session, and that the nomination of Mr. Lamar Hardy to be United States attorney for the southern district of New York be then taken up for consideration. Is there objection? The Chair hears none, and it is so ordered.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 22 minutes p.m.) the Senate took a recess until Monday, March 30, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27 (legislative day of Feb. 24), 1936

NATIONAL EMERGENCY COUNCIL

Richard D. O'Connell to be State director, National Emergency Council, for Connecticut.

SURGEON GENERAL, PUBLIC HEALTH SERVICE

Thomas Parran to be Surgeon General, Public Health Service.

PROMOTIONS IN THE FOREIGN SERVICE

Thomas H. Bevan to be Foreign Service officer of class 2. Cornelius Van H. Engert to be Foreign Service officer of class 2.
Herbert S. Good to be Foreign Service officer of class 2.
Kenneth S. Patton to be Foreign Service officer of class 2.
James B. Young to be Foreign Service officer of class 2.
Harry E. Carlson to be Foreign Service officer of class 4.
Jefferson Patterson to be Foreign Service officer of class 4.
Harold L. Williamson to be Foreign Service officer of class 4.
David C. Berger to be Foreign Service officer of class 5.
Ellis O. Briggs to be Foreign Service officer of class 5.
Allan Dawson to be Foreign Service officer of class 5.
William E. DeCourcy to be Foreign Service officer of class 5.
Robert F. Fernald to be Foreign Service officer of class 5.
John J. Museco to be Foreign Service officer of class 5.
Christian T. Steger to be Foreign Service officer of class 5.
William H. Besch to be Foreign Service officer of class 6.
George H. Butler to be Foreign Service officer of class 6.
Leo J. Callanan to be Foreign Service officer of class 6.
Selden Chapin to be Foreign Service officer of class 6.
Prescott Childs to be Foreign Service officer of class 6.
Winthrop S. Greene to be Foreign Service officer of class 6.
William M. Gwynn to be Foreign Service officer of class 6.
Julian F. Harrington to be Foreign Service officer of class 6.
George F. Kennan to be Foreign Service officer of class 6.
Edward P. Lawton to be Foreign Service officer of class 6.
Dale W. Maher to be Foreign Service officer of class 6.
Gordon P. Merriam to be Foreign Service officer of class 6.
Clifford Perkins, Jr., to be Foreign Service officer of class 6.
Samuel Reber to be Foreign Service officer of class 6.
Joseph C. Satterthwaite to be Foreign Service officer of class 6.
George Tait to be Foreign Service officer of class 6.
Angus W. Ward to be Foreign Service officer of class 6.
S. Walter Washington to be Foreign Service officer of class 6.
LaVerne Baldwin to be Foreign Service officer of class 7.
William W. Butterworth, Jr., to be Foreign Service officer of class 7.
Warren M. Chase to be Foreign Service officer of class 7.
Oliver Edmund Clibb to be Foreign Service officer of class 7.
Paul C. Daniels to be Foreign Service officer of class 7.
Cecil Wayne Gray to be Foreign Service officer of class 7.
Raymond A. Hare to be Foreign Service officer of class 7.
Gerald Keith to be Foreign Service officer of class 7.
Bertie E. Kuhnholm to be Foreign Service officer of class 7.
James S. Moore, Jr., to be Foreign Service officer of class 7.
Henry S. Villard to be Foreign Service officer of class 7.
George H. Winters to be Foreign Service officer of class 7.

POSTMASTERS

COLORADO
Will Van Engen, Crawford.
James M. Faricy, Florence.
Mathias J. Schmitz, Gunnison.
James H. Parker, Julesburg.
Cyril Edward Taylor, Spivak.
James L. Allison, Woodmen.

CONNECTICUT
Charles J. Fields, Norfolk.

FLORIDA
Robert L. Horman, Lake Worth.
William H. Cox, Palmetto.

GEORGIA
Lois Horton, Guyton.
Henry C. Hightower, McDonough.

INDIANA
Francis P. Gavagan, Chesterton.

LOUISIANA
Joseph J. Ferguson, New Orleans.

MAINE
Norman E. Willis, Harmony.
Lula E. Crockett, North Haven.
Spellman C. Marshall, Oakland.
Ferdinand R. Farady, Orono.
Edward C. Moran, Madinson.

MASSACHUSETTS
John J. O'Brien, Bridgewater.
John J. Pendegast, Centerville.
John F. Kennedy, Chicopee.
Isabelle Crocker, Cotuit.
Mary T. Harrington, Holden.
Louis H. Chase, Norfolk.
James L. Sullivan, Peabody.
Philip Morris, Waconset.
Frank M. Merrigan, South Deerfield.
Walter P. Cook, Yarmouth Port.

NEBRASKA
Osa D. Adkins, Arthur.

NEW HAMPSHIRE
Mina S. Roberge, Cascade.
Harriet O. Harriman, Jackson.

NEW JERSEY
Rachel E. Berger, Ringoes.
Susan L. Kenworthy, Wantage.

NEW MEXICO
Irwin C. Floersheim, Springer.

NEW YORK
John H. Quinlan, Pavilion.
Timothy V. O'Shea, Rome.
Clarence A. Lockwood, Schroon Lake.

NORTH CAROLINA
Brevard E. Harris, Concord.
Edgar S. Woodley, Creswell.
Grady L. Friday, Dallas.
Robert B. Mewborn, Grifton.
William W. Fleming, Hot Springs.
John P. LeGrand, Mocksvile.
James H. Ledbetter, Mount Gilead.
Spurgeon K. Yelton, Spindale.

OHIO
Rollo C. Witwer, Akron.
Francis P. Prebault, Athens.
Leo V. Walsh, Burberton.
Charles Wassman, Belleire.
Walter M. Dill, Fredericksburg.
May C. Eldridge, North Olmsted.
Lawrence J. Heiner, Rutland.
Harry L. Hines, Williamsburg.

OREGON
Floyd B. Willert, Dayton.
Lennel T. McPheters, Hillsboro.
Vinnie B. Lay, Powers.
Von D. Seaton, Yamhill.

PUERTO RICO
Nicolas Ortiz Lebron, Albonito.
Carlos F. Torregrosa, Aguadilla.
Cristina G. Sandoval, Hato Rey.
Jose Monserrate, Salinas.

SOUTH DAKOTA
Kelsey R. Hightaw, Belle Fourche.
Joseph H. Ryan, Madison.
Thomas R. Mickelson, Wilmot.
Ed A. Sinkler, Wood.

VIRGINIA
Harold W. Hale, Jr., Narrows.

WISCONSIN
Charles G. Pagel, Brandon.
George B. Meulemans, Greenleaf.
Ansel E. Lennon, Hurley.