

Government, and aliens afflicted with certain diseases be deported and returned to the country from which they came; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, APRIL 17, 1936

(Legislative day of Monday, Feb. 24, 1936)

IMPEACHMENT OF HALSTED L. RITTER

The Senate, sitting for the trial of the articles of impeachment against Halsted L. Ritter, judge of the United States District Court for the Southern District of Florida, met at 12 o'clock meridian.

The PRESIDENT pro tempore. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

The respondent, Halsted L. Ritter, with his counsel, Frank P. Walsh, Esq., and Carl T. Hoffman, Esq., appeared in the seats provided for them.

On request of Mr. ASHURST, and by unanimous consent, the reading of the Journal of the Senate, sitting for the trial of the articles of impeachment, for Thursday, April 16, 1936, was dispensed with, and the Journal was approved.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

Adams	Connally	Holt	Overton
Ashurst	Coolidge	Johnson	Pittman
Austin	Copeland	Keyes	Radcliffe
Bachman	Couzens	King	Reynolds
Bailey	Davis	La Follette	Robinson
Barbour	Dickinson	Loneragan	Russell
Benson	Dieterich	Long	Schwellenbach
Bilbo	Donahay	McAdoo	Sheppard
Black	Duffy	McGill	Shipstead
Bone	Fletcher	McKellar	Smith
Borah	Frazier	McNary	Steinwer
Brown	George	Maloney	Thomas, Okla.
Bulkley	Gerry	Metcalf	Thomas, Utah
Bulow	Gibson	Minton	Townsend
Burke	Glass	Moore	Truman
Byrd	Guffey	Murphy	Vandenberg
Capper	Hale	Murray	Van Nuys
Caraway	Harrison	Neely	Wagner
Carey	Hastings	Norris	Walsh
Chavez	Hatch	Nye	Wheeler
Clark	Hayden	O'Mahoney	White

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. TRAMMELL] are detained from the Senate because of illness.

I further announce that the Senator from Oklahoma [Mr. GORE], the senior Senator from Kentucky [Mr. BARKLEY], the junior Senator from Kentucky [Mr. LOGAN], the Senator from South Carolina [Mr. BYRNES], and the Senator from Idaho [Mr. POPE] are unavoidably absent.

The Senator from Colorado [Mr. COSTIGAN] and the Senator from Maryland [Mr. TYDINGS] have been excused from voting on the impeachment articles, having personally in the Senate made the request to be excused and assigned reasons therefor.

I have been asked to announce also that pairs are not recognized in this proceeding.

Mr. DIETERICH. I announce that my colleague the senior Senator from Illinois [Mr. LEWIS] is detained on important public business.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. ASHURST. I ask that the Secretary read the order entered yesterday by the Senate.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The legislative clerk read as follows:

Ordered, That upon the final vote in the pending impeachment of Halsted L. Ritter, the Secretary shall read the articles of impeachment separately and successively, and when the reading of each article shall have been concluded the Presiding Officer shall state the questions thereon as follows:

"Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty?"

Thereupon the roll of the Senate shall be called, and each Senator as his name is called, unless excused, shall arise in his place and answer "guilty" or "not guilty."

The PRESIDENT pro tempore. The Secretary will read the first article of impeachment.

The legislative clerk read article I, as follows:

ARTICLE I

That the said Halsted L. Ritter, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as a United States district judge for the southern district of Florida, was and is guilty of misbehavior and of a high crime and misdemeanor in office in manner and form as follows, to wit: On or about October 11, 1929, A. L. Rankin (who had been a law partner of said judge immediately before said judge's appointment as judge), as solicitor for the plaintiff, filed in the court of the said Judge Ritter a certain foreclosure suit and receivership proceeding, the same being styled, "Bert E. Holland et al. v. Whitehall Building & Operating Co. et al." (No. 678-M-Eq.). On or about May 15, 1930, the said Judge Ritter allowed the said Rankin an advance of \$2,500 on his fee for his services in said case. On or about July 2, 1930, the said Judge Ritter by letter requested another judge of the United States District Court for the Southern District of Florida, to wit, Hon. Alexander Akerman, to fix and determine the total allowance for the said Rankin for his services in said case for the reason as stated by Judge Ritter in said letter, that the said Rankin had formerly been the law partner of the said Judge Ritter, and he did not feel that he should pass upon the total allowance made said Rankin in that case and that if Judge Akerman would fix the allowance it would relieve the writer, Judge Ritter, from any embarrassment if thereafter any question should arise as to his, Judge Ritter's, favoring said Rankin with an exorbitant fee.

Thereafterward, notwithstanding the said Judge Akerman, in compliance with Judge Ritter's request, allowed the said Rankin a fee of \$15,000 for his services in said case, from which sum the said \$2,500 theretofore allowed the said Rankin by Judge Ritter as an advance on his fee was deducted, the said Judge Ritter, well knowing that at his request compensation had been fixed by Judge Akerman for the said Rankin's services in said case, and notwithstanding the restraint of propriety expressed in his said letter to Judge Akerman, and ignoring the danger of embarrassment mentioned in said letter, did fix an additional and exorbitant fee for the said Rankin in said case. On or about December 24, 1930, when the final decree in said case was signed, the said Judge Ritter allowed the said Rankin, additional to the total allowance of \$15,000 theretofore allowed by Judge Akerman, a fee of \$75,000 for his services in said case, out of which allowance the said Judge Ritter directly profited. On the same day, December 24, 1930, the receiver in said case paid the said Rankin, as part of his said additional fee, the sum of \$25,000, and the said Rankin on the same day privately paid and delivered to the said Judge Ritter the sum of \$2,500 in cash; \$2,000 of said \$2,500 was deposited in bank by Judge Ritter on, to wit, December 29, 1930, the remaining \$500 being kept by Judge Ritter and not deposited in bank until, to wit, July 10, 1931. Between the time of such initial payment on said additional fee and April 6, 1931, the said receiver paid said Rankin thereon \$5,000. On or about April 6, 1931, the said Rankin received the balance of the said additional fee allowed him by Judge Ritter, said balance amounting to \$45,000. Shortly thereafter, on or about April 14, 1931, the said Rankin paid and delivered to the said Judge Ritter, privately, in cash, an additional sum of \$2,000. The said Judge Halsted L. Ritter corruptly and unlawfully accepted and received for his own use and benefit from the said A. L. Rankin the aforesaid sums of money, amounting to \$4,500.

Wherefore, the said Judge Halsted L. Ritter was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty? The clerk will call the roll.

The Chief Clerk called the roll, which resulted as follows:

GUILTY—55

Adams	Chavez	Hatch	O'Mahoney
Ashurst	Clark	Hayden	Radcliffe
Bachman	Connally	Holt	Reynolds
Bailey	Coolidge	La Follette	Robinson
Bilbo	Couzens	Loneragan	Russell
Black	Dieterich	McAdoo	Schwellenbach
Bone	Donahay	McGill	Sheppard
Borah	Duffy	McKellar	Shipstead
Brown	Fletcher	McNary	Thomas, Utah
Bulkley	Frazier	Maloney	Truman
Bulow	George	Murphy	Wagner
Byrd	Glass	Murray	Walsh
Capper	Guffey	Neely	Wheeler
Caraway	Harrison	Norris	

NOT GUILTY—29

Austin	Carey	Gerry	Johnson
Barbour	Copeland	Gibson	Keyes
Benson	Davis	Hale	King
Burke	Dickinson	Hastings	Long

Metcalf	Overton	Steiwer	Vandenberg
Minton	Pittman	Thomas, Okla.	Van Nuys
Moore	Smith	Townsend	White
Nye			

ABSENT, NOT VOTING, OR EXCUSED—12

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings

The PRESIDENT pro tempore. On the first article of impeachment 55 Senators have voted "guilty" and 29 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

The clerk will read the second article of impeachment.

The Chief Clerk read article II, as follows:

ARTICLE II

That the said Halsted L. Ritter, while holding the office of United States district judge for the southern district of Florida, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as a United States district judge for the southern district of Florida, was and is guilty of misbehavior and of high crimes and misdemeanors in office in manner and form as follows, to wit:

On the 15th day of February 1929 the said Halsted L. Ritter, having been appointed as United States district judge for the southern district of Florida, was duly qualified and commissioned to serve as such during good behavior in office. Immediately prior thereto and for several years the said Halsted L. Ritter had practiced law in said district in partnership with one A. L. Rankin, which partnership was dissolved upon the appointment of said Ritter as said United States district judge.

On the 18th day of July 1928 one Walter S. Richardson was elected trustee in bankruptcy of the Whitehall Building & Operating Co., which company had been adjudicated in said district as a bankrupt, and as such trustee took charge of the assets of said Whitehall Building & Operating Co., which consisted of a hotel property located in Palm Beach in said district. That the said Richardson as such trustee operated said hotel property from the time of his said appointment until its sale on the 3d of January 1929, under the foreclosure of a third mortgage thereon. On the 1st of November and the 13th of December 1929 the said Judge Ritter made orders in said bankruptcy proceedings allowing the said Walter S. Richardson as trustee the sum of \$16,500 as compensation for his services as trustee. That before the discharge of said Walter S. Richardson as such trustee, said Richardson, together with said A. L. Rankin, one Ernest Metcalf, one Martin Sweeney, and the said Halsted L. Ritter, entered into an arrangement to secure permission of the holder or holders of at least \$50,000 of first-mortgage bonds on said hotel property for the purpose of filing a bill to foreclose the first mortgage on said premises in the court of said Halsted L. Ritter, by which means the said Richardson, Rankin, Metcalf, Sweeney, and Ritter were to continue said property in litigation before said Ritter. On the 30th day of August 1929 the said Walter S. Richardson, in furtherance of said arrangement and understanding, wrote a letter to the said Martin Sweeney, in New York, suggesting the desirability of contacting as many first-mortgage bondholders as possible in order that their cooperation might be secured, directing special attention to Mr. Bert E. Holland, an attorney, whose address was in the Tremont Building in Boston, and who, as cotrustee, was the holder of \$50,000 of first-mortgage bonds, the amount of bonds required to institute the contemplated proceedings in Judge Ritter's court.

On October 3, 1929, the said Bert E. Holland, being solicited by the said Sweeney, requested the said Rankin and Metcalf to prepare a complaint to file in said Judge Ritter's court for foreclosure of said first mortgage and the appointment of a receiver. At this time Judge Ritter was holding court in Brooklyn, N. Y., and the said Rankin and Richardson went from West Palm Beach, Fla., to Brooklyn, N. Y., and called upon said Judge Ritter a short time previous to filing the bill for foreclosure and appointment of a receiver of said hotel property.

On October 10, 1929, and before the filing of said bill for foreclosure and receiver, the said Holland withdrew his authority to said Rankin and Metcalf to file said bill and notified the said Rankin not to file the said bill. Notwithstanding the said instructions to said Rankin not to file said bill, said Rankin, on the 11th day of October 1929, filed said bill with the clerk of the United States District Court for the Southern District of Florida, but with the specific request to said clerk to lock up the said bill as soon as it was filed and hold until Judge Ritter's return, so that there would be no newspaper publicity before the matter was heard by Judge Ritter for the appointment of a receiver, which request on the part of the said Rankin was complied with by the said clerk.

On October 16, 1929, the said Holland telegraphed to the said Rankin, referring to his previous wire requesting him to refrain from filing the bill and insisting that the matter remain in its then status until further instruction was given; and on October 17, 1929, the said Rankin wired to Holland that he would not make an application on his behalf for the appointment of a receiver. On October 28, 1929, a hearing on the complaint and petition for receivership was heard before Judge Halsted L. Ritter at Miami, at which hearing the said Bert E. Holland appeared in person be-

fore said Judge Ritter and advised the judge that he wished to withdraw the suit and asked for dismissal of the bill of complaint on the ground that the bill was filed without his authority.

But the said Judge Ritter, fully advised of the facts and circumstances hereinbefore recited, wrongfully and oppressively exercised the powers of his office to carry into execution said plan and agreement theretofore arrived at, and refused to grant the request of the said Holland and made effective the champertous undertaking of the said Richardson and Rankin and appointed the said Richardson receiver of the said hotel property, notwithstanding that objection was made to Judge Ritter that said Richardson had been active in fomenting this litigation and was not a proper person to act as receiver.

On October 15, 1929, said Rankin made oath to each of the bills for intervenors which were filed the next day.

On October 16, 1929, bills for intervention in said foreclosure suit were filed by said Rankin and Metcalf in the names of holders of approximately \$5,000 of said first-mortgage bonds, which intervenors did not possess the said requisite \$50,000 in bonds required by said first mortgage to bring foreclosure proceedings on the part of the bondholders.

The said Rankin and Metcalf appeared as attorneys for complainants and intervenors, and in response to a suggestion of the said Judge Ritter, the said Metcalf withdrew as attorney for complainants and intervenors and said Judge Ritter thereupon appointed said Metcalf as attorney for the said Richardson, the receiver.

And in the further carrying out of said arrangement and understanding, the said Richardson employed the said Martin Sweeney and one Bemis, together with Ed Sweeny, as managers of said property, for which they were paid the sum of \$60,000 for the management of said hotel for the two seasons the property remained in the custody of said Richardson as receiver.

On or about the 15th day of May 1930 the said Judge Ritter allowed the said Rankin an advance on his fee of \$2,500 for his services in said case.

On or about July 2, 1930, the said Judge Ritter requested Judge Alexander Akerman, also a judge of the United States District Court for the Southern District of Florida, to fix the total allowance for the said Rankin for his services in said case, said request and the reasons therefor being set forth in a letter by the said Judge Ritter in words and figures as follows, to wit:

JULY 2, 1930.

HON. ALEXANDER AKERMAN,

United States District Judge, Tampa, Fla.

MY DEAR JUDGE: In the case of *Holland et al. v. Whitehall Building & Operating Co.* (No. 678-M-Eq.), pending in my division, my former law partner, Judge A. L. Rankin, of West Palm Beach, has filed a petition for an order allowing compensation for his services on behalf of the plaintiff.

I do not feel that I should pass, under the circumstances, upon the total allowance to be made Judge Rankin in this matter. I did issue an order, which Judge Rankin will exhibit to you, approving an advance of \$2,500 on his claim, which was approved by all attorneys.

You will appreciate my position in the matter, and I request you to pass upon the total allowance which should be made Judge Rankin in the premises as an accommodation to me. This will relieve me from any embarrassment hereafter if the question should arise as to my favoring Judge Rankin in this matter by an exorbitant allowance.

Appreciating very much your kindness in this matter, I am,

Yours sincerely,

HALSTED L. RITTER.

In compliance with said request the said Judge Akerman allowed the said Rankin \$12,500 in addition to the \$2,500 theretofore allowed by Judge Ritter, making a total of \$15,000 as the fee of the said Rankin in the said case.

But notwithstanding the said request on the part of said Ritter and the compliance by the said Judge Akerman and the reasons for the making of said request by said Judge Ritter of Judge Akerman, the said Judge Ritter, on the 24th day of December 1930, allowed the said Rankin an additional fee of \$75,000.

And on the same date when the receiver in said case paid to the said Rankin as a part of said additional fee the sum of \$25,000, said Rankin privately paid and delivered to said Judge Ritter out of the said \$25,000 the sum of \$2,500 in cash, \$2,000 of which the said Judge Ritter deposited in a bank and \$500 of which was put in a tin box and not deposited until the 10th day of July 1931, when it was deposited in a bank with an additional sum of \$600.

On or about the 6th day of April 1931 the said Rankin received as a part of the \$75,000 additional fee the sum of \$45,000, and shortly thereafter, on or before the 14th day of April 1931, the said Rankin paid and delivered to said Judge Ritter, privately and in cash, out of said \$45,000 the sum of \$2,000.

The said Judge Halsted L. Ritter corruptly and unlawfully accepted and received for his own use and benefit from the said Rankin the aforesaid sums of \$2,500 in cash and \$2,000 in cash, amounting in all to \$4,500.

Of the total allowance made to said A. L. Rankin in said foreclosure suit, amounting in all to \$90,000, the following sums were paid out by said Rankin with the knowledge and consent of said Judge Ritter, to wit: To said Walter S. Richardson, the sum of \$5,000; to said Metcalf, the sum of \$10,000; to Shutts & Bowen, also attorneys for the receiver, the sum of \$25,000; and to said Halsted L. Ritter, the sum of \$4,500.

In addition to the said sum of \$5,000 received by the said Richardson, as aforesaid, said Ritter, by order in said proceedings, allowed said Richardson a fee of \$30,000 for services as such receiver.

The said fees allowed by said Judge Ritter to A. L. Rankin (who had been a law partner of said judge immediately before said judge's appointment as judge) as solicitor for the plaintiff in said case were excessive and unwarranted, and said judge profited personally thereby in that out of the money so allowed said solicitor he received personally, privately, and in cash \$4,500 for his own use and benefit.

While the Whitehall Hotel was being operated in receivership under said proceeding pending in said court (and in which proceeding the receiver in charge of said hotel by appointment of said judge was allowed large compensation by said judge) the said judge stayed at said hotel from time to time without cost to himself and received free rooms, free meals, and free valet service, and, with the knowledge and consent of said judge, members of his family, including his wife; his son, Thurston Ritter; his daughter, Mrs. M. R. Walker; his secretary, Mrs. Lloyd C. Hooks; and her husband, Lloyd C. Hooks, each likewise on various occasions stayed at said hotel without cost to themselves or to said judge, and received free rooms, and some or all of them received from said hotel free meals and free valet service—all of which expenses were borne by the said receivership, to the loss and damage of the creditors whose interests were involved therein.

The said judge willfully failed and neglected to perform his duty to conserve the assets of the Whitehall Building & Operating Co. in receivership in his court, but, to the contrary, permitted waste and dissipation of its assets, to the loss and damage of the creditors of said corporation, and was a party to the waste and dissipation of such assets while under the control of his said court, and personally profited thereby in the manner and form hereinabove specifically set out.

Wherefore the said Judge Halsted L. Ritter was and is guilty of misbehavior, and was and is guilty of a high crime and misdemeanor in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty? The clerk will call the roll.

The legislative clerk called the roll, which resulted as follows:

GUILTY—52

Adams	Chavez	Hatch	Norris
Ashurst	Clark	Hayden	O'Mahoney
Bachman	Connally	Holt	Radcliffe
Bilbo	Coolidge	King	Reynolds
Black	Couzens	La Follette	Robinson
Bone	Dieterich	Lonerган	Russell
Borah	Donahay	McAdoo	Schwellenbach
Brown	Duffy	McGill	Sheppard
Bulkley	Fletcher	McKellar	Shipstead
Bulow	Frazier	Maloney	Thomas, Utah
Byrd	Glass	Murphy	Wagner
Capper	Guffey	Murray	Walsh
Caraway	Harrison	Neely	Wheeler

NOT GUILTY—32

Austin	Dickinson	Long	Smith
Bailey	George	McNary	Steiwer
Barbour	Gerry	Metcalf	Thomas, Okla.
Benson	Gibson	Minton	Townsend
Burke	Hale	Moore	Truman
Carey	Hastings	Nye	Vandenberg
Copeland	Johnson	Overton	Van Nuys
Davis	Keyes	Pittman	White

ABSENT, NOT VOTING, OR EXCUSED—12

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings

The PRESIDENT pro tempore. On the second article of impeachment 52 Senators have voted "guilty" and 32 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

The clerk will read the third article of impeachment.

The legislative clerk read article III, as follows:

ARTICLE III

That the said Halsted L. Ritter, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and, while acting as a United States district judge for the southern district of Florida, was and is guilty of a high crime and misdemeanor in office in manner and form as follows, to wit:

That the said Halsted L. Ritter, while such judge, was guilty of a violation of section 258 of the Judicial Code of the United States of America (U. S. C., Annotated, title 28, sec. 373) making it unlawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law, in that after the employment of the law firm of Ritter & Rankin (which, at

the time of the appointment of Halsted L. Ritter to be judge of the United States District Court for the Southern District of Florida, was composed of Halsted L. Ritter and A. L. Rankin) in the case of Trust Co. of Georgia and Robert G. Stephens, trustee, against Brazilian Court Building Corporation and others, no. 5704, in the Circuit Court of the Fifteenth Judicial Circuit of Florida, and after the fee of \$4,000 which had been agreed upon at the outset of said employment had been fully paid to the firm of Ritter & Rankin, and after Halsted L. Ritter had, on, to wit, February 15, 1929, become judge of the United States District Court for the Southern District of Florida, Judge Ritter on, to wit, March 11, 1929, wrote a letter to Charles A. Brodek, of counsel for Mulford Realty Corporation (the client which his former law firm had been representing in said litigation), stating that there had been much extra and unanticipated work in the case, that he was then a Federal judge; that his partner, A. L. Rankin, would carry through further proceedings in the case, but that he, Judge Ritter, would be consulted about the matter until the case was all closed up; and that "this matter is one among very few which I am assuming to continue my interest in until finally closed up"; and stating specifically in said letter:

"I do not know whether any appeal will be taken in the case or not, but, if so, we hope to get Mr. Howard Paschal or some other person as receiver who will be amenable to our directions, and the hotel can be operated at a profit, of course, pending the appeal. We shall demand a very heavy supersedeas bond, which I doubt whether D'Estes can give"; and further that he was "of course, primarily interested in getting some money in the case", and that he thought "\$2,000 more by way of attorneys' fees should be allowed"; and asked that he be communicated with direct about the matter, giving his post-office box number. On, to wit, March 13, 1929, said Brodek replied favorably, and on March 30, 1929, a check of Brodek, Raphael & Eisner, a law firm of New York City, representing Mulford Realty Corporation, in which Charles A. Brodek, senior member of the firm of Brodek, Raphael & Eisner, was one of the directors, was drawn, payable to the order of "Hon. Halsted L. Ritter" for \$2,000, and which was duly endorsed "Hon. Halsted L. Ritter—H. L. Ritter", and was paid on, to wit, April 4, 1929, and the proceeds thereof were received and appropriated by Judge Ritter to his own individual use and benefit, without advising his said former partner that said \$2,000 had been received, without consulting with his former partner thereabout, and without the knowledge or consent of his said former partner, appropriated the entire amount thus solicited and received to the use and benefit of himself, the said Judge Ritter.

At the time said letter was written by Judge Ritter and said \$2,000 received by him, Mulford Realty Corporation held and owned large interests in Florida real estate and citrus groves, and a large amount of securities of the Olympia Improvement Corporation, which was a company organized to develop and promote Olympia, Fla., said holdings being within the territorial jurisdiction of the United States district court, of which Judge Ritter was a judge, from, to wit, February 15, 1929.

After writing said letter of March 11, 1929, Judge Ritter further exercised the profession or employment of counsel or attorney, or engaged in the practice of the law, with relation to said case.

Which acts of said judge were calculated to bring his office into disrepute, constitute a violation of section 258 of the Judicial Code of the United States of America (U. S. C., Annotated, title 28, sec. 373), and constitute a high crime and misdemeanor within the meaning and intent of section 4 of article II of the Constitution of the United States.

Wherefore the said Judge Halsted L. Ritter was and is guilty of a high misdemeanor in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty? The clerk will call the roll.

The Chief Clerk called the roll, which resulted as follows:

GUILTY—44

Adams	Capper	Guffey	Neely
Ashurst	Caraway	Harrison	Norris
Bachman	Chavez	Hayden	Pittman
Bilbo	Clark	Holt	Radcliffe
Black	Connally	La Follette	Reynolds
Bone	Coolidge	Maloney	Robinson
Borah	Couzens	McAdoo	Sheppard
Brown	Dieterich	McGill	Shipstead
Bulkley	Donahay	McKellar	Thomas, Utah
Bulow	Fletcher	Murphy	Walsh
Byrd	Frazier	Murray	Wheeler

NOT GUILTY—39

Austin	George	Long	Smith
Bailey	Gerry	McNary	Steiwer
Barbour	Gibson	Metcalf	Thomas, Okla.
Benson	Hale	Minton	Townsend
Burke	Hastings	Moore	Truman
Carey	Hatch	Nye	Vandenberg
Copeland	Johnson	O'Mahoney	Van Nuys
Davis	Keyes	Overton	Wagner
Dickinson	King	Russell	White
Duffy	Lonerган	Schwellenbach	

ABSENT, NOT VOTING, OR EXCUSED—13

Bankhead	Glass	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings
Costigan			

The PRESIDENT pro tempore. On the third article of impeachment 44 Senators have voted "guilty" and 39 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

The clerk will read the next article of impeachment. The Chief Clerk read article IV, as follows:

ARTICLE IV

That the said Halsted L. Ritter, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and, while acting as a United States district judge for the southern district of Florida, was and is guilty of a high crime and misdemeanor in office in manner and form as follows, to wit:

That the said Halsted L. Ritter, while such judge, was guilty of a violation of section 258 of the Judicial Code of the United States of America (U. S. C., Annotated, title 28, sec. 373) making it unlawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law, in that Judge Ritter did exercise the profession or employment of counsel or attorney, or engage in the practice of the law, representing J. R. Francis with relation to the Boca Raton matter and the segregation and saving of the interest of J. R. Francis therein, or in obtaining a deed or deeds to J. R. Francis from the Spanish River Land Co. to certain pieces of realty, and in the Edgewater Ocean Beach Development Co. matter, for which services the said Judge Ritter received from the said J. R. Francis the sum of \$7,500.

Which acts of said judge were calculated to bring his office into disrepute, constitute a violation of the law above recited, and constitute a high crime and misdemeanor within the meaning and intent of section 4 of article II of the Constitution of the United States.

Wherefore the said Judge Halsted L. Ritter was and is guilty of a high misdemeanor in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty? The clerk will call the roll.

The legislative clerk called the roll, which resulted as follows:

GUILTY—36

Ashurst	Capper	Frazier	Murray
Bachman	Caraway	Guffey	Neely
Bilbo	Chavez	Hayden	Norris
Bone	Connally	Holt	Reynolds
Borah	Coolidge	La Follette	Robinson
Brown	Couzens	McAdoo	Sheppard
Bulkley	Dieterich	McGill	Thomas, Utah
Bulow	Donahay	McKellar	Walsh
Byrd	Fletcher	Murphy	Wheeler

NOT GUILTY—48

Adams	Duffy	Loneragan	Russell
Austin	George	Long	Schwellenbach
Bailey	Gerry	McNary	Shipstead
Barbour	Gibson	Maloney	Smith
Benson	Glass	Metcalf	Steiwer
Black	Hale	Minton	Thomas, Okla.
Burke	Harrison	Moore	Townsend
Carey	Hastings	Nye	Truman
Clark	Hatch	O'Mahoney	Vandenberg
Copeland	Johnson	Overton	Van Nuys
Davis	Keyes	Pittman	Wagner
Dickinson	King	Radcliffe	White

ABSENT, NOT VOTING, OR EXCUSED—12

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings

The PRESIDENT pro tempore. On the fourth article of impeachment 36 Senators have voted "guilty" and 48 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

The clerk will read the next article of impeachment. The Chief Clerk read article V, as follows:

ARTICLE V

That the said Halsted L. Ritter, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and, while acting as a United States district judge for the southern district of Florida, was and is guilty of a high crime and misdemeanor in office in manner and form as follows, to wit:

That the said Halsted L. Ritter, while such judge, was guilty of violation of section 146 (b) of the Revenue Act of 1928, making it unlawful for any person willfully to attempt in any manner to evade or defeat the payment of the income tax levied in and by said Revenue Act of 1928, in that during the year 1929 said Judge Ritter received gross taxable income—over and above his salary as judge—to the amount of some \$12,000, yet paid no income tax thereon.

Among the fees included in said gross taxable income for 1929 were the extra fee of \$2,000 solicited and received by Judge Ritter

in the Brazilian Court case as described in article III, and the fee of \$7,500 received by Judge Ritter from J. R. Francis.

Wherefore the said Judge Halsted L. Ritter was and is guilty of a high misdemeanor in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty?

The clerk will call the roll.

The Chief Clerk called the roll, which resulted as follows:

GUILTY—36

Adams	Byrd	Glass	Murray
Ashurst	Caraway	Guffey	Neely
Bachman	Chavez	Harrison	Pittman
Bilbo	Coolidge	Hayden	Reynolds
Black	Couzens	Holt	Robinson
Borah	Dieterich	La Follette	Sheppard
Brown	Donahay	McAdoo	Shipstead
Bulkley	Fletcher	McKellar	Walsh
Bulow	Frazier	Murphy	Wheeler

NOT GUILTY—48

Austin	Dickinson	Long	Russell
Bailey	Duffy	McGill	Schwellenbach
Barbour	George	McNary	Smith
Benson	Gerry	Maloney	Steiwer
Bone	Gibson	Metcalf	Thomas, Okla.
Burke	Hale	Minton	Thomas, Utah
Capper	Hastings	Moore	Townsend
Carey	Hatch	Norris	Truman
Clark	Johnson	Nye	Vandenberg
Connally	Keyes	O'Mahoney	Van Nuys
Copeland	King	Overton	Wagner
Davis	Loneragan	Radcliffe	White

ABSENT, NOT VOTING, OR EXCUSED—12

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings

The PRESIDENT pro tempore. On the fifth article of impeachment 36 Senators have voted "guilty", and 48 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

The clerk will read the next article of impeachment.

The Chief Clerk read article VI, as follows:

ARTICLE VI

That the said Halsted L. Ritter, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and, while acting as a United States district judge for the southern district of Florida, was and is guilty of a high crime and misdemeanor in office in manner and form as follows, to wit:

That the said Halsted L. Ritter, while such judge, was guilty of violation of section 146 (b) of the Revenue Act of 1928, making it unlawful for any person willfully to attempt in any manner to evade or defeat the payment of the income tax levied in and by said Revenue Act of 1928, in that during the year 1930 the said Judge Ritter received gross taxable income—over and above his salary as judge—to the amount of, to wit, \$5,300, yet failed to report any part thereof in his income-tax return for the year 1930, and paid no income tax thereon.

Two thousand and five hundred dollars of said gross taxable income for 1930 was that amount of cash paid Judge Ritter by A. L. Rankin on December 24, 1930, as described in article I.

Wherefore the said Judge Halsted L. Ritter was and is guilty of a high misdemeanor in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty?

The clerk will call the roll.

The Chief Clerk called the roll, which resulted as follows:

GUILTY—46

Adams	Connally	Holt	Radcliffe
Ashurst	Coolidge	La Follette	Reynolds
Bachman	Couzens	Loneragan	Robinson
Bilbo	Dieterich	McAdoo	Schwellenbach
Black	Donahay	McGill	Sheppard
Borah	Duffy	McKellar	Shipstead
Brown	Fletcher	Maloney	Thomas, Utah
Bulkley	Frazier	Murphy	Truman
Bulow	Glass	Murray	Walsh
Byrd	Guffey	Neely	Wheeler
Caraway	Harrison	O'Mahoney	
Chavez	Hayden	Pittman	

NOT GUILTY—37

Austin	Dickinson	Long	Steiwer
Bailey	George	McNary	Thomas, Okla.
Barbour	Gerry	Metcalf	Townsend
Benson	Gibson	Minton	Vandenberg
Burke	Hale	Moore	Van Nuys
Capper	Hastings	Norris	Wagner
Carey	Hatch	Nye	White
Clark	Johnson	Overton	
Copeland	Keyes	Russell	
Davis	King	Smith	

ABSENT, NOT VOTING, OR EXCUSED—13

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Bone	Lewis	Norbeck	Tydings
Byrnes			

The PRESIDENT pro tempore. On the sixth article of impeachment 46 Senators have voted "guilty" and 37 Senators have voted "not guilty." Less than two-thirds of the members present having voted "guilty", the Senate adjudges that the respondent, Halsted L. Ritter, is not guilty as charged in this article.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the modification of the order under which the Senate, sitting for the trial of the articles of impeachment, is proceeding, and that the order for recess at 1:30 be vacated, so that the Senate may conclude its procedure in connection with the articles of impeachment.

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

The clerk will read the seventh article of impeachment.

The legislative clerk read article VII, as follows:

ARTICLE VII

That the said Halsted L. Ritter, while holding the office of United States district judge for the southern district of Florida, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and, while acting as a United States district judge for the southern district of Florida, was and is guilty of misbehavior and of high crimes and misdemeanors in office in manner and form as follows, to wit:

The reasonable and probable consequence of the actions or conduct of Halsted L. Ritter, hereunder specified or indicated in this article, since he became judge of said court, as an individual or as such judge, is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge:

In that the said Halsted L. Ritter, while such Federal judge, accepted, in addition to \$4,500 from his former law partner as alleged in article I hereof, other large fees or gratuities, to wit, \$7,500 from J. R. Francis, on or about April 19, 1929, J. R. Francis at this said time having large property interests within the territorial jurisdiction of the court of which Judge Ritter was a judge; and on, to wit, the 4th day of April 1929 the said Judge Ritter accepted the sum of \$2,000 from Brodek, Raphael & Elsner, representing Mulford Realty Corporation, as its attorneys, through Charles A. Brodek, senior member of said firm and a director of said corporation, as a fee or gratuity, at which time the said Mulford Realty Corporation held and owned large interests in Florida real estate and citrus groves, and a large amount of securities of the Olympia Improvement Corporation, which was a company organized to develop and promote Olympia, Fla., said holdings being within the territorial jurisdiction of the United States district court of which Judge Ritter was a judge from, to wit, February 15, 1929.

By his conduct as detailed in articles I, II, III, and IV hereof, and by his income-tax evasions as set forth in articles V and VI hereof.

Wherefore the said Judge Halsted L. Ritter was and is guilty of misbehavior, and was and is guilty of high crimes and misdemeanors in office.

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty? The clerk will call the roll.

The Chief Clerk called the roll, which resulted as follows:

GUILTY—56

Adams	Chavez	Hatch	O'Mahoney
Ashurst	Clark	Hayden	Pittman
Bachman	Connally	Holt	Radcliffe
Bailey	Coolidge	La Follette	Reynolds
Bilbo	Couzens	Loneragan	Robinson
Black	Dieterich	McAdoo	Russell
Bone	Donahay	McGill	Schwellenbach
Borah	Duffy	McKellar	Sheppard
Brown	Fletcher	Maloney	Shipstead
Bulkeley	Frazier	Minton	Thomas, Utah
Bulow	George	Murphy	Truman
Byrd	Glass	Murray	Wagner
Capper	Guffey	Neely	Walsh
Caraway	Harrison	Norris	Wheeler

NOT GUILTY—28

Austin	Dickinson	King	Smith
Barbour	Gerry	Long	Steiwer
Benson	Gibson	McNary	Thomas, Okla.
Burke	Hale	Metcalf	Townsend
Carey	Hastings	Moore	Vandenberg
Copeland	Johnson	Nye	Van Nuys
Davis	Keyes	Overton	White

ABSENT, NOT VOTING, OR EXCUSED—12

Bankhead	Costigan	Logan	Pope
Barkley	Gore	McCarran	Trammell
Byrnes	Lewis	Norbeck	Tydings

The PRESIDENT pro tempore. On the seventh article of impeachment, 56 Senators have voted "guilty" and 28 Senators have voted "not guilty." Two-thirds of the members present having voted "guilty", the Senate adjudges the respondent guilty as charged in this article.

Mr. AUSTIN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. AUSTIN. I make the point of order that the respondent is not guilty, not having been found guilty by a vote of two-thirds of the Senators present.

Article VII is an omnibus article, the ingredients of which, as stated on page 36, paragraph 4, are—

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Is debate upon the point of order in order?

The PRESIDENT pro tempore. It is not in order.

Mr. LA FOLLETTE. I ask for the regular order.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. AUSTIN. In stating a point of order, is it not appropriate to state the grounds of the point of order?

The PRESIDENT pro tempore. Providing the statement is not argument.

Mr. AUSTIN. That is what the Senator from Vermont is undertaking to do, and no more.

The PRESIDENT pro tempore. If the statement is argument, the point of order may be made against the argument.

Mr. AUSTIN. The first reason for the point of order is that here is a combination of facts in the indictment, the ingredients of which are the several articles which precede article VII, as seen by paragraph marked 4 on page 36. The second reason is contained in the Constitution of the United States, which provides that no person shall be convicted without the concurrence of two-thirds of the members present. The third reason is that this matter has been passed upon judicially, and it has been held that an attempt to convict upon a combination of circumstances—

Mr. MCGILL. Mr. President, a parliamentary inquiry.

Mr. AUSTIN. Of which the respondent has been found innocent would be monstrous. I refer to the case of *Andrews v. King* (77 Maine, 235).

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state the point of order.

Mr. ROBINSON. The Senator from Vermont is not in order.

The PRESIDENT pro tempore. The point of order is sustained. The Senator from Vermont is making an argument on the point of order he has made.

Mr. AUSTIN. Mr. President, I have concluded my motion.

The PRESIDENT pro tempore. A point of order is made as to article VII, in which the respondent is charged with general misbehavior. It is a separate charge from any other charge, and the point of order is overruled.

JUDGMENT

Mr. ASHURST. Mr. President, I send to the desk an order for judgment, and ask that the order be read by the clerk.

The PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

The Senate hereby orders and decrees and it is hereby adjudged that the respondent, Halsted L. Ritter, United States district judge for the southern district of Florida, be, and he is hereby, removed from office, and that he be, and is hereby, forever disqualified to hold and enjoy any office of honor, trust, or profit under the United States, and that the Secretary be directed to communicate to the President of the United States and to the House of Representatives the foregoing order and judgment of the Senate, and transmit a copy of same to each.

Mr. LA FOLLETTE. Mr. President, I ask for a division of the question.

Mr. ASHURST. Mr. President, to divide the question is perfectly proper. Any Senator who desires that the order be divided is within his rights in thus asking that it be

divided. The judgment of removal from office would ipso facto follow the vote of guilty.

Mr. BORAH. Mr. President, do I understand there is to be a division of the question?

Mr. LA FOLLETTE. I have asked for a division of the question.

Mr. NORRIS. Mr. President, it seems to me the chairman of the Committee on the Judiciary should submit two orders. One follows from what we have done. The other does not follow, but we ought to vote on it.

Mr. ASHURST. I accept the suggestion. I believe the Senator from Nebraska is correct. Therefore, I withdraw the order sent to the desk and, in its stead, present the one which I now offer.

The PRESIDENT pro tempore. The Senator from Arizona, having withdrawn the first order, submits another one, which the clerk will read.

The legislative clerk read as follows:

Ordered, That the respondent, Halsted L. Ritter, United States district judge for the southern district of Florida, be removed from office.

The PRESIDENT pro tempore. Are the yeas and nays desired on the question of agreeing to the order?

Mr. ASHURST. The yeas and nays are not necessary.

Mr. JOHNSON. Mr. President, how, affirmatively, do we adopt the order, unless it is put before the Senate, and unless the roll be called upon it or the Senate otherwise votes?

The PRESIDENT pro tempore. The Chair is of the opinion that the order would follow the final vote as a matter of course, and no vote is required.

Mr. ASHURST. Mr. President, the vote of guilty, in and of itself, is sufficient without the order, under the Constitution, but to be precisely formal I have presented the order, in accordance with established precedent, and I ask for a vote on its adoption.

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

Mr. ASHURST. I yield.

Mr. HASTINGS. Just what is the language in the Constitution as to what necessarily follows conviction on an article of impeachment?

Mr. MCGILL. It is found in section 4, article II, of the Constitution.

Mr. HASTINGS. What is the language of the Constitution which makes removal from office necessary, and to follow as a matter of course?

Mr. MCGILL. Mr. President—

Mr. ASHURST. If the Senator from Kansas has the reference, I shall ask him to read it.

Mr. MCGILL. Section 4 of article II of the Constitution reads:

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

Mr. HASTINGS. I thank the Senator. Then may I suggest was not the Chair correct in the first instance? Does not the removal from office follow without any vote of the Senate?

The PRESIDENT pro tempore. That was the opinion of the Chair.

Mr. HASTINGS. I think the President pro tempore was correct.

The PRESIDENT pro tempore. The Chair will then direct that the order be entered.

Mr. NORRIS. Mr. President, upon the action of the Senate why does not the Chair make the proper declaration without anything further?

The PRESIDENT pro tempore. The Chair was about to do so. The Chair directs judgment to be entered in accordance with the vote of the Senate, as follows:

JUDGMENT

The Senate having tried Halsted L. Ritter, United States district judge for the southern district of Florida, upon seven several articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of charges contained therein: It is therefore

Ordered and adjudged, That the said Halsted L. Ritter be, and he is hereby, removed from office.

Mr. ASHURST. Mr. President, I send to the desk an order, which I submit in accordance with the suggestion of the Senator from Nebraska [Mr. NORRIS]. I think he is more nearly correct in the matter than I was. I ask that the order be read by the clerk.

The PRESIDENT pro tempore. The Senator from Arizona submits an order, which will be read.

The legislative clerk read as follows:

Ordered further, that the respondent, Halsted L. Ritter, United States district judge for the southern district of Florida, be forever disqualified from holding and enjoying any office of honor, trust, or profit under the United States.

Mr. HASTINGS. Mr. President, I understand that matter is subject to debate.

Mr. ASHURST. No, Mr. President. The yeas and nays are in order, if Senators wish, but it is not subject to debate.

Mr. HASTINGS. Will the Chair state just why it is not subject to debate?

The PRESIDENT pro tempore. The Chair is of opinion that the rules governing impeachment proceedings require that all orders or decisions be determined without debate, but the yeas and nays may be ordered.

Mr. DUFFY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DUFFY. Upon this question is a majority vote sufficient to adopt the order, or must there be a two-thirds vote?

Mr. ASHURST. Mr. President, in reply to the inquiry, I may say that in the Archibald case that very question arose. A Senator asked that a question be divided, and on the second part of the order, which was identical with the order now proposed, the yeas and nays were ordered, and the result was yeas 39, nays 35, so the order further disqualifying respondent from holding any office of honor, trust, or profit under the United States was entered. It requires only a majority vote.

The PRESIDENT pro tempore. The question is on agreeing to the order submitted by the Senator from Arizona.

Mr. HASTINGS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll, which resulted—yeas 0, nays 76, as follows:

NAYS—76

Adams	Clark	Hayden	Overton
Ashurst	Connally	Johnson	Pittman
Austin	Coolidge	Keyes	Radcliffe
Bachman	Copeland	King	Reynolds
Bailey	Davis	La Follette	Robinson
Barbour	Dickinson	Loneragan	Schwellenbach
Benson	Dieterich	Long	Sheppard
Bilbo	Duffy	McGill	Smith
Black	Fletcher	McKellar	Steiwer
Bone	Frazier	McNary	Thomas, Okla.
Borah	George	Maloney	Thomas, Utah
Brown	Gerry	Metcalf	Townsend
Bulkeley	Gibson	Minton	Truman
Bulow	Glass	Murphy	Vandenberg
Byrd	Guffey	Murray	Van Nuys
Capper	Hale	Neely	Wagner
Caraway	Harrison	Norris	Walsh
Carey	Hastings	Nye	Wheeler
Chavez	Hatch	O'Mahoney	White

ABSENT, NOT VOTING, OR EXCUSED—20

Bankhead	Couzens	Logan	Pope
Barkley	Donahay	McAdoo	Russell
Burke	Gore	McCarran	Shipstead
Byrnes	Holt	Moore	Trammell
Costigan	Lewis	Norbeck	Tydings

So the order was rejected.

The PRESIDENT pro tempore. What is the further pleasure of the Senate?

Mr. ASHURST. Mr. President, I send to the desk an order which I ask to have read.

The PRESIDENT pro tempore. The clerk will read the proposed order.

The legislative clerk read as follows:

Ordered, That the Secretary be directed to communicate to the President of the United States and to the House of Representatives the order and judgment of the Senate in the case of Halsted L. Ritter and transmit a certified copy of same to each.

Mr. ASHURST. I move the adoption of the order.

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

The order was agreed to.

Mr. ASHURST. Mr. President, unless some Senator has an inquiry to make, or some motion or order he desires to enter, this is an appropriate time to move that the Senate, sitting for the trial of the articles of impeachment against Halsted L. Ritter, adjourn sine die.

I wait for a moment to see if any Senator wishes to make a motion or present an order. [After a pause.] Hearing none, I move that the Senate, sitting for the trial of the articles of impeachment against Halsted L. Ritter, adjourn sine die.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and (at 1 o'clock and 50 minutes, p. m.) the Senate, sitting for the trial of the articles of impeachment against Halsted L. Ritter, adjourned sine die.

Pursuant to the order entered on the calendar day Thursday, April 16, 1936, allowing each Senator 4 days after the final vote on the articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida, within which to file his individual opinion, the following opinion by Mr. PITTMAN was filed and ordered to be printed in the RECORD:

STATEMENT OF SENATOR KEY PITTMAN SETTING FORTH THE REASONS FOR HIS VARIOUS VOTES IN THE MATTER OF THE IMPEACHMENT OF HALSTED L. RITTER

APRIL 17, 1936.

There were seven articles of impeachment. An affirmative vote by two-thirds of the Senate sustaining any one of the charges results in the removal of the judge. The Constitution of the United States provides for the removal of a judge by impeachment for "high crimes and misdemeanors." The words "high crimes and misdemeanors" were adopted from the old English law. A definition of legal language is that which was intended by the makers of the law, and as construed by the authority, granted such power. This language in the old English law was uniformly construed to include crimes and misdemeanors other than those defined and prohibited by statute. It was construed to include malfeasance and misfeasance in office, such as misbehavior and neglect of duty in addition to crimes and misdemeanors prohibited and punishable by statute. Such construction has been universally adopted by the House of Representatives in making impeachment charges, and in the trial of such impeachments by the United States Senate sitting as a Court. This was an essential and reasonable construction, as there exists under our Constitution no power to remove a judge except by impeachment.

Again, a judge, under the Constitution, holds office during "good behavior", which means for life unless he is adjudged guilty of misbehavior. The procedure is criminal in its nature, for, upon conviction, requires the removal of a judge, which is the highest punishment that could be administered such an officer.

The Senate, sitting as a Court, is required to conduct its proceedings and reach its decisions, in accordance with the customs of our law. In all criminal cases the defendant comes into court enjoying the presumption of innocence, which presumption continues until he is proven guilty beyond a reasonable doubt. The decision of the court must be based upon the evidence adduced and accepted at the trial. No outside information nor ulterior facts may be considered in arriving at such a decision. On the other hand, no prescribed form prevails for the impeachment and the technicalities with regard to indictments under the statute. It has been uniformly held that if the facts upon which the impeachment is based are sufficiently set out to place the respondent on notice, and he joins issue upon such facts, that then the impeachment is sufficient. This construction of the impeachment articles is reasonable in that the Senate, sitting as a Court, is both the judge of the law and the facts and competency, relevancy, and materiality of the testimony adduced at the trial.

It is admittedly a great power placed in the hands of the House of Representatives, to present the impeachment, and in the Senate, which adjudicates it. It should not be treated trivially either by the House or the Senate. It should not be used to regulate the conduct of a judge, but only for the purpose of punishing him for malfeasance or misfeasance in office where his conduct brings into contempt his court. The proceeding is not in the nature of a recall. It should not be permitted to be used for such purpose.

I was not convinced beyond a reasonable doubt that the moneys admitted to be received by the judge from his former law partner were corruptly received, and that they were received as a consideration for the granting of a fee to a former partner in the Whitehall case.

I could not vote for the conspiracy charge in view of the position I held with regard to the first charge. The charge that the

judge had received a gift of \$7,500 was admitted. While such act is reprehensible, I am unwilling to remove a judge upon such a charge, because there is high example for such act. Other judges have been known to receive gifts, and no impeachment has been made. In my opinion Congress should enact a statute making it a crime for a judge to receive gifts. It was charged that the judge had failed, in his income-tax return, to return \$2,500 that he had received from his law partner. This was admitted by Judge Ritter on the stand. He attempted to justify the act, however, by stating that, even if he had made a return of such item and a further sum of \$2,000 that he received from his law partner, that still it would have been offset by losses that were admitted by the Treasury Department, and, therefore, he would not have been obligated to pay any income tax to the Government.

While the concealing of such gross income might not have been for the purpose of avoiding payment of the tax to the Government, nevertheless it was a violation of the income-tax statute, which absolutely commanded the judge to fully and completely set out in his income-tax return all of his gross income, so that the Treasury Department, and not the maker of the income-tax return, could determine whether or not the income tax was due the Government. The evidence and admissions of the judge show that the failure to return, in a sworn statement, such admitted items of gross income was not through oversight but was done for a deliberate purpose. He knowingly and deliberately swore falsely to his income-tax return. This may not, in my opinion, be permitted of a judge who may be called upon to pass upon such questions in criminal proceedings.

The judge was charged with practicing law after going upon the bench in violation of the statutes in connection with a case in which his firm of Ritter & Rankin were attorneys before he went on the bench. I believe that in impeachment proceedings the Court should be quite liberal in these matters. It is, in my opinion, permissible for a judge to give to his former law partner or former associates in a case such information and knowledge that he had acquired while a legal attorney in a proceeding. There was an agreed fee of \$4,000 for the trial of such case.

After the judge went upon the bench he, individually, and without consultation with his former law partner, wrote to his clients asking them for an additional \$2,000 attorney fee. In that letter he stated that he intended to go on with the case; that he and his former law partner intended to insist upon a high supersedeas bond on appeal for the purpose of making such bond so high that it could not be given, and no appeal would be taken in the case. He further stated in the letter that in the event of an appeal he, with Rankin, hoped to obtain the appointment of a receiver that would be amenable to their instructions and advice. He carried out his promise contained in that letter to continue in the case. Judge Chillingworth, before whom the case was tried, testified that after he had notified Ritter and Rankin of his intention to enter a decree in their favor that his docket shows that he had an appointment with Judge Ritter before the entry of the decree, and that Judge Ritter submitted to him a reference to a case wherein the Supreme Court of Florida had held that a \$25,000 supersedeas bond in a case which involved only approximately \$112,000 was a reasonable bond. Other evidence further discloses that Rankin urged that the bond be fixed at \$35,000. Judge Chillingworth, however, fixed the bond at \$7,500, and the appeal was taken. Rankin, alone, appeared in this appeal and received \$2,000 additional for services in this appeal. The evidence in this matter was admitted. Therefore the question of reasonable doubt does not arise. In my opinion the evidence clearly shows that the judge did continue to practice law in this case until the appeal was taken. His proposal of action in such matter was not only unethical on the part of a lawyer but after it was made public was such as to destroy confidence in Judge's Ritter's court and to reflect upon the judge's integrity.

I voted for article VII because it contains a general charge that the judge, by reason of his conduct in the various matters charged, has raised a substantial doubt as to the integrity of the judge and destroyed confidence in such court and in the efficiency of the judge.

There are cited, however, in this article charges that I have voted against in the vote upon the separate articles of impeachment. Therefore my vote for article VII is not to be deemed an approval of such matters in article VII.

KEY PITTMAN.

LEGISLATIVE SESSION

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of legislative business. I will state that when that motion shall have been agreed to, and certain matters which are more or less emergent shall have been disposed of, it is my purpose to move a recess in order that Senators may have the opportunity of having lunch. It is also my purpose to call for the regular order, the regular order being the flood-control bill introduced by the Senator from Louisiana [Mr. OVERTON].

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had

passed without amendment the joint resolution (S. J. Res. 230) amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 6544. An act to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public lands, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws; and

H. R. 9997. An act granting a leave of absence to settlers of homestead lands during the year 1936.

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

H. R. 11687. An act to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes; and

H. J. Res. 568. Joint resolution to provide an additional appropriation for fees of jurors and witnesses, United States courts, for the fiscal year 1936.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

H. R. 6544. An act 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;

H. R. 9997. An act granting a leave of absence to settlers of homestead lands during the year 1936;

H. R. 11327. An act to exempt from taxation receipts from the operation of Olympic Games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles; and

S. J. Res. 230. Joint resolution amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On April 13, 1936:

S. 2288. An act to provide for the measurement of vessels using the Panama Canal, and for other purposes.

On April 14, 1936:

S. 903. An act for the relief of the Holyoke Ice Co.;

S. 1824. An act for the relief of Abraham Green;

S. 2682. An act for the relief of Chief Carpenter William F. Twitchell, United States Navy;

S. 2942. An act for the relief of John Hoffman;

S. 2943. An act for the relief of John Morris;

S. 3367. An act for the relief of James Gaynor;

S. 3655. An act for the relief of the Vermont Transit Co., Inc.;

S. 3684. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War;

S. 3777. An act to authorize the Secretary of the Treasury to execute an agreement of indemnity to the First Granite National Bank, Augusta, Maine;

S. 3872. An act for the relief of the present leader of the Army Band; and

S. 4232. An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects.

On April 15, 1936:

S. 536. An act for the relief of Ada Mary Tornau; and

S. 2021. An act to recognize the service of Brig. Gen. Edward H. Chrisman.

On April 16, 1936:

S. 754. An act to amend section 21 of the act approved June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes", as applied to the Virgin Islands of the United States;

S. 1152. An act relating to the carriage of goods by sea;

S. 2524. An act to amend section 51 of the Judicial Code of the United States (U. S. C., title 28, sec. 112); and

S. 2922. An act for the relief of Rose Stratton.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Commerce, reporting, pursuant to law, that there are on the files of the Department an accumulation of documents and papers which are not needed in the conduct of business and have no permanent value, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. COPELAND and Mr. McNARY members of the committee on the part of the Senate.

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

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

To the Congress of the United States:

I transmit herewith for the information of the Congress the Sixteenth Annual Report of the Perry's Victory Memorial Commission for the year ended December 1, 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 17, 1936.

LAWS, ETC., OF TENTH PHILIPPINE LEGISLATURE

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

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", I transmit herewith copies of the laws and resolutions enacted by the Tenth Philippine Legislature during its second special session (from June 12 to June 22, 1935), its second regular session (from June 24 to Oct. 17, 1935), and its third special session (from Nov. 12 to Nov. 14, 1935), which was the final session of the bicameral legislature created by the above-mentioned act of Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 16, 1936.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Appropriations:

Whereas industrial, legal, and financial conditions created by the prolonged economic depression have dislodged thousands of men, women, and children from their normal occupations and places of legal settlement and have thrown them in their extremity into communities where they are alien and have no legal right to relief; and

Whereas the Federal Government in the last 2 years by its program of relief and work for transients has demonstrated that it is possible on a national scale to alleviate the condition; and

Whereas the experience of these 2 years has further demonstrated that transiency is an interstate problem and that it has its migratory labor and other situations that are beyond the control of the individual States; and

Whereas the abandonment by the Federal Government of the relief program for those persons is returning these unfortunate, unsettled people to chaos and hopelessness, since they and the communities in which they find themselves lack the means to solve their problems; and

Whereas most States cannot legally use State funds to relieve unsettled persons, and residual Federal funds in the hands of State agencies are now practically exhausted; and

Whereas the Interstate Conference on Transient Relief, held on March 6 and 7, 1936, at Trenton, N. J., represented by 21 States east of the Mississippi, unanimously agreed to press the Federal authorities to take such action: Now, therefore, be it

Resolved (if the senate concur). That the Legislature of the State of New York by concurrent resolution hereby memorializes the Federal Works Progress Administration and the Congress of the United States to accept immediate responsibility for relief and employment of transients, and we urge that this relief in employment be made effective through permanent departments of State government and coordinate local units of administration, and that funds be made available by the Federal Government on a grant-in-aid basis; be it further

Resolved. That copies of this resolution be transmitted to the President of the United States, the Federal Works Progress Administrator, the Secretary of the Senate, the Clerk of the House of Representatives, and to each Member of Congress duly elected from the State of New York.

The PRESIDENT pro tempore also laid before the Senate the following cablegram from the president of the Senate of Puerto Rico, which was ordered to lie on the table:

SAN JUAN, P. R., April 17, 1936.

HONORABLE PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.:

Senate of Puerto Rico unanimously requests that the United States Senate, over which you preside, take no action on House bill 12037 or Senate bill 4430, in regard to the control of tobacco production of Puerto Rico, until producers in this island are heard. Said bill will greatly injure our second source of agricultural wealth. Favorable consideration of this petition by the upper House will be greatly appreciated.

RAFAEL MARTINEZ NADAL,
President of the Senate of Puerto Rico.

The PRESIDENT pro tempore also laid before the Senate the petition of members of the Second District Board, Wisconsin Federation of Women's Clubs, praying for the repeal of section 213 of the Economy Act of 1932, known as the married persons' clause, which was referred to the Committee on Appropriations.

He also laid before the Senate the petition of Southwest Lodge No. 149 (St. Louis-San Francisco Railway Co.) of the Brotherhood of Railway Clerks, Springfield, Mo., praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a cablegram, in the nature of a memorial, from Hon. Miguel A. Garcia Mendez, speaker of the House of Representatives of Puerto Rico, remonstrating against the enactment of the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes, and stating that Mr. Nolla, assistant commissioner of agriculture and an expert in tobacco questions, had left for Washington to present the case of the tobacco growers of Puerto Rico, which was ordered to lie on the table.

Mr. COPELAND presented a petition of sundry citizens, being railroad employees, of Buffalo, N. Y., praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which was referred to the Committee on Interstate Commerce.

Mr. GIBSON presented a resolution adopted at a meeting of the Vermont Planning Board with the heads of various departments, favoring appointment by the Governor of Vermont of a commission for Vermont, constituting such members of the planning board, or advisory members, as the Governor may designate, to cooperate with the commissions of the other States and report their findings and recommendations to the Governor and legislature in 1937, which was referred to the Committee on Commerce.

He also presented a resolution adopted by a conference in Boston, Mass., of State health officers of the New England States, favoring the taking of steps to promote the betterment of New England streams and shore water by antipollution measures, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Vermont State Planning Board, favoring the making of an adequate appropriation for completing the survey and mapping of continental United States, which was referred to the Committee on Appropriations.

Mr. WALSH presented the petition of the congregation of the Loring Street A. M. E. Church, of Springfield, Mass., favoring the adoption of the so-called Van Nuys resolution, being the resolution (S. Res. 211) authorizing an investigation in connection with certain lynchings in the United States, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also presented a letter in the nature of a memorial from the Peabody (Mass.) Chamber of Commerce, remonstrating against the enactment of Senate bills 3958 and 3969 (introduced by Mr. LONERGAN), relative to stream pollution, which was referred to the Committee on Commerce.

He also presented a resolution of the United Session of the New England Conference of the Methodist Episcopal Church, meeting in Melrose, Mass., protesting against the enactment of Senate bill 2253, the so-called military disaffection bill, which was referred to the Committee on Military Affairs.

He also presented a letter in the nature of a petition from the Boston Typothetae, Inc., of Boston, Mass., praying for the enactment of the bill (S. 4296) to amend section 11 of the act of March 1, 1919 (40 Stat. 1270), pertaining to Government printing, which was referred to the Committee on Printing.

ANTIPRICE DISCRIMINATION BILL

Mr. WALSH. Mr. President, I ask that a letter I have received from Prescott Bigelow, chairman, Committee on Commercial and Industrial Affairs of the Boston Chamber of Commerce, together with a report of the committee on the so-called Robinson-Patman bill, be inserted in the CONGRESSIONAL RECORD and lie on the table.

There being no objection, the letter and report were ordered to lie on the table and to be printed in the RECORD, as follows:

BOSTON CHAMBER OF COMMERCE,
Boston, Mass., April 3, 1936.

HON. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: On authority of the board of directors of the Boston Chamber of Commerce, please let me record with you the Boston Chamber's opposition to the adoption at this session of Congress of any of the pending measures seeking amendment of section 2 of the Clayton Act to abolish the present system of price differentials on goods bought and sold in commerce.

The chamber believes that legislation such as the Robinson-Patman bill (S. 3154), which would make unlawful price discounts based on quantity of merchandise sold, would not only tend to increase the cost of all merchandise to consumers but would force the abandonment of many sound practices to the detriment of business and employment.

A summary of the chamber's views is contained in the enclosed report prepared by our committee on commercial and industrial affairs.

We respectfully ask your cooperation to the end that the Robinson-Patman and other "price discrimination" bills may be disapproved by Congress.

Very truly yours,

PRESCOTT BIGELOW,
Chairman, Committee on Commercial and Industrial Affairs.

BOSTON CHAMBER OF COMMERCE

Report of the committee on commercial and industrial affairs in opposition to the Robinson, Patman, and other bills to abolish price differentials

MARCH 26, 1936.

To the Executive Committee and Board of Directors:

Several measures pending in Congress to outlaw so-called price-discrimination methods, originating with the Robinson-Patman bill, have aroused a great deal of apprehension among manufacturers and distributors, especially larger retailers, because of the revolutionary changes in business methods which these measures seek.

The bills would revise section 2 of the Clayton Antitrust Act to apply more stringent restrictions against granting price differentials based upon quantity shipments of merchandise. The more drastic of these bills, such as the Robinson and Patman drafts, would practically eliminate all price discounts having to do with the size of orders which a manufacturer receives.

While commonly believed to be directed against the buying operations of chain stores, these measures would in reality affect all lines of business and would react with especial severity upon retailers and others who are accustomed to buy merchandise on a large scale. The present Clayton Act permits differences in price at which merchandise may be sold on account of variations in grade, quality, or quantity of a commodity; or differences in the cost of selling or transportation; or in the same or different communities when price differentials are made in good faith to meet competition.

In the Robinson, Patman, and some other versions a seller would be compelled to charge the same price per unit to a larger as to a smaller buyer of merchandise, except that the Federal Trade Commission might, after investigation, establish "quantity limits" within which certain price differentials might apply.

These bills would prohibit the payment of brokerage fees to a purchasing agent or representative of retailers, thus eliminating the economically useful retailers' buying organizations. They would also prevent manufacturers from granting advertising, or other service allowances to large buyers unless these allowances were available on proportionately equal terms to all customers.

It can scarcely be questioned that the effect of these bills would be to increase the cost of merchandise to the consumers. Such legislation would practically compel retailers to buy through middlemen. It would in many cases force the abandonment of unemployment stabilization methods which manufacturers have built up because of their ability to dispose of large quantities of merchandise during off-peak seasons at somewhat reduced prices. It would also attack, among other sound business practices, the discretion permitted to a manufacturer in selling to customers with varying credit risks; would eliminate sales and contracts based on competitive bidding, and would make no allowances for the savings to a manufacturer which retailers' warehouse and storage facilities provide. Nor would it permit price concessions based on out-of-season or overstocked merchandise, forced sales, or other emergency conditions.

Other versions of the bill, notably drafts filed by Senators BORAH and VAN NUYS, are considerably more moderate in their intended effect, and reports from Washington this week indicate that a measure based on the Borah bill is likely to prevail if any legislation is to be adopted at this session of Congress.

The Borah bill would revise the Clayton Act to prevent discrimination as between different customers of the same seller with respect to any discount, rebate, allowance, or advertising service not available to all customers involving goods of like grade, quality, and quantity. It would also prevent sales in any section or to any customer for the purpose of eliminating competition or destroying a competitor.

Even the Borah bill is unnecessary, in the opinion of the committee on commercial and industrial affairs, because the Clayton Act at present makes unfair methods of competition unlawful and prohibits price discrimination between different purchasers of commodities which may substantially lessen competition or tend to create a monopoly.

The committee on commercial and industrial affairs does not believe that any necessary or useful improvement in business methods would be accomplished by the adoption of any of the so-called price discrimination bills; and, on the other hand, feels that an increase in the price of merchandise and disruption of basic business practices would result, without economic justification, from the adoption of the more drastic of these measures.

The committee on commercial and industrial affairs recommends that the chamber oppose all of these measures and that the chamber's views be submitted to Congress.

Respectfully submitted.

Committee on commercial and industrial affairs; Prescott Bigelow, chairman; Stoughton Bell; Edmund J. Brandon; Julius Daniels; Maurice W. Dennison; Harold S. Fuller; William A. Hefler; T. Frank Joyce; John S. Lawrence; Charles E. Mason; Louis W. Munro; Albert N. Murray; Samuel Pinanski; John A. Sargent; James H. Walsh, secretary.

AMENDMENT TO PACKERS AND STOCKYARDS ACT, 1921

Mr. COOLIDGE presented a letter from James H. Ferguson, of Worcester, Mass., which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

NEW ENGLAND SAUSAGE MANUFACTURERS' ASSOCIATION,
Worcester, Mass., April 15, 1936.

HON. MARCUS A. COOLIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Senate bill 4455, a bill to amend the Packers and Stockyards Act of 1921, introduced by your colleague Senator WALSH, at the request of myself on behalf of our association, is of extreme importance to the independent manufacturers of pre-

¹ Did not have an opportunity to pass on this report.

pared meat, as well as the wholesalers and operators of small markets.

This bill merely asks that the trade practices of the industry be transferred from the Department of Agriculture, whose chief business is the production of livestock and agriculture, to the Federal Trade Commission, a judicial body set up by legislative enactment for the express purpose of enforcing fair trade methods in competition in industry.

Up to 1921 the Federal Trade Commission had jurisdiction over this industry, but in that year, with a favorable Congress and the help of leading politicians, the Big Four packers of Chicago had the Packers and Stockyards Act passed, which placed judicial powers in the Department of Agriculture, giving them entire control of this industry. The passage of this legislation, in my opinion, is comparable only to the President, with the consent of the Senate, placing a farmer on the Supreme Court.

I am writing to ask you to support this amendment, for I am convinced if this bill falls of passage many of our small manufacturers of prepared meat will be forced out of business and that a monopoly will be created with the big packers in full control of the industry.

In our organization we are represented by the following racial groups: German, Irish, Jewish, Swedish, Polish, American, French, Italian, and Portuguese. We have 192 manufacturers in the State, with a total membership in the other New England States—Maine, New Hampshire, Vermont, Rhode Island, and Connecticut—187, making a grand total number of manufacturers 379, with a total number of employees of nearly 10,000. In Massachusetts we employ nearly 4,800 men and women, which include 252 salesmen. From the foregoing you will readily understand the importance of the industry and what this legislation means to us.

Trusting that you will support this bill with your vote when it comes to the Senate, thanking you for your interest in this matter, I am, with every good wish,

Sincerely,

JAMES H. FERGUSON,
53 Queen Street, Worcester, Mass.

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which was referred the bill (H. R. 4148) for the relief of the Thomas Marine Railway Co., Inc., reported it with an amendment and submitted a report (No. 1832) thereon.

Mrs. LONG, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2622. A bill for the relief of M. Waring Harrison (Rept. No. 1833);

H. R. 4362. A bill for the relief of Patrick J. Leahy (Rept. No. 1834); and

H. R. 5974. A bill for the relief of Thelma L. Edmunds, Mrs. J. M. Padgett, Myrtis E. Posey, Mrs. J. D. Mathis, Sr., Fannie Harrison, Annie R. Colgan, and Grace Whitlock (Rept. No. 1835).

Mrs. LONG also, from the Committee on Claims, to which was referred the bill (S. 3824) for the relief of Maud Kelley Thomas, reported it with an amendment and submitted a report (No. 1836) thereon.

She also, from the same committee, to which was referred the bill (S. 3850) for the relief of Mrs. Foster McLynn, reported it with amendments and submitted a report (No. 1837) thereon.

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

S. 2609. A bill for the relief of Charles G. Johnson, State treasurer of the State of California (Rept. No. 1838);

S. 3645. A bill for the relief of Dampskib Aktieselskab Roskva (Rept. No. 1858);

H. R. 2623. A bill for the relief of J. W. Hearn, Jr. (Rept. No. 1839);

H. R. 8039. A bill for the relief of John B. Meisinger and Nannie B. Meisinger (Rept. No. 1840); and

H. R. 10991. A bill for the relief of Harry Wallace (Rept. No. 1841).

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

H. R. 3573. A bill for the relief of Jens H. Larsen (Rept. No. 1842);

H. R. 3673. A bill for the relief of Bernard V. Wolfe and the Dixon Implement Co. (Rept. No. 1843);

H. R. 4031. A bill for the relief of Stanley T. Gross (Rept. No. 1844);

H. R. 4999. A bill for the relief of Marie Linsenmeyer (Rept. No. 1845); and

H. R. 6698. A bill for the relief of Mae C. Tibbett, administratrix (Rept. No. 1846).

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 7468) for the relief of Izelda Boisoineau, reported it with an amendment and submitted a report (No. 1847) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3075. A bill for the relief of John L. Summers, former disbursing clerk, Treasury Department, and various former Treasurers of the United States (Rept. No. 1848); and

H. R. 4725. A bill for the relief of Catherine Donnelly, Claire E. Donnelly, John Kufall, Mary F. Kufall, and Elizabeth A. Tucker (Rept. No. 1849).

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

H. R. 2189. A bill for the relief of Julia M. Ryder (Rept. No. 1850);

H. R. 3152. A bill for the relief of Joseph Jochemczyk (Rept. No. 1851);

H. R. 4277. A bill for the relief of James R. Russell (Rept. No. 1859);

H. R. 4411. A bill for the relief of Mary L. Munroe (Rept. No. 1852);

H. R. 4571. A bill for the relief of William W. Bartlett (Rept. No. 1860);

H. R. 4779. A bill for the relief of Capt. Chester Gracie (Rept. No. 1861);

H. R. 5827. A bill for the relief of Elizabeth Wyhowski, mother and guardian of Dorothy Wyhowski (Rept. No. 1862);

H. R. 5874. A bill for the relief of Hugh B. Curry (Rept. No. 1863);

H. R. 6520. A bill for the relief of Preston Brooks Massey (Rept. No. 1853);

H. R. 6599. A bill for the relief of Florence Helen Klein, a minor (Rept. No. 1864);

H. R. 6821. A bill for the relief of Alfred J. White and M. J. Banker, and Charlyn DeBlanc (Rept. No. 1865);

H. R. 6828. A bill for the relief of George H. Smith (Rept. No. 1866);

H. R. 7861. A bill for the relief of Mrs. J. A. Joullian (Rept. No. 1867);

H. R. 7904. A bill for the relief of the Grant Hospital and Dr. M. H. Streicher (Rept. No. 1868);

H. R. 8034. A bill for the relief of Mae Poulard (Rept. No. 1854);

H. R. 8088. A bill for the relief of Nahwista Carr Bolk (Rept. No. 1855);

H. R. 8113. A bill for the relief of Louis George (Rept. No. 1869);

H. R. 8320. A bill for the relief of Mrs. John H. Wilke (Rept. No. 1870);

H. R. 8486. A bill for the relief of John A. Baker (Rept. No. 1871);

H. R. 8510. A bill for the relief of John Hurston (Rept. No. 1856);

H. R. 8551. A bill for the relief of J. C. Donnelly (Rept. No. 1872);

H. R. 8685. A bill for the relief of Edwin Pickard (Rept. No. 1873);

H. R. 8706. A bill for the relief of Frank Polansky (Rept. No. 1874).

H. R. 9076. A bill for the relief of W. H. Dean (Rept. No. 1875);

H. R. 9171. A bill for the relief of Myrtle T. Grooms (Rept. No. 1876);

H. R. 9190. A bill for the relief of J. P. Moore (Rept. No. 1877);

H. R. 9208. A bill for the relief of Foot's Transfer & Storage Co., Ltd. (Rept. No. 1878); and

H. R. 9380. A bill for the relief of Edgar M. Barber, special disbursing agent, Paris, France, and Leo Martinuzzi, former customs clerk (Rept. No. 1879).

Mr. BAILEY also, from the Committee on Claims, to which was referred the bill (H. R. 396) for the relief of the Virginia Engineering Co., Inc., reported it with amendments and submitted a report (No. 1857) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 8262. A bill for the relief of Tom Rogers et al. (Rept. No. 1880); and

H. R. 9125. A bill for the relief of Dr. F. U. Painter, Dr. H. A. White, Dr. C. P. Yeager, Dr. W. C. Barnard, Mrs. G. C. Oliphant, Amelia A. Daimwood, the Sun Pharmacy, Bruno's Pharmacy, Viola Doyle Maguire, Louise Harmon, Mrs. J. B. Wilkinson, Sisters of Charity of the Incarnate Word, Grace Hinnant, and Dr. E. O. Arnold (Rept. No. 1881).

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (S. 3721) to provide for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one hundredth anniversary of independence of the State of Texas, reported it with amendments and submitted a report (No. 1882) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9673) to authorize the recoinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1936, reported it with an amendment and submitted a report (No. 1883) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4115) for the relief of Charles D. Birkhead, reported it without amendment and submitted a report (No. 1884) thereon.

Mr. CAREY, from the Committee on Military Affairs, to which was referred the bill (H. R. 1963) for the relief of Edgar H. Taber, reported it without amendment and submitted a report (No. 1885) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COOLIDGE:

A bill (S. 4483) to authorize the issuance of a special series of postage stamps commemorative of the three hundredth anniversary of the founding of Harvard University; to the Committee on Post Offices and Post Roads.

By Mr. CLARK:

A bill (S. 4484) to amend the act of June 30, 1906, entitled "An act creating a United States Court for China and prescribing the jurisdiction thereof"; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 4485) to amend articles of war 50½ and 70; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4486) for the relief of Allie F. Muth; to the Committee on Claims.

A bill (S. 4487) to provide for a preliminary examination and survey of Smugglers Cove, Oreg.; to the Committee on Commerce.

By Mr. TYDINGS and Mr. RADCLIFFE:

A bill (S. 4488) authorizing the Chesapeake Bay Authority to construct, maintain, and operate a toll bridge across the Chesapeake Bay from a point in Baltimore County, Md., over Hart Island and Millers Island, to a point near Tolchester, Kent County, Md.; to the Committee on Commerce.

By Mr. HATCH:

A bill (S. 4489) to provide compensation for enrollees in the Civilian Conservation Corps suffering disability or death resulting from injury while in the performance of duty; to the Committee on Claims.

(Mr. BLBO introduced Senate bill 4490, which was referred to the Committee on Claims, and appears under a separate heading.)

By Mr. RUSSELL:

A bill (S. 4491) for the relief of Arthur Lee Dasher; and

A bill (S. 4492) authorizing an appropriation of \$25,000 for the erection of a suitable memorial at Rome, Ga., in honor

of Pvt. Charles W. Graves, known soldier of the World War, and for other purposes; to the Committee on Military Affairs.

By Mr. THOMAS of Utah:

A bill (S. 4493) to provide for the construction, extension, and improvement of public-school buildings in Uintah County, Utah; to the Committee on Indian Affairs.

By Mr. ROBINSON:

A bill (S. 4494) to provide for the sale of postal-savings stamps and certificates to children in school, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. COPELAND:

A bill (S. 4495) to amend certain of the navigation laws of the United States to remove inconsistencies and inequalities therein, and for other purposes; to the Committee on Commerce.

A bill (S. 4496) to authorize the acquisition of land for cemeterial purposes in the vicinity of New York City, N. Y.; to the Committee on Military Affairs.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 251) granting the consent of Congress to the city and county of San Francisco to construct a causeway and highways on Yerba Buena Island in San Francisco Bay, and for other purposes; to the Committee on Naval Affairs.

By Mr. HARRISON:

A joint resolution (S. J. Res. 252) extending for 2 years the time within which American claimants may make applications for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1938, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator; to the Committee on Finance.

F. W. ELMER

Mr. BILBO. I ask consent to introduce a bill for reference to the Committee on Claims, and ask also that a statement prepared by me relative to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred, and the statement will be printed in the RECORD, as requested by the Senator from Mississippi.

The bill (S. 4490) for the relief of F. W. Elmer was read twice by its title and referred to the Committee on Claims.

The statement presented by Mr. BILBO is as follows:

I should like to make the following brief statement with respect to the bill which has just been introduced by me. This bill would appropriate \$2,500 to pay Mr. F. W. Elmer, of Biloxi, Miss., for valuable legal services rendered by him in the defense of one S. M. Taylor, a Federal prohibition officer, who, in the performance of his official duty, shot and killed one George Hammond in self-defense. Taylor was acquitted of the charge of murder in the United States District Court for the Southern District of Mississippi.

Mr. Elmer is a reputable citizen of Biloxi, Miss., and is a skilled lawyer with many years' experience in the trial of cases, both in the State and Federal courts. On December 23, 1928, Taylor accompanied Prohibition Agent James R. Goff to Terry's Wharf at Biloxi, they having previously been informed that a boatload of liquor was about to be landed at that wharf. Upon their arrival at the wharf they found a man named Dowan Terry engaged in transferring pint bottles of whisky from an automobile to a Ford truck. Agent Goff arrested Terry and placed him in the custody of Taylor while he continued his investigation on and around the wharf relative to the reported boatload of whisky. While he was absent for a few minutes a gang of liquor sympathizers gathered around Taylor, and Hammond at the time approached Taylor with an oyster knife in his hand threatening Taylor's life. Taylor, believing that his life was in immediate danger, shot Hammond, who died about 3 days later. Immediately after the shooting, Taylor was arrested by the State authorities and charged with shooting with intent to kill. When Hammond died the charge was changed to murder and Taylor was indicted by the grand jury of Harrison County, Miss., for murder. The then United States attorney, E. E. Hindman, resided at and had his office in Jackson, Miss., and the then prohibition administrator for the southern district of Mississippi, M. H. Dally, also resided and had his office in Jackson, Miss., about 200 miles from Biloxi, where Taylor was held by the State authorities. Mr. Hindman, the United States attorney, and Mr. Dally, the prohibition administrator, joined in a request to Mr. Elmer, because of his known ability as a criminal lawyer, to defend Taylor, and Mr. Elmer,

relying upon the authority of those officers to make the request in question, proceeded thereafter without interruption to represent Taylor. Before Hammond died, Mr. Elmer appeared before a justice of the peace and obtained Taylor's release upon bond. After Hammond died, Taylor was charged with murder and again taken in custody. Mr. Elmer then applied for bond, which was refused. He then prepared and filed a petition for writ of habeas corpus and obtained Taylor's release on bail in the habeas-corpus proceeding. After Taylor's indictment by the grand jury, the State of Mississippi employed one of the outstanding criminal lawyers of the State to assist the State prosecuting attorney in the prosecution of Taylor. It then appearing that it would be difficult to obtain a fair trial in the State court, Mr. Elmer prepared the necessary papers for and obtained the removal of the case from the State court to the United States District Court for the Southern District of Mississippi, where Taylor was tried before a jury. Mr. Elmer conducted the defense of the case in the Federal court, and as a result of his efforts Taylor was acquitted by a jury in the Federal court.

At that time national prohibition was in full force and effect and its enforcement was under the control and jurisdiction of the Treasury Department. It appears that the matter of the employment of Mr. Elmer as special counsel should have been made at the direction of the Attorney General of the United States. Through an inadvertence the United States attorney for the southern district of Mississippi and the prohibition administrator did not obtain an authorization from the Attorney General at the time for the employment of Mr. Elmer, and it appears that the matter was not brought to the attention of the Attorney General until after Taylor's acquittal and the appropriation for that year had lapsed. Mr. Elmer has never been paid anything for his services in the defense of Taylor, and it appears that the only way he may be paid now is by a special bill enacted by Congress for that purpose.

This matter was carefully investigated by the Bureau of Prohibition of the Department of Justice under the direction of Mr. A. W. W. Woodcock, Director of Prohibition, who made a report to the Attorney General, in which it is stated that the United States attorney, not being able to be present himself in the defense of Taylor after the shooting of Hammond, requested Mr. Elmer to defend him; that Mr. Elmer handled the case from the date of Taylor's arrest until his acquittal in the Federal court, and that "his efforts resulted in a verdict of acquittal of the defendant Taylor"; that Taylor was acting as an officer of the United States at the time; and that the sum of \$2,500 is a fair and reasonable payment for the services rendered by Mr. Elmer in the defense of Taylor.

The Federal prohibition administrator at New Orleans, La., who made a report on the matter, said, "An extraordinary showing has been made to substantiate the claimant's petition for reimbursement in the defense of the defendant Taylor, who secured an acquittal against what first seemed insurmountable obstacles as to his release, however justifiable the homicide was in defense of his life." Mr. E. E. Hindman, the then United States attorney, in his report to the Attorney General, dated April 3, 1929, said that Mr. Elmer worked continuously on this case from February 24, 1928, until February 16, 1929, when Taylor was acquitted in the Federal court, searching and interviewing witnesses and running down every piece of evidence that would help out at the trial, and that, in his opinion, Mr. Elmer should be compensated, and concluded his report with the following recommendation:

"I recommend that Mr. Elmer be paid the sum of \$2,500 for his services in behalf of Taylor * * *, and I request that the Department take such steps as may be necessary to pay Mr. Elmer this sum, or such sum as the Department may consider to be proper in the premises. Mr. Elmer has received no compensation from any source, nor can he expect to be compensated from any other source."

I am advised and informed that on a number of occasions while national prohibition was in force special counsel were employed to defend prohibition officers and deputies who were compelled to use firearms upon people in the performance of their official duties, and that such counsel have always been paid. Mr. Elmer performed his part of the contract, and successfully, and his claim is just and it ought to be paid. When responsible officers of the Government call upon an attorney in an emergency to perform legal service and that service is done successfully, the attorney not only has the right to expect to be paid but it is the duty of the Government to pay him a fair and reasonable fee for his services.

HOUSE BILL REFERRED

The bill (H. R. 11687) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

AMENDMENT TO REVENUE BILL OF 1936

Mr. McNARY submitted an amendment intended to be proposed by him to the revenue bill of 1936, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR FLOOD CONTROL BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing

the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

TAXES ON CERTAIN OILS—AMENDMENT

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 4267) to increase the processing tax on certain oils, to impose a tax upon imported soybean oil, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO STATE, JUSTICE, ETC., DEPARTMENTS APPROPRIATION BILL

Mr. ROBINSON (for Mr. BYRNES) submitted an amendment intended to be proposed by him to House bill 12098, the State, Justice, etc., Departments appropriation bill, which was ordered to lie on the table and to be printed, as follows:

At the end of the bill to insert the following:

"That in passing upon applications made for compensation under the provisions of the item for 'Payment to cotton ginners' contained in title I of the Supplemental Appropriation Act, fiscal year 1936 (Public Law No. 440, 74th Cong.), and in making payments payable pursuant to such applications, the Secretary of Agriculture is authorized and directed, in the interest of saving as much administrative expense as possible and in order to avoid delay in passing upon such applications, to accept as sufficient proof in connection with any such application, proof of the number of bales ginned by the applicant during the period June 1, 1935, to February 10, 1936, inclusive: *Provided*, That no payment shall be made on any application for such compensation unless the application is filed prior to September 1, 1936."

INVESTIGATION OF RECEIVERSHIP AND BANKRUPTCY PROCEEDINGS—INCREASE IN LIMIT OF EXPENDITURE

Mr. McADOO submitted the following resolution (S. Res. 282), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee authorized by Resolution No. 78, Seventy-third Congress, to investigate the administration of receivership and bankruptcy proceedings in the courts of the United States, and other matters pertaining thereto, and continued in full force and effect by Resolution No. 72, Seventy-fourth Congress, hereby is authorized to expend from the contingent fund of the Senate the sum of \$10,000 in addition to the amount heretofore authorized for said purpose.

PRODUCTION COSTS OF CANVAS RUBBER-SOLED FOOTWEAR AND WATERPROOF FOOTWEAR

Mr. WALSH submitted the following resolution (S. Res. 283), which was referred to the Committee on Finance:

Resolved, That the United States Tariff Commission is directed, under authority conferred by sections 332 and 336 of the Tariff Act of 1930 to investigate the differences in costs of production of the following domestic articles and of any like or similar products of the Philippine Islands together with comparative wage rates:

All types of canvas rubber-soled footwear and waterproof footwear.

SENATOR GIBSON, OF VERMONT—ARTICLE FROM WASHINGTON TIMES

Mr. McNARY. Mr. President, I ask unanimous consent to insert in the CONGRESSIONAL RECORD an impressive article published in the Washington Times of April 3, 1936, entitled "Illustrious Exception."

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

ILLUSTRIOUS EXCEPTION

By James T. Williams, Jr.

"A complete and generous education is that which fits a man to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war."—Milton.

There is at least one member of the so-called "lobby" committee of the Senate who still prides himself upon being all that Daniel Webster declared the Members of the Senate ought always to be—"men of individual honor and personal character" and "of absolute independence", who "know no masters and acknowledge no dictators."

This illustrious exception is Senator GIBSON, of Vermont.

Although admitting that this notorious committee still has 1,000 telegrams in its possession after returning numbers of others which it seized, Senator GIBSON declares:

"But I haven't looked at a single one of them and I don't intend to look at one."

This assurance will not be surprising either to his fellow Americans of the Green Mountain State, who know him best, or to the Members of the Senate and House of Representatives, whose respect

Mr. GIBSON has earned by his record of public service. But it will be none the less gratifying to all Vermonters and, most of all, to the fellowship of Norwich alumni, north, east, south, and west.

SENATOR GIBSON

Norwich University, of which Senator GIBSON is a distinguished graduate, was founded as the American Literary, Scientific, and Military Academy in 1819 by a former superintendent of the United States Military Academy at West Point, Capt. Alden Partridge.

The founder of Norwich was, indeed, a foresighted educator. It was his firm conviction that a citizen soldiery is essential to the maintenance of free government. This is the principle which Norwich University has maintained and applied throughout more than 100 years of useful service to the Republic.

At Norwich University, in Northfield, Vt., her sons, year after year, learn the supreme lesson that obedience to law is liberty.

In peace and war the graduates of Norwich University have kept the faith of the founder of that institution. From her gates have gone out north, east, south, and west not only good engineers and capable businessmen and trusted leaders of their fellow citizens but, above all, men of honor who command the respect of honorable men.

It is true that Norwich University is, physically speaking, what is known as a small college. It always has been and it was the purpose of Captain Partridge that it always should be. He learned at West Point the fundamentals of character building. He knew that a college should be a place where youth could enjoy close association during the formative period of their lives with older and wiser men.

Throughout the more than 100 years in which Norwich University has been sending forth to the service of the Republic leaders trained in the school of the soldier, the Norwich student has benefited by personal contact with his fellows, his instructors, his university, and the Vermont community of which it is the center. His surroundings, geographically and otherwise, have always contributed to the cultivation of character. In the lexicon of Norwich University character is long-standing habit.

At Norwich University it is impressed upon every student that no man is fitted to command who has not first learned to obey.

BENEATH HIS DIGNITY

When a Norwich student takes the oath of allegiance he does not take it with his fingers crossed. When he swears to uphold the Government of the Constitution he does not secretly exempt from that obligation support of the Bill of Rights.

Kluxer methods and Kluxer cowardice have always been conspicuous by their absence from Norwich University. No one of her graduates ever sanctioned or led a lynching bee. At Norwich University the flag is never carried by masked men.

No one of her graduates ever took advantage of the protection of his public office to assassinate the character of his fellow men.

Norwich University is an institution in which the people of the Green Mountain State take a pride that is shared not only by their neighbors of the other New England States but by the fathers and mothers of other States of the Union whose sons have been fortunate enough to make Norwich training the foundation for their service as citizens and soldiers of the Republic in peace and war.

Senator GIBSON did not need to reassure any Norwich man that the seizing and reading of private telegrams and the use of their contents to vilify others was beneath his dignity as a Senator and his honor as a man. And no American who knows what Norwich stands for would need to be reassured on this score by her illustrious son in the Senate of the United States.

OPERATIONS OF WORKS PROGRESS ADMINISTRATION IN WEST VIRGINIA

Mr. NEELY. Mr. President, I ask to have printed in the RECORD a recent statement by E. C. Smith, Jr., deputy State administrator, regarding the operations of the Works Progress Administration in West Virginia.

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

STATEMENT OF OPERATIONS OF WORKS PROGRESS ADMINISTRATION IN WEST VIRGINIA

By E. C. Smith, Jr., deputy State administrator

Relief workers received in wages 60.5 cents of every dollar spent by the West Virginia Works Progress Administration up to March 31.

Nonrelief workers, including foremen, timekeepers, professional and skilled workers, not available from relief rolls but vital to the operation of projects, received 9.3 cents.

This shows 69.8 cents of each dollar has gone to relief and non-relief project employees.

For materials, equipment, etc., on projects, 23.9 cents.

Administrative employees received 4.1 cents in salaries.

Administrative costs, other than salaries, such as rent, necessary supplies and equipment, communications, travel, etc., 2.3 cents.

That is where every one of the \$13,516,056.31 the West Virginia Works Progress Administration had spent at the close of business on March 31, 1936, had gone. This sum includes \$12,666,521.92 spent on actual project operations and the separately allocated \$849,534.39 for all administrative purposes, including the National Youth Administration's \$16,658.

Relief workers employed on March 28 totaled 52,631. Nonrelief project supervisory and skilled-worker personnel totaled 3,734, or 6.6 percent, while a 10-percent maximum of nonrelief personnel is

allowable. Administrative personnel totaled 556, of which 141 were State-office employees, where general control of the entire program is centered. Administrative employees are but 1 percent of the total employment. State office administrative employees are but three one-hundredths of 1 percent.

At the close of March 1,641 separate jobs or projects were in operation. About 450 project foremen and timekeepers were from relief rolls and a large number of the nonrelief skilled workers also formerly were of relief status. Many more were border-line cases. Naturally, a portion of these, chosen for their skill, were not in desperate need of W. P. A. employment, but well-trained, experienced technical men are vital to a construction program.

Only the foremen, timekeepers, and administrative workers could be selected by name. Nonrelief project workers must come through the National Reemployment Service, an entirely separate agency, under the United States Department of Labor. The relief workers certified by the West Virginia Relief Administration as to the priority of their needs, eligibility, and employability were assigned indiscriminately, without regard to their identity.

Washington releases project money from time to time on the basis of need, computed in the light of the employment quota and other governing conditions. At the present time we are under orders from Washington to reduce our employment quota to 43,900 by June 30, and cannot assign new workers. Workers must be reassigned from other projects, either those finished or from which workers can be spared, when additional labor is needed on specific projects.

Administrative funds are released by Washington monthly, entirely separately from project funds, and on the basis of an estimated Budget, to which we must make expenditures conform.

For those who prefer figures to percentages, \$8,177,943.08 in security wages were paid relief clients from the \$13,516,056.81. Of this they received \$1,017,773.40 for time credited but not worked because of severe winter weather or other conditions beyond their control. Total administrative salaries were \$552,296.09.

Wages to nonrelief workers, foremen, timekeepers, \$1,250,552.33, who drew only \$7,215.01 for time credited but not worked because of conditions beyond their control.

Material and equipment costs for projects were \$3,238,026.51. Administrative costs, other than salaries, such as office rent, necessary office equipment and supplies, communications, etc., \$297,238.80.

What has the administration to show for this money?

Fifty-eight percent of it is going to projects sponsored by the State government, and the remainder to those sponsored by cities, counties, and boards of education, with the exception of a very small percentage of professional projects, sponsored by Federal Government agencies other than the Works Progress Administration.

This W. P. A. is:

Building approximately 300 miles of farm-to-market roads—State primary, secondary, class A, B, and C—at an estimated average cost of \$10,000 per mile.

Improving nearly 500 creek and hollow roads, from 1 to 8 miles in length, to make them usable, at a cost of about \$3,500,000.

Building approximately 100 miles of paved streets in municipalities, costing the Government about \$3,295,000. These are replacing worn-out, heavily used business-section streets in a number of cities, but especially outstanding projects are located in Huntington, Wheeling, Morgantown, and Fairmont.

Building, reconstructing or otherwise improving or extending seven city water systems; Federal cost, \$73,000.

Building 504,847 linear feet of storm or sanitary sewers, giving many small communities their first adequate sanitation systems, \$1,359,000.

Repairing, improving, or painting buildings and equipment of practically all of the State's institutions, such as colleges and hospitals, \$313,510.

Constructing four major publicly owned buildings: Marshall College elementary training school, \$172,000; Western State Hospital (reconstruction), \$61,519; Morris Memorial Hospital Treatment Building, \$38,763; Morgantown Negro High School, \$24,880.

Building or improving municipal airports at Clarksburg, Morgantown, Elkins, and Martinsburg, Federal cost, \$204,000.

Cooperating with city in building new South Side bridge at Charleston, costing \$770,000, Federal funds \$440,000, and rebuilding Davis Avenue bridge across Tygart River, Elkins, Federal funds, \$8,472.

Building 20 parks, playgrounds, or swimming pools in various sections of the State, \$330,000.

Construction of five community buildings, \$54,033.

Construction of 21 high school, college, or community athletic fields or stadiums in various sections of the State, \$267,130.

Repairs and improvements to 22 county and municipal buildings, grounds, and institutions, including construction of a new municipal fire house at Mannington, \$125,000.

Repairing, painting, and improving public schools and grounds in all sections of the State, \$357,754.

Making garments for distribution to the needy through county courts or relief administrations employing 3,849 women in sewing rooms, \$666,000.

Erection of shelters for children along school bus routes, \$25,700.

Erection of sanitary privies under a community sanitation program proposed by State health department, \$639,000. (The W. P. A. had built 21,170 privies at a \$22.41 average cost by Mar. 15.)

Sealing abandoned coal mines to eliminate acid discharge into streams proposed by State health department as means of saving several million dollars annually to public when completed, in water treatment, plumbing, and other costs due to mine acid damage getting into water systems, Federal cost \$48,400.

This does not include a great many smaller projects of various types or those of the professional and education divisions to employ white-collar persons from the relief rolls.

The farm-to-market roads are graded to 22 feet in width, with 14 feet of 8-inch stone base, in ordinary cases. However, in instances where roads must carry unusually heavy traffic loads the grade is 26 feet wide and the stone base 16 feet by 9 inches thick.

Although funds are not available for surfacing these roads, they are so treated to be usable and prevent deterioration. When it is available gravel, shale, "red dog," fine stone is rolled into the road to present a smoother surface. In other cases the stone merely is rolled smoothly with fine rock on top.

Creek and hollow roads are not entirely reconstructed. Only the sections that become unusable are rebuilt, while sections that remain good the year around are not improved. Construction of culverts or small bridges often is necessary. Construction of this type of road usually is 9 feet in width, with gravel, shale, or red-dog surface, where these materials are available. Stone is knapped in where necessary. Improvements of these roads will give many small communities and a large rural population year-around communication for the first time. Also they have been a means of providing nearby work for rural relief clients, where otherwise they might have had to travel long distances on foot each day.

The major part of the street construction is of knapped stone base with tar or asphalt concrete surface treatment. A certain amount of entirely concrete or other types of construction have been used. In some cases brick streets were relaid, using only the good bricks and replacing the worn ones.

Of the water-system improvement projects, the Whitesville (Boone County) one is unusually interesting. Here the Works Progress Administration is building a newly incorporated municipality its first waterworks system, including a cement reservoir on the hill above the town, a \$3,000 brick pump and machinery building, water treatment, and pumping equipment, 10,350 feet of cast-iron water mains and meters and connections to serve 250 of the town's 300 places of business or residences.

Of the school repair projects, the Mercer School in Charleston is typical of the outstanding work. Twenty-four men were given 3 months' work at a Federal cost of \$7,900.

The building was erected in 1903 for a high school. An addition was built in 1925 and it was changed to a graded school. Electric service was not provided in the original building, but was installed in later years. The old blackboards were much too high for children and there were no cloakrooms. The old plastering was unsafe and large areas were in danger of falling. The walls were dingy. Light was poor. Woodwork was in bad repair.

W. P. A. workers overhauled the electric wiring, eliminating fire hazards, and installed modern fixtures. They built cloakrooms and restored the plastering. They redressed the slate blackboards and built them lower for younger children. They built display boards above. The woodwork was repaired, scraped, and varnished. The interior of the building was repainted.

Tests made by the Appalachian Electric Power Co. showed that classroom light has been increased five times. Where the light meter read "1-foot candlepower" in classrooms before the work was started, it read "6 $\frac{3}{4}$ -foot candlepower."

Following is some of the work being done for the State board of control's institutions:

West Liberty College, Ohio County: Building roads, improving grounds, repairing and improving grounds, repairing and improving buildings, and landscaping, \$20,308.

West Virginia University, Morgantown, Monongalia County: Building tunnel for steam-heating lines connecting central heating plant with new dormitories built by the P. W. A. In addition, the Works Progress Administration is spending \$10,000 painting university buildings and \$6,000 indexing records and documents.

West Virginia State Industrial School for Girls, Salem, Harrison County: Constructing stone masonry wall, \$7,500.

Fairmont State Hospital, Fairmont, Marion County: General repairs, painting, and improvements, \$4,476.

Fairmont State College: Construction of field house, \$12,000, and other improvements.

West Virginia Industrial School for Boys, Prunytown: Reconstruction of water filtration plant and water mains, \$26,683.

Concord State College, Athens, Mercer County: Construction of recreation center, \$24,200; and campus streets, \$6,000.

Negro Tuberculosis Sanitarium, Denmar, Pocahontas County: Painting, repairing, and improving building and equipment, \$2,500.

Glenville State College, Glenville, Gilmer County: Repairs and improvements, \$8,538.

Weston State Hospital, Weston, Lewis County: Rebuilding hospital wing destroyed by fire, \$61,519.

Four-H camp, Jackson's Mills: Construction of exhibit building, \$7,465.

Huntington State Hospital, Huntington: General repairs, \$12,000; completing hospital farm buildings, \$18,900.

Marshall College, Huntington: Improvements to buildings and grounds, \$15,132; building school, \$172,271.

New River State College, Montgomery: General repairs, \$12,400.

McKendree State Hospital, Fayette County: Repairs, \$12,000.

Pinecrest Hospital, Beckley: Repairs and improvements, \$20,000.

Welch Emergency Hospital, McDowell County: Repairs, \$6,300.

PROVISION TO PAY JURORS AND WITNESSES IN FEDERAL COURTS

Mr. GLASS. Mr. President, in conjunction with the ranking minority member of the Appropriations Committee, I ask unanimous consent that House Joint Resolution 568 be laid before the Senate and considered at this time.

There being no objection, the President pro tempore laid before the Senate the joint resolution (H. J. Res. 568) to provide an additional appropriation for fees of jurors and witnesses, United States courts, for the fiscal year 1936, which was read twice by its title.

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

There being no objection, the Senate proceeded to consider the joint resolution, which is as follows:

Resolved, etc., That for an additional amount for fees of jurors and witnesses, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1936, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$900,000 for the fiscal year 1936.

Mr. GLASS. Mr. President, I have here a letter from the Attorney General setting forth that funds have been exhausted for the payment of jurors and witnesses in the Federal courts, and this joint resolution, passed by the House and sent to the Senate, provides an appropriation of \$900,000 for that purpose.

The PRESIDENT pro tempore. The question is on the third reading of the joint resolution.

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

CONTROL OF FLOODS ON THE MISSISSIPPI RIVER

Mr. ROBINSON. Mr. President, I call for the regular order, being the unfinished business.

The Senate resumed the consideration of the bill (S. 3531) to amend the act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes" approved May 15, 1928.

ORDER OF BUSINESS

Mr. REYNOLDS. Mr. President, it was my understanding that when the Senate should conclude the impeachment proceedings against Judge Ritter, I should be in possession of the floor. I wish to state, however, that I am perfectly willing to yield the floor in order that the Senate may proceed with legislative business, particularly emergency legislation. I understand that our floor leader has moved that the Senate resume the consideration of the regular order of business, which is the bill in which the Senator from Louisiana [Mr. OVERTON] is interested, having to do with emergency flood relief.

Like other Senators, I am greatly interested in the consideration of the tobacco compact control bill, being House bill 12037, a similar bill before the Senate being Senate bill 4430, which I trust will be reached immediately after action shall have been taken on the bill of the Senator from Louisiana.

I make that statement for the purpose of the RECORD.

Mr. KING. Mr. President, lest silence on my part might be deemed acquiescence in the statement of the Senator from North Carolina, I desire to say that as soon as the consideration of the measure which has been made the unfinished business shall have been concluded, I think the consideration of the measure which was before the Senate anterior to that should be resumed; namely, the deportation bill.

RECESS

Mr. McNARY. Mr. President, the Senator from Arkansas should now, I think, make his motion with respect to a recess.

Mr. ROBINSON. Mr. President, I had intended to do so. I now move that the Senate take a recess until 2:45 o'clock p. m.

The motion was agreed to; and (at 1 o'clock and 56 minutes p. m.) the Senate took a recess until 2 o'clock and 45 minutes p. m.

On the expiration of the recess the Senate reassembled.

BARBARA BACKSTROM

Mr. ROBINSON. Mr. President, I submit a concurrent resolution and ask unanimous consent for its present consideration. The object of the concurrent resolution is to correct the spelling of a name in a bill which has passed both Houses.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (S. Con. Res. 36), as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and of the Speaker of the House of Representatives in signing the enrolled bill (H. R. 4387) entitled "An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Blackstrom" be rescinded, and that in the reenrollment of said bill the Clerk of the House of Representatives is authorized and directed to insert the name "Backstrom" in lieu of the name "Blackstrom" where it appears in section 1 of the amendment of the Senate to the text of said bill and in the amended title.

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

There being no objection, the concurrent resolution was considered and agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HAYDEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 19, 21, 26, 27, 40, 51, 60, 64, 79, 90, and 91.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 12, 13, 20, 22, 23, 25, 28, 29, 30, 34, 37, 38, 41, 42, 43, 44, 45, 47, 48, 49, 55, 58, 59, 61, 62, 63, 65, 66, 67, 68, 69, 70, 73, 74, 75, 76, 77, 78, 81, 82, 84, 85, 86, 88, and 89, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided, That no part of this appropriation shall be expended for work on any figure, in addition to the four figures authorized by law, upon which work has not commenced as of the date of enactment of this Act", and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$587,700", and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$77,500", and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$160,000", and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$75,000", and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "\$159,200, of which amount \$10,000 shall be immediately available", and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$260,000", and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$356,000", and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "\$2,375,000, of which amount \$10,000 shall be immediately available", and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$140,000", and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$75,000", and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and

agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$2,807,817", and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$2,093,200", and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 24, 31, 32, 33, 35, 39, 46, 50, 52, 53, 54, 56, 83, and 87.

CARL HAYDEN,
KENNETH MCKELLAR,
ELMER THOMAS,
FREDERICK STEIWER,

Managers on the part of the Senate.

EDWARD T. TAYLOR,
B. M. JACOBSEN,
JED JOHNSON,
W. P. LAMBERTSON,

Managers on the part of the House.

Mr. HAYDEN. Mr. President, I should like to have the conference report on the Interior Department appropriation bill considered at this time.

Mr. McNARY. Mr. President, if that is to be done, I think we should have a quorum present.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	Holt	Overton
Ashurst	Coolidge	Johnson	Pittman
Austin	Copeland	Keyes	Radcliffe
Bachman	Couzens	King	Reynolds
Bailey	Davis	La Follette	Robinson
Barbour	Dickinson	Loneragan	Russell
Benson	Dieterich	Long	Schwollenbach
Bilbo	Donahay	McAdoo	Sheppard
Black	Duffy	McGill	Shipstead
Bone	Fletcher	McKellar	Smith
Borah	Frazier	McNary	Steiwer
Brown	George	Maloney	Thomas, Okla.
Bulkley	Gerry	Metcalf	Thomas, Utah
Bulow	Gibson	Minton	Townsend
Burke	Glass	Moore	Truman
Byrd	Guffey	Murphy	Vandenbergh
Capper	Hale	Murray	Van Nuys
Caraway	Harrison	Neely	Wagner
Carey	Hastings	Norris	Walsh
Chavez	Hatch	Nye	Wheeler
Clark	Hayden	O'Mahoney	White

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

Mr. HAYDEN. Mr. President, I renew my request for the present consideration of the conference report on the Interior Department appropriation bill.

Mr. McNARY. Mr. President, I stated a moment ago that on so important a matter we ought to have a roll call. I think the Senator from Arizona should make a statement, even though brief, concerning the attitude of the Senate conferees in the conference.

Mr. HAYDEN. Mr. President, I shall be glad to give the Senator from Oregon any information he may desire with respect to the conference report.

Mr. McNARY. I recall that when the bill was before the Senate it contained certain legislative matter which ran counter to the views of the House. I assume the House conferees are going to take those projects back to the House for a vote?

Mr. HAYDEN. The rules of the House prohibit House conferees from agreeing to any legislation incorporated by the Senate in an appropriation bill. For that reason this conference report does not include any items of legislation adopted by the Senate. All such items must be taken back to the House of Representatives, and the House will vote upon them.

Mr. McNARY. What are those items? I think the Senator, when he submits a conference report, should be willing—I know he is able—to specify what occurred in conference.

Mr. HAYDEN. The principal items in disagreement between the House and the Senate with respect to the legislation are the provisions adopted by the Senate authorizing the construction of certain reclamation projects. The Senator will remember that the Senate listed seven projects for authorization which heretofore have not been constructed with money appropriated by Congress. Each one of those

projects has been begun with money allocated by the President of the United States from relief funds. This being the first year when Budget estimates were submitted for the construction of such projects, the Senate considered the Budget estimates, and, in addition thereto, decided that it was proper that there be legislative authorization for the projects. That action was taken by the Senate. It was a matter which could not come before the conferees owing to the House rule that any legislation on an appropriation bill must go back to the House for action. So there has been no final action as yet with respect to those projects.

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

Mr. HAYDEN. I yield.

Mr. JOHNSON. Can the Senator advise us when it is likely that the House will act upon the contested matters?

Mr. HAYDEN. It is expected that the House will act upon them early next week. I made inquiry today, and it is probable that the House will not be in session tomorrow, but it is expected that the measure will be disposed of promptly in the House of Representatives.

The VICE PRESIDENT. Is there objection to the consideration of the conference report?

There being no objection, the conference report was considered and agreed to.

Mr. HAYDEN. Mr. President, one amendment to the appropriation bill recommended by the Committee on Appropriations was not agreed to in conference. The Senate adopted amendment no. 60, asking for information with respect to a method of expediting topographic mapping and with respect to the cost thereof. In order to obtain that information I offer a resolution for which I ask immediate consideration.

I ask that the resolution be read.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 281) was read, as follows:

Resolved, That the Secretary of the Interior is hereby requested to submit to the Senate at the beginning of the next session of Congress a program for expediting the topographic mapping of the United States in an economical manner within a period of years and the estimated total and annual cost thereof both in the field and in the District of Columbia.

Mr. HAYDEN. Mr. President, in explanation of the resolution I may say that the committee came to the conclusion that the method now employed in preparing these maps is entirely too expensive, and that there is a better and a more economical way of doing the work. We wish to obtain information on that point for the benefit of the Senate. That is why I have offered the resolution.

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

The resolution was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 568) to provide an additional appropriation for fees of jurors and witnesses, United States courts, for the fiscal year 1936, and it was signed by the Vice President.

MISSISSIPPI RIVER FLOOD CONTROL

The Senate resumed the consideration of the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes, approved May 15, 1928."

Mr. OVERTON. Mr. President, the bill now before the Senate is, as its title indicates, a bill to amend what is known as the Flood Control Act of May 15, 1928. The bill is designed solely to amend the Flood Control Act of 1928.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. OVERTON. I yield.

Mr. CONNALLY. This bill, then, does not relate to anything except the Mississippi River and its tributaries?

Mr. OVERTON. That is all.

Mr. CONNALLY. It provides no flood control of other rivers?

Mr. OVERTON. It does not. It relates exclusively to what is known as the alluvial valley of the Mississippi River. The Senator from Texas will observe that there is hung upon the wall of this Chamber a map showing the extent of the project to which the bill relates. That project extends from Cape Girardeau in Missouri on down to the Gulf of Mexico.

The Flood Control Act of 1928 adopted a plan known as the Jadwin plan. That plan embraces only the flood-control problem of the lower Mississippi Valley. It is a plan of levees and of floodways. The pending bill does not undertake to modify that plan in respect to its basic principles. It undertakes to modify the plan in certain particulars in accordance with the recommendations made by the Mississippi River Commission and the Chief of Army Engineers.

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

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

Mr. OVERTON. I yield.

Mr. VANDENBERG. Will the Senator tell me this: When the Jadwin plan was created, was there in contemplation the new idea of reservoir protection at the source of the stream and its tributaries?

Mr. OVERTON. There was not.

Mr. VANDENBERG. In the Senator's judgment, does the new method of approach to flood control, involving the construction of reservoirs at the source and on the tributaries, change, in any degree, the necessity for the Jadwin plan as originally created?

Mr. OVERTON. It does not.

Mr. VANDENBERG. The Senator is going to discuss that question before he concludes?

Mr. OVERTON. I shall do so in, perhaps, a few minutes.

Mr. VANDENBERG. I thank the Senator.

Mr. OVERTON. So this bill undertakes to modify in certain incidental particulars the Jadwin plan in accordance with the recommendations made by the Mississippi River Commission and by General Markham, Chief of Army Engineers.

The Flood Control Act of 1928 adopted as a national policy the assumption of responsibility on the part of the Federal Government for the control of floods in the lower valley of the Mississippi. It declared, among other things, that, in view of the fact that the States bordering upon the Mississippi River in the lower valley and their local subdivisions had contributed the sum of \$292,000,000 to flood protection in the valley, there would not be required any further local contributions. There are certain exceptions, however, set forth in the act of 1928, and among these exceptions is the obligation that is imposed upon the local subdivisions of the different States to provide rights-of-way for levees and levee foundations on the main stem of the Mississippi River, and also the obligation, resting upon States and local subdivisions, to maintain the levees after they shall have been constructed.

The Flood Control Act of 1928 further declared that the Federal Government assumed responsibility of providing flowage rights for the floodways proposed in the adopted plan. It declared in section 4 of that act:

The United States shall provide flowage rights for additional flood waters that will pass by reason of diversions from the main channel of the Mississippi River.

It provided a method of condemnation of such flowage rights and of all easements required in the prosecution of the plan by condemnation proceedings to be instituted in the Federal courts.

These, Mr. President, are the "high lights" of the Flood Control Act of 1928. That act adopted a plan for flood control in the lower valley. It assumed national responsibility for the prosecution of that work, with the exceptions that I have mentioned; it provided for the acquisition by the United States of flowage rights that were necessary in the construction of the various floodways. The pending bill does not

undertake to add to the principle of responsibility on the part of the Federal Government and it does not undertake to detract from the obligations imposed upon the State and local governments. The purpose of the bill is simply to amend the Flood Control Act of 1928 in accordance with the engineering recommendations of the Army engineers, and to provide for an authorization of what is estimated to be a sufficient amount to complete the plan.

That project is about half completed. It was stated at the time the Flood Control Act was reported to the Senate that the sum authorized in that act, namely, \$325,000,000, would, in all probability, be insufficient to complete the work.

General Markham, in the course of the hearings conducted by the subcommittee of the Commerce Committee of the Senate, declared that no one at the time ever supposed that \$325,000,000 would be sufficient to do the work; and that it was thought by the Mississippi River Commission; by the then President of the United States, President Coolidge; by General Jadwin, Chief of Engineers; and by everyone else who had given any thought or study to this question that it would cost approximately somewhere between \$700,000,000 and \$750,000,000.

This bill, as I have stated, is restricted to the alluvial valley. It is a plan of levees and of floodways. It has nothing to do with reservoirs. It has been suggested that by the construction of reservoirs at the headwaters of the tributaries of the Mississippi River these floodways might be dispensed with, but the floodways have been recommended by the Mississippi River Commission, by the Chief of Engineers, General Markham, by General Jadwin, and by General Brown, and it is the firm conclusion of the Army engineers that the reservoirs will not dispense with the necessity of the construction and operation of the floodways.

In response to the query addressed to me a few minutes ago by the Senator from Michigan, I will say that the Flood Control Act of 1928 provided in section 10 that the Chief of Engineers and the Mississippi River Commission were to make a study of flood control in the lower valley with respect to reservoirs and submit a report thereon; and last year, in 1925, the Secretary of War submitted a comprehensive report on reservoirs in the Mississippi River basin. That report declares, in effect, that in order that there may be fair protection by the construction of reservoirs on the tributaries of the Mississippi River, it will be necessary to construct 151 reservoirs, at a cost of \$1,250,000,000, and that such reservoirs should be used as detention reservoirs; in other words, they should be used as flood-control reservoirs, and that with the construction of these reservoirs it might not be necessary to use the floodways in the adopted plan; but the report declared, in effect—and General Markham so testified—that during the prolonged period when these different reservoir projects are being surveyed and are being considered by the engineers and by the Mississippi River Commission and are being recommended to Congress and being acted upon and are being built the lower Mississippi Valley is in imminent danger and peril at any time of a devastating flood.

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

Mr. OVERTON. I yield.

Mr. ROBINSON. The report to which the Senator is referring, as I recall, is to the effect that 1,000,000 cubic feet per second must be taken out of the river at some point near or below the mouth of the Arkansas River and must be diverted into the floodway in order to enable the channel of the river, within the highest levees that it is safe to construct, to carry the remainder of the flood waters in time of high floods. Is not that correct?

Mr. OVERTON. The Senator is correct.

Mr. ROBINSON. The statement, as I remember, also is that the reservoirs would prove a substantial additional factor of safety, that they would reduce the floodwaters by about 385,000 cubic feet per second, leaving between 600,000 and 700,000 cubic feet per second, which would still need to be cared for by floodways in the event of such a flood as occurred in 1927. The conclusion of the engineers was expressly upon the point to which the Senator from Michigan has so prop-

erly referred, and was that the reservoirs without spillways would not insure safety or adequate protection.

It was further said, as stated by the Senator from Louisiana, that it might be, after the reservoirs are constructed, that it would not be necessary, except in the cases of what we call superfloods, to employ the floodway. But the plain conclusion of the engineers is that the floodways are essential for the protection of that lower valley region.

Mr. OVERTON. I thank the Senator for his contribution.

Mr. VANDENBERG. Mr. President, may I ask the Senator a further question in this connection?

Mr. OVERTON. I yield.

Mr. VANDENBERG. Did the survey for the prospective reservoir to which the Senator refers include the new contemplation of reservoirs which are now being planned in the upper regions of the Ohio River?

Mr. OVERTON. It did not. The Senator means the comprehensive report?

Mr. VANDENBERG. Yes.

Mr. OVERTON. It took in the Ohio River and some of its tributaries, the Missouri River and some of its tributaries, and the Arkansas and the White Rivers.

Mr. VANDENBERG. Yes; but what I am trying to discover is this: As the Senator knows, our Commerce Committee is now surveying flood control on a much wider far-flung basis than ever before, and among the other factors involved in the tentative discussion is a system of extended reservoirs which, as I understand, were never in contemplation when the reservoir survey to which the Senator from Louisiana referred was made. Am I correct about that?

Mr. OVERTON. The Senator is correct. As I understand the Senator from Michigan, the engineers made no recommendation that any specific reservoir be constructed. They simply made a survey of reservoirs on the tributaries and made the report, without making a recommendation for the construction of any specific reservoir. They stated, in effect, that they submitted the information for the benefit of Congress in order that at future times we may make up the different projects referred to in their report.

Mr. ROBINSON. Mr. President—

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

Mr. ROBINSON. I believe the Senator from Louisiana did not understand the question of the Senator from Michigan. His question is whether the surveys that were made under the 1928 act comprehended the tributary streams of the Mississippi River which are now under consideration by the Commerce Committee. I think it is true that the instruction to the engineers in the act—I believe section 10 of the act of 1928—was to make a survey of the tributary streams of the Mississippi River, and, pursuant to that instruction, the surveys were made. There were 308 separate reports made under that act. They related not only to the principal main-stem tributaries but also to tributaries of lesser importance.

The information which the Commerce Committee now has before it contained in reports, according to my understanding, was produced as a result of that provision in the act of 1928. The information is now available to the committee.

Mr. OVERTON. The Senator from Arkansas is correct. That information is before the Commerce Committee and is being considered, as the Senator from Michigan [Mr. VANDENBERG] knows, in connection with the omnibus flood-control bill. As I understood the Senator from Michigan, he desired information as to whether the report specifically recommended the inclusion of any specific reservoirs in the flood-control plan for the Mississippi River.

Mr. VANDENBERG. Mr. President, if the Senator will forgive me, the thing that perplexes me—and I might as well say it now as at any other time—is the sudden expansion, which we find in the Commerce Committee, of flood-control plans in areas that never were heretofore contemplated as being within Federal jurisdiction and with a basis of non-contribution which has no precedent.

In connection with some of the plans which are sifting in upon us, for example, I may illustrate by referring the

Senator to the Ohio witnesses who appeared at our last meeting, presenting a reservoir scheme in central Ohio which would substantially remove water from the Ohio River at flood time, but which never has been even surveyed by the engineers because it is a new comprehension and is a part of the new conception of a larger flood-control scheme.

I am just wondering, inasmuch as the figures are mounting to such Gargantuan size, whether or not in attempting to deal with one piece of property piecemeal we are not calculated to be exceedingly wasteful in net results as compared with the possibility of between now and next December perhaps having the advantage of just such a comprehensively created survey as I understand the President of the United States himself has in mind, so we might deal with the thing as a whole.

Mr. ROBINSON. Mr. President, if the Senator from Louisiana will permit me, I think that is a very pertinent suggestion. However, in answer to the inquiry submitted by the Senator from Michigan, if I may in the time of the Senator from Louisiana make a statement, the view that underlies the so-called Overton bill is that no matter what plan may be worked out as to other areas, this plan is mature, essential, and indispensable, and any delay would merely protract the very long period which has already elapsed since the plan was adopted.

This plan would have been consummated and completed some time ago but for the fact that the original Jadwin plan located the spillway in what is known as the Boeuf Basin, and the owners of land within that basin were so dissatisfied with having that area made a floodway that the engineers simply did not proceed to carry out in its entirety the plan which was adopted in 1928. They were ordered in some instances to make a review of that feature of the so-called Jadwin plan, and the result is the Markham plan, which is incorporated in the bill of the Senator from Louisiana.

The Markham plan represents the conclusion of the engineers after the study had been made of the subject of reservoirs in relation to the lower Mississippi Valley and after the Jadwin plan or the Boeuf Basin floodway plan had been reviewed. The Markham plan is in lieu of a part of the Jadwin plan.

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

Mr. ROBINSON. I have not the floor.

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

Mr. VANDENBERG. The Senator will see my point if I may say that obviously the measure of need for a spillway is reduced in proportion as effective reservoirs are created in the upper reaches of the stream and its tributaries. It seems to me that in our enlarged flood-control scope in the Commerce Committee we are now considering an infinitely larger measure of reservoirs in the upper reaches of the tributaries than was ever contemplated when this particular spillway scheme was devised and recommended.

So until we know the precise and conclusive extent to which a reservoir system is to be expanded, even beyond the Jadwin and the Markham plans, I am wondering how we can economically and conclusively determine the extent of the need for the spillway. That is the problem that is bothering me at the moment.

Mr. OVERTON. Mr. President, in response to the statement of the Senator from Michigan, I shall say to him that we have all the information that can possibly be given us upon that subject. We have back of the recommendations of General Markham, General Brown, General Jadwin, and the Mississippi River Commission an experience of over 200 years in fighting floods in the lower Mississippi Valley.

We have considered levees and we have considered floodways and we have considered reservoirs, and the Mississippi River Commission for over 50 years has been giving as constant and as thorough and as able study to that problem as has ever been given to any engineering problem in all the history of the United States. After 50 years' study by the Mississippi River Commission and after the study made by all these different Chiefs of Engineers, they come before the Senate today and say that reservoirs will not dispense with the necessity of levees; that reservoirs will not dispense with

the necessity of floodways; that there is only one solution of the problem of flood control in the lower Mississippi River Valley, and that is a system of levees built as high as it is practicable and economical and safe to build them, supplemented by the floodways recommended by the Army engineers.

Now, let me read to the Senator from Michigan the statement by General Markham in that connection, made before the Senate Committee on Commerce when they had under consideration this particular bill:

As to the contention of those who think that the lower valley can be protected within the levees of the main stem, I would state our conclusion that in order to take care of floodwaters there must be taken out of the river a million cubic feet a second. There is no means that we know about of holding any such amount of water, except and unless the United States would take up reservoirs throughout the entire country and, for the single purpose of withholding water, expend about \$1,260,000,000. We said to the House committee last year that the reservoirs proposed for the Arkansas and the White Rivers, at, I think, an estimated cost of \$126,000,000, could be reckoned to withhold between 330,000 and 365,000 cubic second-feet, leaving still 700,000 or 650,000 cubic second-feet to be removed from the river by floodways.

If there is any other answer having to do with protection of the lower valley, we do not know it, we cannot uncover it, and we cannot discover it.

Let me supplement that statement with General Markham's written report. When General Markham submitted his report last year in connection with this project, he likewise submitted and endorsed the recommendations and the statements made by the Mississippi River Commission, which are as follows:

This Commission has submitted recently a separate report on a comprehensive system of tributary reservoirs for control of floods in the lower Mississippi River. In this report it was shown that, in connection with the existing levee system, substantially complete protection, except backwater areas, might be obtained by such a tributary reservoir system. Substantial local benefits would also be obtained. The cost is estimated at approximately \$1,250,000,000.

A project of such magnitude and diversification, even if justified in its entirety, would require a long period of years to complete. Some of these reservoir projects have already been undertaken by the United States. The Commission recommended that, under certain conditions, others be undertaken by the United States for progressive construction over a period of years. With the reservoirs already under construction some reduction in flood discharges on the Mississippi River is anticipated. As additional reservoir projects are authorized and completed, progressive education in flood flows may be expected.

Mr. VANDENBERG. Mr. President, may I ask the Senator another question at that point, for information?

Mr. OVERTON. I yield.

Mr. VANDENBERG. When the Senator quotes the necessity for relief in terms of a million cubic second-feet or more, is it the annual flood need or the superflood need to which the engineers refer?

Mr. OVERTON. The million feet is the superflood need.

Mr. VANDENBERG. And, according to the engineers, are we to understand that they use "superflood" in the sense of the flood which they expect once in 16 years?

Mr. OVERTON. No; that is the maximum predicted flood. Let me say to the Senator, however, that in the judgment of the engineers the floodwaters of the lower valley can be retained within the leveed channels until the Mississippi River reaches a latitude opposite the mouths of the Arkansas and the White Rivers. When the Mississippi River reaches that point the leveed channels have a hydraulic capacity of only 2,000,000 cubic feet per second.

The flood of 1927 brought down into that area 2,477,000 cubic feet per second. The 1928 levees are built as high as they can safely be built; and when I say that the carrying capacity of the leveed channels of the Mississippi River from the mouth of the Arkansas on down to Red River is 2,000,000 second-feet, I mean the levees that are built to the 1928 grade and section, which represent the highest that it is practicable to build.

Any flood, whether it be called a maximum flood or a superflood or a major flood, which brings the waters of the Mississippi River down to the mouth of the Arkansas River in excess of 2,000,000 cubic feet per second, means a devastating flood in the lower reaches of that valley unless floodways are provided to take care of the excess waters.

Mr. VANDENBERG. Mr. President, as a matter of experience, how often does that happen?

Mr. OVERTON. It will happen once in 15 years, according to the judgment of the engineers. That is, it will be necessary to use these floodways once in 15 years, and another floodway—the Morganza floodway, lower down—probably once in 10 years.

Mr. ROBINSON. But, Mr. President, it is liable to happen at any time. The difficulty about the matter is that there is no way of determining in advance when it will happen.

Mr. COPELAND. Mr. President—

Mr. OVERTON. I yield to the Senator from New York.

Mr. COPELAND. There is one thing I can say which perhaps will assist the debate at this point.

I fear there is a misconception of what will be accomplished on the upper reaches of the Mississippi and the Ohio Rivers by such flood-control protection as we are seeking to provide. For example, if we spend the money to which we are giving consideration in connection with the pending omnibus bill, I do not want the people in Pittsburgh to think they are not going to get their feet wet the next time there is high water.

The most enthusiastic report I remember in connection with reservoir and dam control on the upper reaches of the Ohio and its tributaries, running up into my own State, is that the possible flood will be lowered about 5 feet. If we have sufficient rains to go beyond that point of protection, there will still be floods on the river. So my judgment is that all we may do over the period of the next quarter of a century on the upper reaches of the Mississippi system and the Ohio system will be materially to protect localities; but I think that in the last analysis there must be made some provision such as is made in the Overton bill to take care of the extreme cases when the water is unusually high.

Mr. OVERTON. I thank the Senator from New York for his contribution, and I agree with him in the statement he has made.

Mr. VANDENBERG. Mr. President, will the Senator from Louisiana permit me to make a statement for which he will thank me also?

Mr. OVERTON. Indeed, I will; most cheerfully.

Mr. VANDENBERG. I have not the slightest opposition in the world to the successful completion of this superflood-control program for Arkansas and Louisiana.

Mr. OVERTON. I am very glad to hear the Senator say so; but it is not altogether a superflood program.

Mr. VANDENBERG. I thought I could probably win a little commendation at that point. My only interest is in the problem as a whole which confronts the balance of the United States, which is the taxpaying portion of the United States, in respect not only to this problem but to the utterly enormous flood problem which is now flooding the Commerce Committee. If I seem to be rather eager for a comprehensive answer instead of a piecemeal answer, I trust the Senator will not think I am unfriendly to the thing for which he is pleading.

Mr. OVERTON. Let me say to the Senator from Michigan that I do not think he is unfriendly—at least I hope he is not unfriendly—toward my bill and the project which it proposes. But let me say to him that if it is economy he is thinking of, I present a plan, through the recommendations of the Army engineers, which will cost for its completion approximately \$272,000,000.

Mr. VANDENBERG. May I interrupt the Senator just once more at that point?

Mr. OVERTON. Let me finish the thought.

Mr. VANDENBERG. Very well.

Mr. OVERTON. As against that plan comes the suggestion that there be constructed reservoirs costing \$1,250,000,000, and on top of that comes the report from the engineers that that will not dispense with the necessity not only of the levees, but also of the floodways. As against the \$1,250,000,000 plan, we have the \$272,000,000 plan.

Mr. VANDENBERG. Mr. President, I am assuming in our entire discussion of the matter that the Senator is proposing to present amendments to the bill as printed in line

with our discussion which would lead to some warrantable and predictable limit of \$272,000,000 upon the pending bill. Am I correct in that?

Mr. OVERTON. The Senator is correct in that; and I shall say for the information of the Senator that at a well-attended meeting of the Committee on Commerce a few days ago, and just before he had reached the committee meeting, the committee considered those amendments, and authorized me to present them on the floor; and I expect to do so.

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

Mr. OVERTON. I yield.

Mr. KING. In the light of the statement just made by the Senator relative to the costs, and, as he contends, the economies which will be effectuated under his bill, may I be permitted to read the concluding paragraph of a letter written by General Markham dated March 6, 1936, addressed to the Senator from New York [Mr. COPELAND]?

Mr. OVERTON. Permit me to say, if I may interrupt the Senator, that that letter was written before the compromise amendments had been agreed upon between General Markham, Chief of Engineers, and myself and others interested in the bill, and now the Chief of Engineers has submitted those amendments in a letter, which I have had printed in the RECORD, and has stated that those amendments, if adopted, will remove all objections he and the Secretary of War have had to the bill as contained in that letter.

Mr. ROBINSON. Mr. President, the Senator intends to propose those amendments?

Mr. OVERTON. Indeed I do propose to submit them.

Mr. KING. Having started to read this paragraph, may I complete it?

Mr. OVERTON. Certainly.

Mr. KING. It reads:

It appears obvious that the total cost of the Overton bill is likely to be a very much larger sum than the \$275,000,000 authorization proposed. I am unable to estimate what the ultimate expense may be and thus can but state that it is indefinite and immeasurable.

The Senator states that amendments have been prepared since this letter was written. May I ask the Senator whether those amendments will make it clear that there are not uncertainties with respect to the cost of the projects? In other words, is he certain that with the adoption of the amendments he will offer the uncertainty with regard to the costs will be removed?

Mr. OVERTON. It will be removed to the satisfaction of the Chief of Engineers and of the Secretary of War.

Mr. VANDENBERG. And of the Senator from Michigan.

Mr. OVERTON. And of the Senator from Michigan. I thank him for that contribution.

I did not think that under the original bill there would be the excessive costs which were dreaded by the Secretary of War and the Chief of Engineers. The Senator from Utah being a very able and distinguished lawyer, I may, perhaps, in a very few words, explain the disagreement between the Chief of Engineers and the committee in reference to that provision.

Section 12 of the bill provided for condemnation and acquisition of the flowage rights for these floodways by the Federal Government, and provided that for the properties so taken just compensation should be paid. That is the constitutional rule, as the Senator well knows, the Constitution declaring that no property shall be taken for public purposes without just compensation. It was my thought that any attempt on the part of Congress to limit that liability would be unconstitutional.

It was suggested by the Chief of Engineers and the Secretary of War that the bill should adopt as a yardstick for compensation the assessed values of the properties in Arkansas and in Louisiana where these floodways are to be constructed. In the first place, I considered that such a provision would be repugnant to the Constitution of the United States, because the Supreme Court of the United States has held that Congress has the authority to determine what property shall be taken, but it is for the courts to determine what

compensation shall be paid for the property so taken. The one is a legislative discretion; the other is a judicial function. The second objection was that assessed values do not reflect true values. They vary from State to State, from county to county, and from parish to parish.

We then prepared an amendment, and after considerable negotiation it was agreed upon, and the Senator from Utah will observe how it restricts the liability of the Government.

It is provided that the Eudora floodway and its northern extension and the Morganza floodway shall not be constructed until the Secretary of War has obtained options covering 75 percent of the value of these flowage rights, as estimated by him, at a cost not to exceed \$20,000,000. That provision has the effect of holding down the liability of the Federal Government. The floodways shall not be constructed unless 75 percent or more of the estimated value of the flowage rights can be obtained at a cost not to exceed \$20,000,000. Therefore it is estimated that the flowage rights and easements necessary to the construction of the floodways will not cost in excess of, say, \$30,000,000. The Senator from Utah can readily comprehend this constitutional method of limiting liability, and why it is that the Chief of Engineers in submitting the amendments to me stated that they removed all objection the Secretary of War had to the bill.

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

Mr. OVERTON. I yield.

Mr. KING. In view of the statement just made by the Senator and the statement made by the Senator from Arkansas a moment ago, may I call the attention of the Senator to what I understand to be the fact, that when the plan was first determined upon it embraced 1,200,000 acres. Because of objections made by residents of the section of the State affected, the Eudora plan was agreed upon in the pending bill. The point I am making is that as I understand the testimony—and I have only hastily glanced at it today—the lands which will be covered by water at some period in the Eudora floodway are worth approximately \$75 to \$100 per acre. If the full value were paid it would cost perhaps a hundred million dollars. I am wondering how the value will be determined, or how to obtain from the owners of the land an estimate of the damage that will reduce the hundred million to \$20,000,000 or less, the amount indicated by the Senator. In other words, is there any certainty that those people having those valuable lands—Senator Ransdell stated they have been the most valuable agricultural lands in the United States—will consent to have those lands under this perpetual menace? Is there any certainty that they can be persuaded to reduce the contemplated damage to \$20,000,000 so that they will give a perpetual easement for flowage rights over that vast area?

Mr. OVERTON. I am advised by those who are thoroughly familiar with the situation that there will be no difficulty in obtaining the flowage rights within the limitations to be proposed by the amendment.

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

Mr. OVERTON. I should like to make an additional observation before I yield. The Boeuf floodway contained within its area something over a million acres. Senators will understand that these floodways are leveed floodways. The levees are located, say, 10 miles or 9 miles or 7 miles apart, as the case may be. The Boeuf floodway proposed by General Jadwin took in more territory than the Eudora floodway. The Eudora floodway has some eight-hundred-and-some-odd-thousand acres in it. I cannot at the moment give the Senator the exact figure, but the Eudora floodway and the Morganza floodway and the northern extension of the Eudora floodway combined contain approximately 1,000,000 acres. These floodways are so located as not to take in the most valuable land. On the contrary, they are so located as to take in the least valuable land. The land within the confines of the proposed Eudora floodway is 75-percent woodland and uncultivated land, and only 25 percent is cultivated, and that notwithstanding the fact that it lies within this rich alluvial valley. It is because the Eudora floodway is so laid out that it is going to follow down the Tensas Basin, and will run through a large portion of land which is swamp or woodland.

Therefore the cost will not be nearly so great as perhaps the Senator from Utah [Mr. KING] anticipates it will be. The same is true with respect to the Morganza floodway and the floodways of the Atchafalaya River.

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

Mr. OVERTON. I yield.

Mr. ROBINSON. The Senator from Utah, of course, understands that it is not proposed to take the land. What is proposed to be taken is an easement or a flowage right, and under those circumstances the amount that would have to be paid for the easement would be much less than the full value of the land.

I see in the proposition which the Senator from Utah has raised considerable difficulty.

It is one, however, which would arise in any plan which might be agreed to, namely, effecting the prompt and amicable arrangements for the acquisition of these rights-of-way. But the theory of the bill is, as I understand it, that local institutions and agencies of the State, such as levee districts, will be used to secure these grants within limits that would bring the aggregate amount of the 75 percent of the grants within \$20,000,000. Then as to the other 25 percent, recognizing the fact that there will be some—perhaps many—who will not be quick to make contracts, the Chief of Engineers must proceed in court to condemn.

Mr. OVERTON. Mr. President, in other words, we will not let a small minority interfere with the execution of the project.

Mr. ROBINSON. Yes; but it will be only as to 25 percent. If he should fail to get the 75 percent within the limitations provided in the bill, the whole project would fail.

Mr. OVERTON. Let me say to the Senator from Utah further in this connection that although these floodways necessarily run through Louisiana, yet the people of that State, after so many generations, having been afflicted with these devastating floods, are willing patriotically to cooperate with the Federal Government in the granting of the necessary rights and easements for levees and for floodways in order that that valley may be protected from further floods. I understand that, for instance, down in the Atchafalaya River there is scarcely any property owner who objects to granting, for a reasonable price, flowage rights in the Morganza and the West Atchafalaya floodways. I further understand that the majority of the people in the Eudora floodway favor the construction of the Eudora floodway, and that they are not going to ask such excessive prices as to operate as a stumbling block in the acquisition of the necessary rights for the construction of the Eudora.

Now I yield to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, the Senator has stated that the amendments which he is submitting will bring the bill into complete harmony with the viewpoint of the engineers. If that is so, that is conclusive so far as I am concerned. I desire to ask the Senator specifically if his amendments have cured the Secretary of War's complaint and the Chief of Engineers' complaint against section 5 of the original bill.

Mr. OVERTON. It has not. That is excepted in the letter written by the Secretary of War. The provisions of section 5 represent a project which has been recommended by the Mississippi River Commission. It is not recommended by the Chief of Engineers. I shall get to that later, unless the Senator desires me to discuss that one particular project at the present time.

Mr. VANDENBERG. No; except that I should like to have it clear in my mind as to what the status is. I am afraid I did not understand the Senator. Am I to understand that, so far as the War Department's objection to section 5 of the original bill is concerned, it still stands against the Overton bill as it will be amended?

Mr. OVERTON. Yes; it still stands.

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

Mr. OVERTON. I yield.

Mr. KING. I invite the Senator's attention—and I ask him for information—to the letter of the Secretary of War, which seems to be without date, addressed to the Senator from New York [Mr. COPELAND], with respect to section 12.

Mr. OVERTON. Mr. President, that objection has been removed, I may say to the Senator from Utah, by the amendment which has been agreed upon between the Chief of Engineers, myself, as the author of the bill, and the committee.

Mr. KING. Will it remove the objection which I infer is leveled against the bill, found in the following sentence:

This responsibility will involve claims not only for the floodways proper but for the Red River backwater area, and for the lands frequently overflowed in the lower Atchafalaya Basin from south of Krotz Springs to the Gulf of Mexico. It will also involve the damage claims for railways, highways, pipe lines, telegraph, telephone, and power lines, and other utilities. Timber interests in the lower Atchafalaya Basin and elsewhere have advanced the claim that proposed modification of overflow conditions will injure timber growth.

Will the objections which are offered in the light of this challenge to section 12 by the Secretary of War be removed by the amendment which the Senator tenders?

Mr. OVERTON. Of course, the Senator will understand that that report made by the Secretary of War was prepared by the Chief of Engineers. The Chief of Engineers has written to me, stating as follows:

MARCH 23, 1936.

DEAR SENATOR OVERTON: You will find enclosed a copy of S. 3531, entitled "A bill to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes', approved May 15, 1928", into which have been incorporated certain amendments, as follows:

- (1) A complete revision of section 7.
- (2) An amendment to section 10.
- (3) A complete redraft of section 12.

This bill, with these amendments, except as to section 5, conforms to the views of the Chief of Engineers, and, in my opinion, satisfies the objections urged to the bill in the report thereon made by the Secretary of War.

Does that answer the Senator's question?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Coolidge	Keyes	Reynolds
Ashurst	Copeland	King	Robinson
Austin	Couzens	La Follette	Russell
Bachman	Davis	Loneragan	Schwollenbach
Bailey	Dickinson	Long	Sheppard
Barbour	Dieterich	McAdoo	Shipstead
Benson	Donahey	McGill	Smith
Bilbo	Duffy	McKellar	Steiwer
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	George	Metcalf	Townsend
Brown	Gerry	Minton	Truman
Bulkley	Gibson	Moore	Tydings
Bulow	Glass	Murphy	Vandenbergh
Burke	Guffey	Murray	Van Nuys
Byrd	Hale	Neely	Wagner
Capper	Harrison	Norris	Walsh
Caraway	Hastings	Nye	Wheeler
Carey	Hatch	O'Mahoney	White
Chavez	Hayden	Overton	
Clark	Holt	Pittman	
Connally	Johnson	Radcliffe	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The Senator from Louisiana will proceed.

Mr. OVERTON. Mr. President, recurring to the necessity of constructing floodways, I desire to read a statement made by General Markham during the hearings by the Senate Commerce Committee when it had under consideration, as it still has, for that matter, the omnibus flood-control bill. I propounded this question to General Markham:

I want to ask you the direct question, and I think you have already given an unequivocal answer to it: Can floods in the lower Mississippi Valley be controlled successfully without the construction of either the Boeuf or the Eudora floodways?

General MARKHAM. They cannot be.

Senator OVERTON. And after you and the Army engineers and the Mississippi River Commission have made a further study of this situation, you have come to the conclusion that the Eudora floodway, as a substitute, is better than the Boeuf floodway?

General MARKHAM. For the reasons that I stated early this morning.

Senator OVERTON. It is more economical; it is less damaging; it takes in less property?

General MARKHAM. It has a higher conservation in it.

Further in the hearings, on page 65, General Markham testified as follows:

Senator OVERTON. Therefore neither the combination of the use of cut-offs nor of reservoirs on the White and Arkansas Rivers will suffice to keep sufficient water out of the main channel, or so increase the hydraulic energy of the Mississippi River proper as to dispense with the Eudora floodway?

General MARKHAM. We think not.

Mr. President, I think I have covered the question of floodways, viewed from the standpoint of the necessity of their construction and of their operation.

I wish to say, as a Senator from Louisiana, that if I had not reached the deliberate judgment that these floodways are not necessary, I certainly would not have incorporated them in any bill or advocated them in any bill that provided for their construction. Why? Because these floodways are all located on Louisiana soil. The Eudora floodway starts in southeastern Arkansas, flows down through southeastern Arkansas and eastern Louisiana into the Red River backwater area, and thence on down into the Atchafalaya floodway, where the water is taken into the Gulf of Mexico.

The Atchafalaya floodways are located exclusively on Louisiana soil. The Bonnet Carre floodway is located exclusively on Louisiana soil. The reason is that the hills on the east side of the Mississippi River come down to the river so that these floodways and diversion channels cannot be constructed on the east side of the river, but must be constructed upon the west side of the river.

I wish now to invite the attention of the Senate to what has been done under the Jadwin plan, and as I proceed I shall undertake to show what is proposed under the modifications suggested by General Markham. On the wall of the Chamber is a map showing this great project. It starts at Cape Girardeau, which is located at the top of the map, and extends down to the head of the passes at the Gulf of Mexico. There has been constructed at the head of that alluvial valley a floodway known as the Birds Point-New Madrid floodway. This is not a diversion channel, for the reason that the water which will be emptied into this floodway will go back into the Mississippi River at its southern end. The levees on the Mississippi River from Cape Girardeau down to the White and Arkansas Rivers have been practically completed.

To the right of the descending bank of the Mississippi River on its west side is the St. Francis River. That river is an alluvial plain river. It runs parallel to the Mississippi River. That area is now successfully protected from the floodwaters of the Mississippi River by the levees which have been constructed on it under the adopted plan. But that territory is subject to frequent floodage by the waters of the St. Francis River. It is futile, Mr. President, for the Government to protect that territory with these expensive levees on the west side of the Mississippi River opposite the St. Francis Basin and then permit that territory to be flooded by the waters of the St. Francis River. Therefore, General Markham and the Mississippi River Commission have suggested, as a modification of the plan, that flood-control works be constructed on the St. Francis River at a cost of \$16,000,000. The people in that area have taxed themselves to the extent of \$20,000,000 to provide protection from the floods of the Mississippi River. They are not getting protection on account of the territory being flooded by the waters of the St. Francis.

The same is true in respect to the Yazoo Valley. The Yazoo River is another river which is an alluvial plain river. It parallels the Mississippi River. The people in that valley have contributed the great sum of \$50,000,000 in undertaking to protect themselves from the floodwaters of the Mississippi River, but after they have obtained this protection they are still subject to overflow in that rich Mississippi Delta country by the floodwaters of the Yazoo. Therefore, General Markham has suggested that the Jadwin plan be further modified by the construction of flood-control works in the Yazoo Valley at a cost of around \$48,000,000.

What is proposed to be done in order to protect those great, rich, and fertile basins, the St. Francis and the Yazoo,

was done, Mr. President, under the Jadwin plan in order to protect the Tensas Basin. In order to rescue the Tensas Basin from floodage, levees were constructed on the south banks of the Arkansas River, from Pine Bluff to its mouth, up to 1928 grade and section. These levees insure the safety of all the area extending from the south bank of the Arkansas River down to the Red River backwater area in central Louisiana. That territory was protected by the levees of the Mississippi River. After being so protected, they were in constant menace of being overflowed by the waters of the Arkansas River. For a similar reason a line of levees was likewise constructed on the south bank of the Red River in order to protect from overflow not only the valley of the Red River but also the valley of the Atchafalaya River not taken up by the floodways.

I requested General Markham to write to me stating exactly his view in reference to the construction of flood-control works on the Yazoo and on the St. Francis, because the objection had been made in the course of the hearings that if these tributary rivers were to obtain flood protection, all other tributaries on the Mississippi River should likewise be embraced within the plan. I read the letter of General Markham, written to me under date of March 12, 1936, as follows:

DEAR SENATOR OVERTON: I am in receipt of your letter of March 11, 1936, saying that flood-control works by the Federal Government had been recommended by me on the Yazoo and St. Francis Rivers and asking me to differentiate these two tributaries from such tributaries as the White and Arkansas Rivers in their respective relation to the flood-control plan recommended by me.

My report of February 12, 1935, recommends flood-control works in the alluvial valley of the Mississippi River. Laws enacted and precedents set by Congress indicate a material Federal interest in the alluvial valley of the lower Mississippi.

The St. Francis River flows through a large area west of the Mississippi River near the head of and within the alluvial valley. Some 4,684 square miles in the St. Francis Basin have been protected by levees from Mississippi floods, the residents of the basin contributing \$20,000,000 toward the work. Nearly one-half of this area is still subject to flooding from the headwaters of the St. Francis River. The Yazoo Basin is a large lowland area within the alluvial valley on the east side of the Mississippi River. The Yazoo River drains this area. Some 4,900 square miles of this territory have been protected by levees from Mississippi floods. The inhabitants of the basin have contributed over \$50,000,000 toward the execution of these works. Part of the area, however, is subject to floods from the Yazoo itself, since the discharge capacity of the channels of that river in the lowlands is insufficient to carry off the flood waters. Approximately \$20,000,000 have been expended by a number of local districts to remedy this flood situation, but the work accomplished has been ineffective.

Under the provisions of section 7 of the Flood Control Act of May 15, 1928, the United States has repeatedly expended funds for the repair of flood-control works along the St. Francis and Yazoo Rivers. These periodic expenditures indicate that it would be advantageous to permanently correct the situation along these rivers.

The above-described conditions with respect to the St. Francis and Yazoo Rivers place these rivers in a category different from tributaries outside of the alluvial valley of the Mississippi River.

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

Mr. OVERTON. I yield.

Mr. VANDENBERG. Is the White River considered to be in the alluvial valley?

Mr. OVERTON. It is not, except in reference to its lower reaches.

Mr. VANDENBERG. Am I correct in my information that the White River project has not yet been finally approved by the Board of Engineers?

Mr. OVERTON. The Senator is correct.

Mr. VANDENBERG. But it is included in the pending Overton bill. Is that correct?

Mr. OVERTON. I thought the Senator was referring to the reservoirs on the upper White River.

Mr. VANDENBERG. I am.

Mr. OVERTON. Those reservoirs are located in the upper reaches. They are in the alluvial plain. They are not included in this bill.

The next provision of the pending bill, which undertakes to modify the Jadwin plan, is the construction of the White River reservoir. This is not a detention reservoir in the sense of accumulating floodwaters that flow down into the

main stem of the Mississippi River. That reservoir is an emergency reservoir located at or near the mouth of the White River down in the alluvial plain.

The purpose of that reservoir is simply this: When the crest of the Mississippi River flood stage is critically high, at the proper crucial moment, through a controlled intake, the reservoir will be opened, and the water will flood the area contained within the reservoir. That will have the effect of reducing the flood stage anywhere from 4, 5, or 6 inches to 2 feet, depending upon the duration of the flood.

It is readily conceivable that if the flood should last for some time after that reservoir had been filled, it would lose its effect on reducing the flood levels; but when the crest stage is of comparatively short duration it will have a very substantial effect on reducing the flood levels of the Mississippi River.

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

Mr. OVERTON. The Senator may.

Mr. VANDENBERG. As I understand, the pending Overton bill, in respect to the White River sector, abandons any requirement for contributions. Is that correct?

Mr. OVERTON. In the construction itself; yes. The local interests are to relieve the Government of any damage. They are to provide, without any cost to the United States Government, all the flowage rights rendered necessary whenever the reservoir is used. They are to provide all other easements. The sole burden that will be placed upon the Federal Government in respect to the White River reservoir will be the cost of construction, and that only.

Mr. VANDENBERG. May I ask the Senator one further question? To what extent is that a departure from the traditional method of dealing with flood control in this area? Is it any departure?

Mr. OVERTON. In my humble judgment, it is not a departure. We have, on down the valley, what are commonly known as backwater areas. They are unleveed. There in my own State of Louisiana is the great Red River backwater area. That is not leveed, or only partially leveed. It is left open as a reservoir to hold an appreciable amount of floodwaters of the Mississippi River. The White River Reservoir is to serve that purpose, and I think in a much more effective way, because it is to be used at the critical, crucial moment when the flood stage is high on the Mississippi River. Then the intake of the White River Reservoir will be opened, allowing the spilling of the waters from the Mississippi and the White Rivers into the reservoir, and thereby reducing the flood stages, just as other backwater areas reduce the flood stages.

Mr. ROBINSON. Mr. President, will the Senator yield at that point?

Mr. OVERTON. I yield.

Mr. ROBINSON. And this reservoir, being located close to the river, will reduce the high-stage level more than perhaps any other reservoir that could be established in the alluvial valley.

Mr. OVERTON. In my opinion, more than any other single reservoir.

Mr. ROBINSON. I recall that while the Mississippi River Commission did not estimate the reduction to be so much, the chief engineer of Louisiana, Mr. Jacobs—who, as the Senator knows, is a very great engineer—estimated that the effect of the White River Reservoir would be to reduce the level of the river somewhere in the neighborhood of 2 feet, which, of course, is a very great amount at a time of high-water level.

Mr. OVERTON. Indeed, as General Markham has observed, perhaps a reduction of 6 inches would save the situation at a critical time.

Mr. ROBINSON. The lowest estimate was six-tenths of a foot.

Mr. OVERTON. That was the lowest estimate.

Mr. ROBINSON. The highest was 2 feet.

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

Mr. OVERTON. I yield.

Mr. KING. Perhaps I am disturbing the continuity of the Senator's observations.

Mr. OVERTON. Not at all.

Mr. KING. I was called from the Chamber; but I was interested in the statement of the Senator when he was describing the flow of the river and the failure of the construction of reservoirs in the upper reaches of the Missouri and Mississippi Rivers to mitigate conditions, or at least to save the situation in Louisiana. I do not quite understand it.

It seems to me that if an adequate number of reservoirs were constructed, beginning up in the Rocky Mountains with the Missouri River, and then up in Minnesota and Wisconsin with the Mississippi River, and those reservoirs were adequate to hold back the floodwaters, there would be no menace to the lowlands in Louisiana and to the lands which are expected to be protected by the project which is now under consideration.

Mr. OVERTON. I may say to the Senator that that observation is in conflict with the thoroughly studied views of the Mississippi River Commission and of the Corps of Army Engineers. After studying the Mississippi River for years and years and years, they have come to the conclusion that the only sure plan and the only safe plan by which the lower valley can be protected is not by reservoirs but by the construction of levees as high as they can be built safely and economically, to be supplemented by the construction of floodways.

General Markham, in his statement which I read awhile ago—perhaps the Senator was not present—stated, after I put that theory to him, that this plan of levees and floodways was the only answer that the Mississippi River Commission and the Corps of Army Engineers had been able to discover, or to uncover, or to make.

Mr. KING. Is it not a fact, however, that the major part of the waters of the Mississippi River, let us say at the lower part of the State of Missouri and the beginning of the State of Arkansas, come from the Mississippi and the Missouri Rivers? In other words, are not the main tributaries, so far as the floods down in Louisiana are concerned, attributable to the Mississippi and the Missouri Rivers, in contradistinction to the White River, or the Ohio River, or any other of the tributaries?

Mr. OVERTON. No; our greatest floods come from the Ohio River.

Mr. ROBINSON. Just the reverse is true in the lower valley. The tributaries which contribute to the floods are the Ohio, the White, the Arkansas, the Red, and some others.

Mr. OVERTON. The Ohio is the principal offender.

Mr. KING. More so than the Mississippi?

Mr. OVERTON. The Mississippi takes in the Ohio, because, of course, as the Senator well knows, the Ohio is tributary to the Mississippi.

Mr. KING. Of course, I understand that.

Mr. OVERTON. I shall give the Senator my thought about this whole matter of reservoirs. Down in the lower valley there is a bottleneck through which these flood waters have to pour. It will remain a bottleneck, a dangerous, superflooded bottleneck, unless we secure a method of permanently diverting a certain amount of water from the Mississippi River. It will remain a serious, unsolved problem until we divert the surplus waters of the Mississippi River into the Gulf of Mexico through other channels.

Why is that? Into that bottle neck there comes the run-off from an area which extends from the Alleghenies to the Rocky Mountains, which extends from western New York to far-off Montana. It is an area drained by thousands upon thousands of streams and rivulets, which find their way into various tributary rivers and thence into other and larger tributaries and thence into the Mississippi itself, and this accumulated flow in times of great precipitation comes from this vast area, covering 41 percent of the entire continental United States, embracing in whole or in part 31 or more States of the Union. It comes, in the flood stages, right down into the lower valley and into that necessarily narrow channel

represented by the Mississippi River with the levees on both sides.

What is to be done? Are reservoirs to be constructed from New York to Montana in order to hold back these floodwaters? My answer to that is that it would take years and years and years, and the only successful way to do it would be by spending not merely the \$272,000,000 represented by the pending bill but by expending far in excess of a billion dollars.

The further answer is that the engineers reported at the last session of Congress, in a written report entitled "A Comprehensive Study of Reservoirs on the Tributaries of the Mississippi River", that these reservoirs if constructed could not be used for anything else but detention reservoirs; that they could not be used for purposes of manufacturing power, that they could not be used for purposes of irrigation, that they would be constructed and exist merely as a negative and restraining influence, and would have no constructive force and uses in upbuilding the areas in which they are located.

Mr. ROBINSON. Mr. President, would the Senator from Louisiana care to suspend his remarks now and let us take a recess?

Mr. OVERTON. I should be glad to do so.

UNITED POCAHONTAS COAL CO.—VETO MESSAGE (S. DOC. NO. 195)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 2697, entitled "An act for the relief of the United Pocahontas Coal Co., Crumpler, W. Va."

This bill authorizes and directs the Secretary of the Treasury and/or the Commissioner of Internal Revenue to receive and consider, without regard to any statute of limitations, any claim filed by the United Pocahontas Coal Co., of Crumpler, W. Va., within 6 months after passage of the bill, for the refund of any income and excess-profits taxes overpaid by the company for the year 1919. The bill would authorize and direct the refund of such taxes regardless of the fact that the period of limitations for filing such claim by this taxpayer has long since expired.

On several occasions there have been submitted to me other bills which proposed to except certain taxpayers from the operation of the statutes of limitations pertaining to the revenue laws by extending the time for the refunding of amounts paid by such taxpayers. On those occasions I expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts statutes of limitations, by the operation of which, after a fixed period of time, it becomes impossible for the Government to collect additional taxes or for the taxpayer to obtain a refund of an overpayment of taxes. I pointed out in each instance that such legislation selects a small class of taxpayers for special treatment by excepting them from that policy, thus discriminating against the whole body of Federal taxpayers, and establishing a precedent which would open the door to relief in all cases in which the statute operates to the prejudice of a particular taxpayer, while leaving the door closed to the Government in those cases in which the statute operates to the disadvantage of the Government.

In this regard the instant measure, S. 2697, does not differ in principle from the bills which were under consideration on those prior occasions. I know of no circumstances which would justify the exception made by S. 2697 to the long-continued policy of Congress. Again I must express my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their failure to protect their claims for the refund of taxes within the period fixed by law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 16, 1936.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing a nomination, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nominations of the following persons to be State directors of the Public Works Administration:

P. Francis Hopkins, Iowa; Robert A. Radford, Minnesota; John Hirst Caton, 3d, Rhode Island; James A. Anderson, Virginia; and Malcolm L. O'Neale, West Virginia.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Newell Castle Bolton, Ohio National Guard, to brigadier general, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment in the Regular Army.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

He also, from the same committee, reported favorably the nomination of Capt. Donald Van Niman Bonnett, Infantry, to be major in the Regular Army from March 1, 1936.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

PUBLIC WORKS ADMINISTRATION

The legislative clerk read the nomination of Alvin D. Wilder, of California, to be State director in California.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Forrest M. Logan, of Indiana, to be State director of Indiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George H. Sager, Jr., of Kentucky, to be State director in Kentucky.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Louis A. Boulay, of Ohio, to be State director in Ohio.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William F. Cochrane of South Dakota, to be State director in South Dakota.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Richard A. Hart, of Utah, to be State director in Utah.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Eugene R. Hoffman, of Washington, to be State director in Washington.

The VICE PRESIDENT. Without objection, the nomination is confirmed. That completes the calendar.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, April 20, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 17 (legislative day of Feb. 24), 1936

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant with rank from date of appointment
First Lt. Howard Amos Van Auken, Medical Corps Reserve.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO CAVALRY

Second Lt. David Lyon Hollingsworth, Infantry, with rank from June 12, 1934, effective June 20, 1936.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONEL

Maj. Thomas Bernard Larkin, Corps of Engineers, from April 11, 1936.

TO BE MAJOR

Capt. Gordon Hall Steele, Quartermaster Corps, from April 11, 1936.

MEDICAL CORPS

To be colonels

Lt. Col. Albert Sidney Bowen, Medical Corps, from April 15, 1936.

Lt. Col. Ernest Robert Gentry, Medical Corps, from April 16, 1936.

Lt. Col. Roy Cleveland Heflebower, Medical Corps, from April 17, 1936.

Lt. Col. George Martin Edwards, Medical Corps, from April 18, 1936.

POSTMASTERS

ALABAMA

Grace Ward to be postmaster at Brent, Ala., in place of W. W. James. Incumbent's commission expired February 8, 1936.

Cora A. Lee to be postmaster at Town Creek, Ala., in place of E. E. Etheredge. Incumbent's commission expired February 9, 1936.

Maggie Winningham to be postmaster at York, Ala., in place of Maggie Winningham. Incumbent's commission expires May 19, 1936.

ALASKA

Mrs. Owen E. Meals to be postmaster at Valdez, Alaska, in place of Mrs. O. E. Meals. Incumbent's commission expired March 10, 1936.

ARIZONA

Paul D. Snyder to be postmaster at Ajo, Ariz., in place of P. D. Snyder. Incumbent's commission expires June 1, 1936.

John R. Livingston to be postmaster at Chloride, Ariz., in place of J. R. Livingston. Incumbent's commission expired January 22, 1936.

Francis K. Pomeroy to be postmaster at Mesa, Ariz., in place of H. M. Hall. Incumbent's commission expired January 7, 1936.

James A. Metzger to be postmaster at Grand Canyon, Ariz., in place of J. A. Metzger. Incumbent's commission expired April 14, 1936.

Martin Layton to be postmaster at Safford, Ariz., in place of J. R. Welker. Incumbent's commission expired January 7, 1936.

Charles G. Montgomery to be postmaster at Whiteriver, Ariz., in place of C. G. Montgomery. Incumbent's commission expired January 7, 1936.

ARKANSAS

Albert L. White to be postmaster at Lepanto, Ark., in place of E. A. Murphy. Incumbent's commission expired February 5, 1936.

Kenneth W. Crook to be postmaster at Pangburn, Ark., in place of J. J. Capps. Incumbent's commission expires July 7, 1936.

CALIFORNIA

George M. Belles to be postmaster at Bloomington, Calif., in place of T. T. Workman. Incumbent's commission expires April 27, 1936.

Ira H. Arbuckle to be postmaster at Clovis, Calif., in place of R. E. Thomas. Incumbent's commission expired February 9, 1936.

Mary B. Janeiro to be postmaster at Decoto, Calif., in place of J. L. Olson. Incumbent's commission expired January 9, 1936.

Dwight E. Knapp to be postmaster at Garberville, Calif., in place of D. E. Knapp. Incumbent's commission expires June 1, 1936.

Lillie Evadell Chapman to be postmaster at Gerber, Calif., in place of M. H. Parsons. Incumbent's commission expired March 17, 1936.

Lillian G. Brackett to be postmaster at Geyserville, Calif., in place of L. G. Brackett. Incumbent's commission expired January 9, 1936.

William R. Bernard to be postmaster at Gonzales, Calif., in place of C. H. Coffey, Jr. Incumbent's commission expires April 27, 1936.

V. Betty Doheney to be postmaster at Hynes, Calif., in place of T. J. Brown. Incumbent's commission expired March 10, 1936.

Clarence Taylor Manville to be postmaster at Lawndale, Calif., in place of M. W. Bessom. Incumbent's commission expires May 10, 1936.

Claude T. Gadwood to be postmaster at Los Molinos, Calif., in place of I. B. Jones. Incumbent's commission expired January 26, 1936.

Rose C. Tarwater to be postmaster at Murrieta, Calif., in place of A. K. Small. Incumbent's commission expired March 17, 1936.

Delmo Bernard Badasci to be postmaster at Riverdale, Calif., in place of William Henson. Incumbent's commission expires June 1, 1936.

Cornelius D. Mangan to be postmaster at St. Mary's College, Calif., in place of J. J. O'Connor, resigned.

Hazel E. Avise to be postmaster at Walnut Creek, Calif., in place of H. E. Avise. Incumbent's commission expired January 9, 1936.

Harold E. Rous to be postmaster at Yucaipa, Calif., in place of W. J. Murray. Incumbent's commission expired January 26, 1936.

COLORADO

John Bowman to be postmaster at Aspen, Colo., in place of T. F. Beck. Incumbent's commission expires April 27, 1936.

Christella N. Funk to be postmaster at Calhan, Colo., in place of P. P. Huston, removed.

William Jacob Pings to be postmaster at Carbondale, Colo., in place of W. L. Thurston. Incumbent's commission expires June 20, 1936.

Vernon Peiffer to be postmaster at Cripple Creek, Colo., in place of R. A. Weisgerber, deceased.

Harry K. Balvin to be postmaster at Elizabeth, Colo., in place of A. A. Blazer. Incumbent's commission expired March 18, 1936.

Martin J. Dugan to be postmaster at Fleming, Colo., in place of C. L. Rudel. Incumbent's commission expired January 28, 1936.

Arthur S. Gustafson to be postmaster at Fort Lupton, Colo., in place of A. G. Johnson. Incumbent's commission expired January 22, 1936.

William M. Jones to be postmaster at Hugo, Colo., in place of C. D. Hathaway. Incumbent's commission expired February 17, 1936.

James Fenolia to be postmaster at Louisville, Colo., in place of L. D. Watson. Incumbent's commission expired February 26, 1936.

Charles Leonard Drage to be postmaster at Lyons, Colo., in place of C. V. Engert. Incumbent's commission expires June 20, 1936.

Dacie S. Johnson to be postmaster at Mount Harris, Colo., in place of J. H. Mallot, resigned.

Wright O. Ball to be postmaster at Meeker, Colo., in place of T. B. Scott. Incumbent's commission expired March 18, 1936.

James M. McLearn to be postmaster at Rifle, Colo., in place of J. R. Munro. Incumbent's commission expired March 18, 1936.

CONNECTICUT

Robert M. Smith to be postmaster at East Haddam, Conn., in place of Marshall Emmons. Incumbent's commission expired March 10, 1936.

Edmond J. Jodoin to be postmaster at Jewett City, Conn., in place of P. W. Chase. Incumbent's commission expired January 9, 1936.

Gertrude C. Wood to be postmaster at Noroton, Conn., in place of M. C. Kelly. Incumbent's commission expires June 1, 1936.

Thomas F. Murray, to be postmaster at Noroton Heights, Conn., in place of J. V. Golden. Incumbent's commission expires May 23, 1936.

Walter P. Moran to be postmaster at Norwich, Conn., in place of C. K. Bailey. Incumbent's commission expired January 9, 1936.

Arthur W. Carmody to be postmaster at Sandy Hook, Conn., in place of A. C. Tucker, resigned.

Daniel P. Hurley to be postmaster at Terryville, Conn., in place of C. B. Emery. Incumbent's commission expires April 27, 1936.

DELAWARE

James L. Smith to be postmaster at Greenwood, Del., in place of W. H. Morris. Incumbent's commission expired February 9, 1936.

GEORGIA

C. Leland Paris to be postmaster at Alpharetta, Ga., in place of R. A. Waters. Incumbent's commission expired January 7, 1936.

Virginia E. Holder to be postmaster at Jefferson, Ga., in place of V. E. Holder. Incumbent's commission expired March 22, 1936.

D. Alton Willis to be postmaster at Meigs, Ga., in place of Effie Hambleton. Incumbent's commission expired January 7, 1936.

Seaborn H. Coker to be postmaster at Sycamore, Ga., in place of S. H. Coker. Incumbent's commission expired March 29, 1936.

HAWAII

Solomon Burke to be postmaster at Honokaa, Hawaii, in place of M. S. Botelho. Incumbent's commission expired May 29, 1934.

IDAHO

Stella Hurst to be postmaster at Carey, Idaho. Office became Presidential July 1, 1935.

ILLINOIS

Clarence D. Lawson to be postmaster at Aledo, Ill., in place of W. G. Black. Incumbent's commission expired January 7, 1936.

John M. Vandaveer to be postmaster at Greenfield, Ill., in place of G. F. Batty. Incumbent's commission expires April 27, 1936.

Helen C. Mowen to be postmaster at Macon, Ill., in place of D. M. Uphaus. Incumbent's commission expired January 28, 1936.

Clare A. Ruffner to be postmaster at Mason, Ill., in place of C. L. Hodge, removed.

Herman J. Hemann to be postmaster at New Baden, Ill., in place of William Georger. Incumbent's commission expires April 27, 1936.

INDIANA

James C. McKillip to be postmaster at Charlestown, Ind., in place of H. C. Dodd. Incumbent's commission expires July 13, 1936.

Oscar J. Fueger to be postmaster at Chrisney, Ind., in place of James Adams. Incumbent's commission expired February 5, 1936.

Merlyn R. Elliott to be postmaster at Dale, Ind., in place of J. H. Medcalf. Incumbent's commission expired February 5, 1936.

Frank M. Davis to be postmaster at Fort Branch, Ind., in place of A. E. Dill. Incumbent's commission expired January 9, 1936.

Eugene W. Felkner to be postmaster at Milford, Ind., in place of C. D. Barnes. Incumbent's commission expired January 9, 1936.

Lester B. Dickey to be postmaster at Parker, Ind., in place of P. H. Moulton. Incumbent's commission expired January 9, 1936.

Paul D. Pugh to be postmaster at Upland, Ind., in place of O. C. Bowen. Incumbent's commission expired February 5, 1936.

Thelma F. Shuff to be postmaster at Van Buren, Ind., in place of W. W. Creviston. Incumbent's commission expired February 17, 1936.

Russell J. Dunn to be postmaster at Waterloo, Ind., in place of C. H. Fee. Incumbent's commission expired December 20, 1934.

Ruby G. Nusbaum to be postmaster at Winona Lake, Ind., in place of W. I. Ellison. Incumbent's commission expired March 10, 1936.

IOWA

Sydney B. Dailey to be postmaster at Allison, Iowa, in place of Eugene Owen. Incumbent's commission expired April 12, 1936.

Frances F. Baldwin to be postmaster at Cascade, Iowa, in place of J. T. Bevan. Incumbent's commission expired April 12, 1936.

Charles J. Murphy to be postmaster at Chester, Iowa, in place of Freddie Baldwin. Incumbent's commission expired February 19, 1936.

Clarence L. Herren to be postmaster at Clarinda, Iowa, in place of A. B. Clark. Incumbent's commission expired March 29, 1936.

John F. Alexander to be postmaster at Conrad, Iowa, in place of W. E. Clayman. Incumbent's commission expired April 12, 1936.

Herbert L. Smith to be postmaster at Dewitt, Iowa, in place of H. A. Grantham. Incumbent's commission expires April 29, 1936.

A. George Ross to be postmaster at Doon, Iowa, in place of R. R. Ray. Incumbent's commission expired January 12, 1936.

Kathryn D. Finn to be postmaster at Dumont, Iowa, in place of I. B. Wilcox. Incumbent's commission expired April 12, 1936.

John J. Langenfeld to be postmaster at Earling, Iowa, in place of J. D. Schaben. Incumbent's commission expired March 17, 1936.

Gerald Elias Faust to be postmaster at Earlville, Iowa, in place of H. C. Snyder. Incumbent's commission expired January 12, 1936.

James N. Kinney to be postmaster at Elliott, Iowa, in place of R. J. Viner. Incumbent's commission expired March 29, 1936.

Paul E. Morf to be postmaster at Fredericksburg, Iowa, in place of W. C. Upham. Incumbent's commission expires April 27, 1936.

Loren L. Maher to be postmaster at Gilmore City, Iowa, in place of C. C. Knoll. Incumbent's commission expires June 10, 1936.

Harry D. Hines to be postmaster at Humeston, Iowa, in place of F. R. Foster. Incumbent's commission expires June 1, 1936.

George Harder to be postmaster at Keystone, Iowa, in place of D. M. Schenken. Incumbent's commission expired January 12, 1936.

Julia Loretta Hurley to be postmaster at Laurens, Iowa, in place of C. E. L. See. Incumbent's commission expired April 12, 1936.

Louis E. Maxfield to be postmaster at Malcom, Iowa, in place of T. A. Sanders. Incumbent's commission expired February 19, 1936.

William Harry Thompson to be postmaster at Mapleton, Iowa, in place of E. G. Tripp. Incumbent's commission expired March 29, 1936.

Mae K. Wilson to be postmaster at Monroe, Iowa, in place of R. L. Rinehart. Incumbent's commission expires June 23, 1936.

James D. Minnes to be postmaster at Moravia, Iowa, in place of J. F. Albert. Incumbent's commission expired February 19, 1936.

Mabel E. Buchanan to be postmaster at Plover, Iowa, in place of S. T. Grove. Incumbent's commission expired April 12, 1936.

Herbert Ward Alexander to be postmaster at Thornton, Iowa, in place of C. B. Alberty. Incumbent's commission expires May 10, 1936.

Linus L. Powers to be postmaster at Vail, Iowa, in place of L. L. Hoffman. Incumbent's commission expired January 12, 1936.

Francis A. Gallagher to be postmaster at Walnut, Iowa, in place of J. E. D. Palmer. Incumbent's commission expired February 24, 1936.

Charles E. Lynch to be postmaster at Waucoma, Iowa, in place of C. M. Burnside. Incumbent's commission expired February 24, 1936.

Edward B. Wittrig to be postmaster at Wayland, Iowa, in place of C. A. Sodergren. Incumbent's commission expired April 12, 1936.

Bernice Green to be postmaster at Winfield, Iowa, in place of J. A. Smiley. Incumbent's commission expired January 12, 1936.

KANSAS

Anna Gradie DeBolt to be postmaster at Altoona, Kans., in place of F. H. Dodd. Incumbent's commission expired January 8, 1936.

Charles T. Hill to be postmaster at Arkansas City, Kans., in place of L. B. Mohler. Incumbent's commission expired January 25, 1936.

Peter D. Spellman to be postmaster at Beloit, Kans., in place of J. G. Hyde. Incumbent's commission expired January 8, 1936.

Anna L. Miller to be postmaster at Bushton, Kans., in place of A. L. Miller. Incumbent's commission expired March 10, 1936.

James B. Searle to be postmaster at Cawker City, Kans., in place of C. W. Simpson. Incumbent's commission expired January 8, 1936.

Max Montgomery to be postmaster at Cedar Vale, Kans., in place of J. D. Ferrell. Incumbent's commission expires May 10, 1936.

Virgil F. Young to be postmaster at Clearwater, Kans., in place of G. G. Griffin. Incumbent's commission expired February 5, 1936.

John E. Brogan to be postmaster at Coffeyville, Kans., in place of F. C. Oehler. Incumbent's commission expired January 25, 1936.

Ada S. George to be postmaster at Lebo, Kans., in place of R. W. Gault. Incumbent's commission expires April 27, 1936.

Albert T. Campbell to be postmaster at Marion, Kans., in place of W. C. Loveless. Incumbent's commission expired January 8, 1936.

Selma E. Kaufman to be postmaster at Moundridge, Kans., in place of Anna Smith. Incumbent's commission expired March 23, 1936.

Thomas J. Cummings, Jr., to be postmaster at Ottawa, Kans., in place of John Quin. Incumbent's commission expired January 25, 1936.

Helena W. Anderson to be postmaster at Peru, Kans., in place of W. M. McDannald. Incumbent's commission expired March 23, 1936.

Jay T. Hill to be postmaster at Wamego, Kans., in place of M. O. Bittmann, transferred.

Thomas E. Van Meter to be postmaster at Winfield, Kans., in place of J. H. O'Connor. Incumbent's commission expired June 20, 1934.

KENTUCKY

Elizabeth R. Smith to be postmaster at Irvine, Ky., in place of A. G. Powell. Incumbent's commission expired January 27, 1936.

John A. Gross to be postmaster at Vine Grove, Ky., in place of H. H. Hargan. Incumbent's commission expires June 1, 1936.

LOUISIANA

Pierre O. Broussard to be postmaster at Abbeville, La., in place of P. O. Broussard. Incumbent's commission expired February 21, 1935.

Ruth W. Monroe to be postmaster at Elton, La., in place of R. W. Monroe. Incumbent's commission expired January 9, 1936.

Rena Tate to be postmaster at Eunice, La., in place of S. J. Morris. Incumbent's commission expired June 6, 1934.

James H. Gray to be postmaster at Pollock, La., in place of J. H. Gray. Incumbent's commission expired April 5, 1936.

Berenice K. Schuchs to be postmaster at St. Joseph, La., in place of M. J. Goodwin. Incumbent's commission expired December 16, 1934.

Leroy C. Miles to be postmaster at Slidell, La., in place of A. E. Harding. Incumbent's commission expired January 22, 1935.

MAINE

Anna M. McCann to be postmaster at Bucksport, Maine, in place of C. M. Wilson. Incumbent's commission expired December 20, 1934.

Francis P. Foley to be postmaster at Winterport, Maine, in place of C. E. Young. Incumbent's commission expired April 12, 1936.

Harry Clair Miller to be postmaster at Winthrop, Maine, in place of L. B. Jones. Incumbent's commission expired April 14, 1936.

MARYLAND

Charles A. Stewart to be postmaster at North East, Md., in place of J. S. Dean. Incumbent's commission expired February 27, 1935.

MASSACHUSETTS

Aloysius B. Kennedy to be postmaster at Rochdale, Mass., in place of A. B. Kennedy. Incumbent's commission expired April 27, 1936.

Susan F. Twiss to be postmaster at Three Rivers, Mass., in place of S. F. Twiss. Incumbent's commission expired February 9, 1936.

Edward J. O'Day to be postmaster at West Brookfield, Mass., in place of W. L. Kendrick. Incumbent's commission expired March 8, 1934.

MICHIGAN

Theodore M. Lampert to be postmaster at Ada, Mich., in place of W. M. Sinclair. Incumbent's commission expired February 28, 1933.

Nora Donovan to be postmaster at Bangor, Mich., in place of H. E. Ward. Incumbent's commission expired January 23, 1935.

Roy W. Maddock to be postmaster at Benzonia, Mich., in place of R. W. Maddock. Incumbent's commission expired January 7, 1936.

John L. Burkart to be postmaster at Big Rapids, Mich., in place of A. W. Miles. Incumbent's commission expired January 25, 1936.

Mildred C. Lesh to be postmaster at Blanchard, Mich., in place of L. C. Snyder. Incumbent's commission expired April 12, 1936.

Cecil Plum to be postmaster at Bloomingdale, Mich., in place of B. F. Scamehorn, removed.

Margaret Ackerson Rush to be postmaster at Clarksville, Mich., in place of F. E. Richards, deceased.

Edward Nelson to be postmaster at Coleman, Mich., in place of G. E. Daniells. Incumbent's commission expired January 7, 1936.

Irving L. Dixon to be postmaster at Concord, Mich., in place of E. L. Groger. Incumbent's commission expired April 12, 1936.

Laura J. Diver to be postmaster at Deerfield, Mich., in place of C. C. Beach. Incumbent's commission expired March 22, 1936.

Charles A. Bigelow to be postmaster at East Tawas, Mich., in place of Arthur Dillon. Incumbent's commission expired March 22, 1936.

Leo J. Navarro to be postmaster at Essexville, Mich., in place of A. J. Van Wert. Incumbent's commission expired February 5, 1936.

Judson E. Richardson to be postmaster at Evart, Mich., in place of H. A. McLachlan. Incumbent's commission expired January 25, 1936.

Earl Hudson to be postmaster at Gobles, Mich., in place of H. E. McElheny, removed.

Homer Fisher to be postmaster at Grand Haven, Mich., in place of G. L. Olsen. Incumbent's commission expired January 25, 1936.

Michael E. Mussatto to be postmaster at Gwinn, Mich., in place of C. J. Hart, removed.

Frank L. Friend to be postmaster at Harbor Springs, Mich., in place of W. DeM. Wright. Incumbent's commission expired February 5, 1936.

William C. Radue to be postmaster at Hermansville, Mich., in place of Harold Stecker. Incumbent's commission expired April 16, 1934.

Alfred H. Pfau to be postmaster at Howell, Mich., in place of B. L. Hight. Incumbent's commission expires April 29, 1936.

Stephen F. Jakobowski to be postmaster at Inkster, Mich., in place of H. L. Brown. Incumbent's commission expired January 28, 1934.

Hazel B. Erickson to be postmaster at Le Roy, Mich., in place of E. R. Newcomb. Incumbent's commission expires April 27, 1936.

Bert Lowery to be postmaster at Manchester, Mich., in place of F. G. Leeson. Incumbent's commission expired February 5, 1936.

Walter R. Mason to be postmaster at Milan, Mich., in place of N. J. Laskey. Incumbent's commission expired February 17, 1936.

Bartlett E. O'Grady to be postmaster at Paw Paw, Mich., in place of W. C. Mosier, deceased.

Karl E. H. Beyer to be postmaster at Remus, Mich., in place of C. M. Colegrove. Incumbent's commission expired March 22, 1936.

Adelbert L. Stebbins to be postmaster at Sheridan, Mich., in place of E. D. Greenhoe. Incumbent's commission expired February 5, 1936.

Lewis L. Peterson to be postmaster at Springport, Mich., in place of Nora Covert. Incumbent's commission expired February 5, 1936.

Lydia T. Bing to be postmaster at Tawas City, Mich., in place of M. C. Musolf. Incumbent's commission expired February 5, 1936.

Franc S. Gillespie to be postmaster at Tecumseh, Mich., in place of H. H. Hanna. Incumbent's commission expires June 23, 1936.

Adam Przybylski to be postmaster at Wyandotte, Mich., in place of A. E. Baisley. Incumbent's commission expired February 5, 1936.

MINNESOTA

Ward E. Willford to be postmaster at Canton, Minn., in place of W. E. Willford. Incumbent's commission expired June 20, 1934.

Vera M. Parks to be postmaster at Nisswa, Minn., in place of V. M. Parks. Incumbent's commission expired March 17, 1936.

Alice M. Freeman to be postmaster at Olivia, Minn., in place of S. M. North, resigned.

John A. Hilden to be postmaster at Oslo, Minn., in place of J. A. Hilden. Incumbent's commission expired March 31, 1936.

Werl I. Smith to be postmaster at Proctor, Minn., in place of W. I. Smith. Incumbent's commission expired February 3, 1936.

Mary A. Bradford to be postmaster at Verndale, Minn., in place of M. A. Bradford. Incumbent's commission expired April 12, 1936.

Jennie M. Wurst to be postmaster at Watkins, Minn., in place of J. M. Wurst. Incumbent's commission expired April 12, 1936.

Joseph Trojohn to be postmaster at Woodlake, Minn., in place of Joseph Trojohn. Incumbent's commission expires April 27, 1936.

MISSISSIPPI

Mills T. Williams to be postmaster at Durant, Miss., in place of M. T. Williams. Incumbent's commission expires June 1, 1936.

MISSOURI

Walter Bartlett to be postmaster at Bethany, Mo., in place of H. L. Collins. Incumbent's commission expires June 28, 1936.

Zola B. Reynolds to be postmaster at Humansville, Mo., in place of A. P. Renfrow. Incumbent's commission expires May 10, 1936.

Fay R. Webb to be postmaster at Miller, Mo., in place of R. J. Smith. Incumbent's commission expired May 12, 1932.

Marcus J. Heathman to be postmaster at Paris, Mo., in place of J. A. Varney. Incumbent's commission expired March 10, 1936.

Cora Hibbard Peter to be postmaster at Saint Clair, Mo., in place of O. S. Cardwell. Incumbent's commission expired March 29, 1936.

Fred Blattner, Jr., to be postmaster at Wellsville, Mo., in place of A. B. Keadle. Incumbent's commission expired March 10, 1936.

MONTANA

William G. Kelly to be postmaster at Kalispell, Mont., in place of H. St. J. Cannon, resigned.

Ethel H. Burchak to be postmaster at Stanford, Mont., in place of C. C. Alexander, deceased.

Reginald W. Spangler to be postmaster at Superior, Mont., in place of R. C. Spangler, resigned.

NEBRASKA

Mina E. Andersen to be postmaster at Bristow, Nebr., in place of A. B. Enborg, transferred.

Harry H. Row to be postmaster at Davenport, Nebr., in place of R. H. Surber. Incumbent's commission expired June 2, 1934.

Isaac D. Brownfield to be postmaster at Hershey, Nebr., in place of A. L. Coker, removed.

Frederick J. Eichenberger to be postmaster at Kimball, Nebr., in place of M. A. Brady. Incumbent's commission expired February 5, 1936.

NEW HAMPSHIRE

Eli J. King to be postmaster at Berlin, N. H., in place of A. R. Chapman. Incumbent's commission expired February 5, 1936.

William P. Nolin to be postmaster at Claremont, N. H., in place of H. L. D. Severance. Incumbent's commission expired February 5, 1936.

J. Edward Damour to be postmaster at Henniker, N. H., in place of E. H. Beane. Incumbent's commission expired May 10, 1936.

Georgia DuVoy to be postmaster at Hooksett, N. H., in place of G. W. Robie. Incumbent's commission expired April 15, 1934.

Arthur A. Groteau to be postmaster at Marlboro, N. H., in place of C. L. Bemis. Incumbent's commission expired February 5, 1936.

James E. Shepard, 2d, to be postmaster at New London, N. H., in place of A. J. Gould. Incumbent's commission expired February 5, 1936.

Albert F. Priest to be postmaster at Newmarket, N. H., in place of H. B. Pinkham, resigned.

Edward A. Davis to be postmaster at North Conway, N. H., in place of H. D. Eastman, deceased.

Martin J. Keenan to be postmaster at Peterborough, N. H., in place of H. F. Smith. Incumbent's commission expired February 5, 1936.

Patrick J. Duffy to be postmaster at Salmon Falls, N. H., in place of E. F. Tosier. Incumbent's commission expires April 27, 1936.

William H. Pascoe to be postmaster at West Ossipee, N. H., in place of A. L. Coughlin. Incumbent's commission expired March 10, 1936.

NEW JERSEY

Raymond J. Hughes, Sr., to be postmaster at Beachwood, N. J., in place of W. B. Brown. Incumbent's commission expired February 28, 1933.

Samuel Munyan to be postmaster at Gibbstown, N. J., in place of Samuel Munyan. Incumbent's commission expired January 9, 1936.

Richard F. Holt to be postmaster at Kenvil, N. J., in place of R. F. Holt. Incumbent's commission expired January 9, 1936.

Charles V. L. Boocream to be postmaster at Milltown, N. J., in place of C. M. Hermann, removed.

John A. Smith to be postmaster at Wrightstown, N. J., in place of J. A. Smith. Incumbent's commission expired February 19, 1936.

NEW YORK

Edward T. Morrissey to be postmaster at Baldwin, N. Y., in place of H. E. Whealey, resigned.

Emma Reynolds to be postmaster at Brightwaters, N. Y., in place of H. W. Becker. Incumbent's commission expired February 4, 1935.

Jay C. Fox to be postmaster at Brocton, N. Y., in place of L. R. Ryckman. Incumbent's commission expired February 17, 1936.

George F. Green to be postmaster at De Kalb Junction, N. Y., in place of C. S. Johnson. Incumbent's commission expired January 18, 1936.

George W. Seibert to be postmaster at Narrowsburg, N. Y., in place of H. W. Koster. Incumbent's commission expired January 18, 1936.

Patrick J. O'Leary to be postmaster at Perry, N. Y., in place of Read Clarke. Incumbent's commission expired January 18, 1936.

Harry S. New to be postmaster at Valatie, N. Y., in place of H. C. McNamara. Incumbent's commission expired April 28, 1934.

Jack Batt to be postmaster at Woodmere, N. Y., in place of M. C. Seaman, resigned.

NORTH CAROLINA

Walling D. Vreeland to be postmaster at Fort Bragg, N. C., in place of W. D. Vreeland. Incumbent's commission expired February 25, 1935.

Fred H. Holcombe to be postmaster at Mars Hill, N. C., in place of P. E. Bruce. Incumbent's commission expired March 17, 1936.

Fuller T. Currie to be postmaster at Pinehurst, N. C., in place of Frank Dudgeon. Incumbent's commission expires May 19, 1936.

Perla H. Brey to be postmaster at Roper, N. C., in place of C. L. Walker. Incumbent's commission expired March 17, 1936.

Charles O. Cooper to be postmaster at Saluda, N. C., in place of Walter Thompson. Incumbent's commission expired March 10, 1936.

James Russell Wiggins to be postmaster at Wake Forest, N. C., in place of Lawrence Harris. Incumbent's commission expired February 24, 1936.

William M. Sutton to be postmaster at Windsor, N. C., in place of W. P. King. Incumbent's commission expired February 9, 1936.

Selvin N. Blanchard to be postmaster at Woodland, N. C., in place of W. F. Outland. Incumbent's commission expired February 25, 1935.

NORTH DAKOTA

Volrath H. Carlson to be postmaster at Drayton, N. Dak., in place of A. E. Gutekunst. Incumbent's commission expired February 9, 1936.

Ole H. A. Larson to be postmaster at Killdeer, N. Dak., in place of O. H. A. Larson. Incumbent's commission expired March 10, 1936.

Richard T. Burke to be postmaster at Langdon, N. Dak., in place of L. L. Gardner. Incumbent's commission expired January 7, 1936.

Florence R. Makee to be postmaster at Noonan, N. Dak., in place of W. E. Bowler, deceased.

Leah R. Huffman to be postmaster at Rugby, N. Dak., in place of E. J. Elstad. Incumbent's commission expired December 18, 1934.

Albert H. Baumann to be postmaster at Westhope, N. Dak., in place of A. J. Drake. Incumbent's commission expired January 7, 1936.

OHIO

Orville T. Castor to be postmaster at Arlington, Ohio, in place of Franklin Fasig. Incumbent's commission expired February 5, 1936.

James M. McClure to be postmaster at Ashtabula, Ohio, in place of M. E. Miller. Incumbent's commission expired January 7, 1936.

Earl C. Hillyer to be postmaster at Atwater, Ohio, in place of C. E. Spiers. Incumbent's commission expires May 23, 1936.

Albert P. Hahn to be postmaster at Baltic, Ohio, in place of C. E. Richardson. Incumbent's commission expired March 23, 1936.

William P. Ziegler to be postmaster at Belle Center, Ohio, in place of F. O. Simpson. Incumbent's commission expired February 5, 1936.

Mary Costigan to be postmaster at Berlin Heights, Ohio, in place of H. R. Hebblethwaite. Incumbent's commission expires July 13, 1936.

Robert Waugh to be postmaster at Brilliant, Ohio, in place of E. W. Mansfield. Incumbent's commission expired January 7, 1936.

Jeanette Long to be postmaster at Brunswick, Ohio, in place of O. A. Ridiker. Incumbent's commission expired December 16, 1933.

Joseph W. Johnston to be postmaster at Coshocton, Ohio, in place of H. M. Hay. Incumbent's commission expires May 3, 1936.

Francis P. Hayes to be postmaster at Crestline, Ohio, in place of S. F. Trimble. Incumbent's commission expired January 7, 1936.

Mary Ester Dunn to be postmaster at Cygnet, Ohio, in place of A. M. Eidson. Incumbent's commission expired January 7, 1936.

William E. Haas to be postmaster at Delaware, Ohio, in place of H. A. Spaulding, retired.

Ora DeVere Blizzard to be postmaster at Frazeyburg, Ohio, in place of Elizabeth McNaught. Incumbent's commission expired February 24, 1936.

Mary J. Rosebraugh to be postmaster at Hebron, Ohio, in place of C. H. Morrison. Incumbent's commission expired March 10, 1936.

Blanche L. Geiger to be postmaster at Lakeview, Ohio, in place of H. H. Hover. Incumbent's commission expired February 5, 1936.

Earl R. Leach to be postmaster at Lima, Ohio, in place of G. H. Metheany. Incumbent's commission expired January 8, 1936.

Henry Beuchat to be postmaster at Louisville, Ohio, in place of L. A. Slusser. Incumbent's commission expired January 7, 1936.

Herman C. Doellinger to be postmaster at Marysville, Ohio, in place of W. H. Snodgrass. Incumbent's commission expired March 10, 1936.

Glen F. Carver to be postmaster at Mentor, Ohio, in place of W. F. Lyons. Incumbent's commission expired February 14, 1935.

Roy C. Walker to be postmaster at Milan, Ohio, in place of R. F. Judge. Incumbent's commission expires April 27, 1936.

Ralph M. Connolly to be postmaster at Milford Center, Ohio, in place of F. C. Stillings. Incumbent's commission expired January 7, 1936.

Fred C. Banister to be postmaster at New Richmond, Ohio, in place of H. M. Day. Incumbent's commission expired January 7, 1936.

Nellie Y. Roberts to be postmaster at North Baltimore, Ohio, in place of G. B. Fulton, deceased.

Irvin H. Menter to be postmaster at Pemberville, Ohio, in place of M. E. Foster. Incumbent's commission expired April 14, 1936.

Milton C. Hickman to be postmaster at Perry, Ohio, in place of H. L. Vesey, retired.

David K. De Long to be postmaster at Perrysville, Ohio, in place of W. E. Whitcomb. Incumbent's commission expired March 10, 1936.

Cary B. Holycross to be postmaster at Plain City, Ohio, in place of F. B. McCullough, deceased.

Estella Holter to be postmaster at Racine, Ohio, in place of J. E. Simpson, Jr. Incumbent's commission expired February 24, 1936.

William B. Swonger to be postmaster at Sidney, Ohio, in place of Harry Oldham. Incumbent's commission expired January 22, 1936.

Chester A. Hostetler to be postmaster at Strasburg, Ohio, in place of A. H. Bash, retired.

Samuel A. Smith to be postmaster at Sugarcreek, Ohio, in place of E. E. Weaver. Incumbent's commission expired January 7, 1936.

John H. Petitjean to be postmaster at Versailles, Ohio, in place of R. L. Stamm. Incumbent's commission expired January 7, 1936.

Fred N. Ney to be postmaster at Weston, Ohio, in place of E. G. Lergier. Incumbent's commission expires April 27, 1936.

OKLAHOMA

Anson J. Woods to be postmaster at Arnett, Okla., in place of W. S. Sibley. Incumbent's commission expired March 18, 1936.

Ruth Hinds to be postmaster at Bethany, Okla., in place of S. H. Bundy, removed.

Joseph R. Homsey to be postmaster at Depew, Okla., in place of C. E. Werrell. Incumbent's commission expired February 5, 1936.

Blanche Zoellner to be postmaster at Mountain View, Okla., in place of Theodosia Parsons. Incumbent's commission expires June 28, 1936.

William G. Bunyard to be postmaster at Roff, Okla., in place of L. M. Merritt. Incumbent's commission expired February 5, 1936.

Oscar Speed to be postmaster at Sayre, Okla., in place of E. D. Rook. Incumbent's commission expired February 5, 1936.

Charles Walter Johnston to be postmaster at Seminole, Okla., in place of J. O. Seger. Incumbent's commission expired March 17, 1936.

Roy C. Bennett to be postmaster at Vian, Okla., in place of Ira Thatcher. Incumbent's commission expired April 5, 1936.

Blaine M. Skidmore to be postmaster at Vici, Okla., in place of H. E. Sowle. Incumbent's commission expires May 3, 1936.

Frank Bailey to be postmaster at Vinita, Okla., in place of L. L. Stryker. Incumbent's commission expires June 28, 1936.

Henry L. Neal to be postmaster at Wanette, Okla., in place of H. E. Williamson. Incumbent's commission expired March 18, 1936.

OREGON

Blanche E. North to be postmaster at Bonneville, Oreg. Office became Presidential January 1, 1935.

Sanford Stanley Partridge to be postmaster at Garibaldi, Oreg., in place of Don Ellis. Incumbent's commission expired March 10, 1936.

Glen A. Henderson to be postmaster at Houlton, Oreg., in place of L. B. Frizzell. Incumbent's commission expired February 5, 1936.

Susie B. Dillard to be postmaster at St. Helens, Oreg., in place of C. E. Lake. Incumbent's commission expired March 23, 1936.

Rosemary Schenck to be postmaster at Toledo, Oreg., in place of G. W. Trommlitz. Incumbent's commission expired March 10, 1936.

Roy G. Magnuson to be postmaster at Warrenton, Oreg., in place of Cora Eames. Incumbent's commission expired February 5, 1936.

PENNSYLVANIA

James M. Donahue to be postmaster at Coaldale, Pa., in place of Daniel Jones. Incumbent's commission expired January 28, 1935.

Ferdinand O. Niebauer to be postmaster at Fairview, Pa., in place of L. S. Schaefer, removed.

Allen R. Brumbaugh to be postmaster at Greencastle, Pa., in place of W. R. Grove. Incumbent's commission expired February 10, 1936.

William M. Cramer to be postmaster at Mifflin, Pa., in place of S. C. McClellan. Incumbent's commission expires July 15, 1936.

Margaret C. Souders to be postmaster at Mount Holly Springs, Pa., in place of W. F. Hartzell. Incumbent's commission expired July 1, 1934.

James H. Stewart to be postmaster at Tarentum, Pa., in place of I. L. Humes, retired.

SOUTH CAROLINA

Henry N. Folk to be postmaster at Bamberg, S. C., in place of H. N. Folk. Incumbent's commission expires June 28, 1936.

SOUTH DAKOTA

James T. Homme to be postmaster at Bison, S. Dak., in place of W. O. Dailey. Incumbent's commission expired February 9, 1936.

Martha Nieveen to be postmaster at Corsica, S. Dak., in place of Frank Den Beste. Incumbent's commission expired January 25, 1936.

A. Harold Hoffman to be postmaster at Frederick, S. Dak., in place of L. E. Gorder. Incumbent's commission expired January 25, 1936.

Fred Shroyer to be postmaster at Gettysburg, S. Dak., in place of L. E. Swift. Incumbent's commission expired January 25, 1936.

James A. Robertson to be postmaster at Sisseton, S. Dak., in place of P. M. Rickert. Incumbent's commission expires June 1, 1936.

TENNESSEE

William Davis Dulaney to be postmaster at Blountville, Tenn., in place of J. V. Lady. Incumbent's commission expired February 5, 1936.

William L. Moore to be postmaster at Selmer, Tenn., in place of C. A. Scott. Incumbent's commission expired February 5, 1936.

TEXAS

Oliver A. Hale to be postmaster at Abilene, Tex., in place of L. C. Payton. Incumbent's commission expired January 8, 1936.

Annie K. Turney to be postmaster at Alpine, Tex., in place of A. K. Turney. Incumbent's commission expired April 4, 1936.

Pearl Knox to be postmaster at Anson, Tex., in place of J. R. Martin. Incumbent's commission expired January 8, 1936.

Angus G. Vick to be postmaster at Belton, Tex., in place of F. W. Guffy. Incumbent's commission expired January 8, 1936.

Wilson Bradley to be postmaster at Bryan, Tex., in place of C. S. Myers. Incumbent's commission expired January 8, 1936.

Eunice C. Burroughs to be postmaster at Buffalo, Tex., in place of G. N. Merrill. Incumbent's commission expired February 5, 1936.

Erin M. McAskill to be postmaster at Edinburg, Tex., in place of A. C. Oyler. Incumbent's commission expired April 14, 1936.

Daisy E. Billingsley to be postmaster at Eliasville, Tex., in place of H. W. Cunningham. Incumbent's commission expired February 20, 1935.

Robert B. Truett to be postmaster at Franklin, Tex., in place of Ferman Carpenter. Incumbent's commission expired January 8, 1936.

Kirby J. Preston to be postmaster at Gladewater, Tex., in place of V. G. Pritchett. Incumbent's commission expired January 8, 1936.

Crown Dickson to be postmaster at Kilgore, Tex., in place of A. D. Barker. Incumbent's commission expired January 8, 1936.

Roger S. Guyton to be postmaster at McCamey, Tex., in place of Tryon Lewis. Incumbent's commission expired January 3, 1936.

William E. Thomason to be postmaster at Nacogdoches, Tex., in place of H. A. Williamson. Incumbent's commission expired January 8, 1936.

Elbert L. Tubb to be postmaster at Oakwood, Tex., in place of D. B. Scarborough. Incumbent's commission expired April 4, 1936.

John E. Cooke to be postmaster at Rockdale, Tex., in place of H. H. Turner. Incumbent's commission expired April 4, 1936.

Nora B. Starnes to be postmaster at Winona, Tex., in place of A. S. Butler. Incumbent's commission expired February 5, 1936.

Brett Hargrove to be postmaster at Woodsboro, Tex., in place of Tom Hargrove, resigned.

UTAH

Robert H. Barton to be postmaster at Layton, Utah, in place of J. W. Johnson, removed.

Vernal Twede to be postmaster at Payson, Utah, in place of A. C. Page. Incumbent's commission expired January 13, 1935.

VERMONT

Cornelius Buckley to be postmaster at Barton, Vt., in place of G. E. King. Incumbent's commission expires April 27, 1936.

Patrick Mahoney to be postmaster at Burlington, Vt., in place of P. E. Bevins. Incumbent's commission expired March 22, 1936.

Roy P. Skinner to be postmaster at Newport, Vt., in place of R. W. Buzzell, transferred.

John B. Flanagan to be postmaster at Proctor, Vt., in place of P. W. Higbee. Incumbent's commission expires April 29, 1936.

Harold J. Sheehan to be postmaster at Richmond, Vt., in place of D. L. M. Phelps. Incumbent's commission expired April 12, 1936.

Ella M. Martin to be postmaster at Rochester, Vt., in place of E. W. Chase. Incumbent's commission expired January 26, 1936.

George M. Goodrich to be postmaster at South Royalton, Vt., in place of R. A. Slater, resigned.

Marjorie M. Duval to be postmaster at West Burke, Vt., in place of C. C. Duval. Incumbent's commission expires April 27, 1936.

VIRGINIA

Rudolph Shiffer to be postmaster at Claremont, Va., in place of W. H. Haney. Incumbent's commission expired March 10, 1936.

Charlotte E. Jackson to be postmaster at Ivanhoe, Va., in place of R. S. Jackson, removed.

WASHINGTON

Aaron W. Wilson to be postmaster at Clarkston, Wash., in place of J. C. Raaberg, transferred.

LeRoy R. Reynolds to be postmaster at Concrete, Wash., in place of N. E. Merryweather, resigned.

John A. Bush to be postmaster at Dishman, Wash., in place of Nellie Tyner. Incumbent's commission expired March 10, 1936.

James H. Van Gesen to be postmaster at Ellensburg, Wash., in place of A. E. Emerson. Incumbent's commission expired January 8, 1936.

Robert Kinzel to be postmaster at Entiat, Wash., in place of C. C. King, resigned.

Selma Peterson to be postmaster at Marcus, Wash., in place of H. L. Lockhart. Incumbent's commission expired January 28, 1936.

William B. Dingle to be postmaster at Newport, Wash., in place of C. A. Fiedler. Incumbent's commission expired February 5, 1936.

George Allan Carlin to be postmaster at Port Ludlow, Wash., in place of A. F. Learned. Incumbent's commission expired January 28, 1936.

Henry Thom to be postmaster at Ritzville, Wash., in place of R. E. Edwards. Incumbent's commission expires May 2, 1936.

Thomas Woodward to be postmaster at Roslyn, Wash., in place of James Lane. Incumbent's commission expired February 5, 1936.

James F. Brislaw to be postmaster at Sprague, Wash., in place of R. O. Logsdon. Incumbent's commission expired January 28, 1936.

Arthur R. Schooler to be postmaster at Tieton, Wash., in place of F. H. Lester. Incumbent's commission expired March 10, 1936.

May Hanson to be postmaster at Touchet, Wash., in place of O. L. Renn. Incumbent's commission expired January 8, 1936.

Genevieve C. Maurer to be postmaster at White Salmon, Wash., in place of R. J. Robertson. Incumbent's commission expires April 27, 1936.

WEST VIRGINIA

Arthur Jackson to be postmaster at Littleton, W. Va., in place of G. S. Stidger. Incumbent's commission expired January 7, 1936.

John R. Plattenburg to be postmaster at New Cumberland, W. Va., in place of G. B. Beebout. Incumbent's commission expired January 7, 1936.

Claude E. Mills to be postmaster at Newell, W. Va., in place of A. H. Brown. Incumbent's commission expired February 9, 1936.

Denvil G. Dillion to be postmaster at Whitesville, W. Va., in place of A. R. Bibby, deceased.

WISCONSIN

Lawrence Willkom to be postmaster at Boyd, Wis., in place of P. E. Korb, deceased.

Albert A. Beck to be postmaster at Dorchester, Wis., in place of H. E. Garbisch, resigned.

Leonard P. Sheehy to be postmaster at Ettrick, Wis., in place of C. M. Johnson. Incumbent's commission expired January 22, 1935.

Aloys H. Vos to be postmaster at Kansasville, Wis., in place of L. W. Daniels. Incumbent's commission expired February 10, 1936.

Richard H. McCarty to be postmaster at Kaukauna, Wis., in place of A. R. Mill. Incumbent's commission expires May 19, 1936.

William H. Brown to be postmaster at Laona, Wis., in place of Anton Schiesl. Incumbent's commission expired January 18, 1936.

Marion L. Shafer to be postmaster at Muscoda, Wis., in place of H. J. Vruwink. Incumbent's commission expired June 19, 1933.

Lorraine M. Lannoye to be postmaster at Oostburg, Wis., in place of H. W. Nyenhuis. Incumbent's commission expired January 22, 1936.

Raymond Novotny to be postmaster at Oshkosh, Wis., in place of A. H. Gruenewald, resigned.

Jennie C. Thomm to be postmaster at Oxford, Wis., in place of N. E. McNutt. Incumbent's commission expires April 27, 1936.

John M. Kippenhan to be postmaster at Slinger, Wis., in place of John Feutz. Incumbent's commission expired January 22, 1936.

Harvey S. Northrup to be postmaster at Waupun, Wis., in place of C. C. Harris. Incumbent's commission expires June 1, 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 17 (legislative day of Feb. 24), 1936

PUBLIC WORKS ADMINISTRATION

Alvin D. Wilder to be State director of the Public Works Administration in California.

Forrest M. Logan to be State director of the Public Works Administration in Indiana.

George H. Sager, Jr., to be State director of the Public Works Administration in Kentucky.

Louis A. Boulay to be State director of the Public Works Administration in Ohio.

William F. Cochrane to be State director of the Public Works Administration in South Dakota.

Richard A. Hart to be State director of the Public Works Administration in Utah.

Eugene R. Hoffman to be State director of the Public Works Administration in Washington.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 17 (legislative day of Feb. 24), 1936

POSTMASTER

NORTH CAROLINA

Olivia A. Oppelt to be postmaster at East Flat Rock, in the State of North Carolina.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 17, 1936

The House met at 12 o'clock noon.

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

Our gracious Father in Heaven, be pleased to hear us as we wait at the altar of prayer. Grant grace, mercy, and peace to each of us and withdraw not the shield of Thy holy presence. We pray Thee, blessed Lord, to give us rich conceptions of the constancy of Thy goodness, which is woven of the silver and golden threads of divine affection. We entreat Thee to enlighten us in all our labors and inspire us to wise action, and may we seek to embody the truth in our thoughts and deliberations. We would hear the vow of the teacher of Israel: "I will behave myself wisely in a perfect way. I will set no wicked thing before mine eyes. I will hate the work of them that turn aside; it shall not cleave to me; a froward heart shall depart from me and I will not know wickedness." In the name of our Lord and Master. Amen.

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on April 13, 1936, the President approved and signed bills and a joint resolution of the House of the following titles:

H. R. 11323. An act 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.;

H. R. 11849. An act to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925; and

H. J. Res. 526. Joint resolution to authorize the Librarian of Congress to accept the property devised and bequeathed to the United States of America by the last will and testament of Joseph Pennell, deceased.

FEES OF JURORS AND WITNESSES IN UNITED STATES COURTS

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 568, to provide an additional appropriation for fees of jurors and witnesses, United States courts, for the fiscal year 1936.

The Clerk read the title of the joint resolution.

Mr. TABER. Mr. Speaker, reserving the right to object, the hearings before the Appropriations Committee indicate that the appropriation, as I understand it, is exhausted or will be within a week and they have not the money to pay the jurors and the witnesses for the rest of this fiscal year. Is it not true, may I ask the gentleman from Texas, that they will have to shut down the courts if we do not do this?

Mr. BUCHANAN. I am advised by the Attorney General that they will have to shut down the courts unless the appropriation is made. The appropriation is now \$100,000 in the red.

Mr. RICH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman the amount of the appropriation.

Mr. BUCHANAN. Nine hundred thousand dollars.

Mr. RICH. And that is for witnesses?

Mr. BUCHANAN. Witness fees and fees of jurors in all United States courts.

Mr. RICH. And this is absolutely necessary in order to conduct the business of the courts?

Mr. BUCHANAN. Certainly, and Congress cannot control the amount, because the cases are called for trial and the judges approve the bills; and whatever bills are approved, we have to pay. The fees are fixed by law.

Mr. RICH. I may say to the gentleman that I appreciate the work the gentleman is doing to keep down the expenses of government, but the gentleman ought to let the judges of this country know also that they are bringing in here exorbitant bills that they want us to approve, and it is our duty not only to look after the expenses we are incurring but the expenses incurred by other people who are coming here to ask for the money of the taxpayers, and I hope the gentleman will insist that they keep this expense down to the minimum.

Mr. BUCHANAN. We try to do that.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I should like to ask the gentleman why one statement was made that unless this appropriation is provided we would have to close up the courts within a week, and another statement was made that we are now \$100,000 overdrawn. Which statement is correct?

Mr. BUCHANAN. They are both correct.

Mr. BOILEAU. If we have gone \$100,000 in the red so far, how has that happened?

Mr. BUCHANAN. Obligations have been incurred by various courts in holding scheduled trials. There is no more money to pay jurors and witnesses and we cannot ask them to continue to hold court and tell jurors and witnesses they have no money to pay them. The overobligation of \$100,000 distributed among all our courts is not very embarrassing, but it does become so if it increases very much more without funds.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, if the courts were closed for a year, would we not be better off?

Mr. BUCHANAN. I think not. I am in favor of law and order.

Mr. ZIONCHECK. I differ with the gentleman, but I am not going to object.

There being no objection, the Clerk read the House joint resolution, as follows:

House Joint Resolution 568

Resolved, etc., That for an additional amount for fees of jurors and witnesses, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1936, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$900,000 for the fiscal year 1936.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL AND SELECT COMMITTEES OF THE HOUSE

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 567) to provide an additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1936.

The Clerk read the title of the joint resolution.

Mr. TABER. Mr. Speaker, as I understand it, this is required as a result of the deficiency that is in prospect as a result of the action of the House in giving this authority to spend money.

Mr. BUCHANAN. I will state to my colleague that it is the result of the action of the House in authorizing these investigations and then fixing by resolutions the amount that may be expended by the several investigating committees. The Appropriations Committee and the Accounts Committee have no control over it after the House authorizes