John A. O'Donovan, Coraopolis.
John A. Barron, Cornwells Heights.
Foster W. Haverley, Covington.
Edna M. Transue, Delaware Water Gap.
Francis A. Fonash, Doylestown.
John P. May, East Brady.
Faye M. Slavin, Eldred.
Elijah E. Hall, Elizabeth.
Florence I. Kurtz, Elverson.
Willis C. Jack, Freedom.
Howard D. Brown, Friedens.
Della M. Sullivan, Genesee.
William J. Tye, Gordon.
John T. Painter, Greensburg.
Adam L. Winters, Holtwood.
John D. McConegly, Homestead.
Margaret Clifford Schandel, Jefferson.
John H. Boltz, Jonestown.
John W. Mills, Koppel.
Helen P. Harter, Laurelton.
James Frank Groover, Lewisburg.
Walter E. Snyder, Lykens.
Ruth Elizabeth Mackley, Manheim.
J. Merrell Mattern, Mars.
Joseph Samuel Raisner, Marysville.
Alexander Rankin, McKeesport.
Katherine M. Sherlock, Merion Station.
Genevieve C. McMahon, Mildred.
Walter S. Hattwick, Mill Hall.
Charles G. Kleckner, Millmont.
R. D. Hiram Hagenbuch, Montgomery.
Jackley L. Hines, Mount Jewett.
Charles J. Bennett, Mount Joy.
Howard R. Miller, New Ringgold.
Elmer M. Newton, New Wilmington.
William R. Kimble, Nottingham.
Michael P. Murphy, Oil City.
Ethel T. Croft, Osceola.
Edgar L. Ely, Polk.
Edward J. Donahue, Port Carbon.
Harry B. Wimer, Quarryville.
John L. Gates, Quincy.
James P. Monahan, St. Clair.
Morris A. Shappell, Shoemakersville.
Charles Q. Flickinger, Stowe.
Charles W. Johnston, Strasburg.
John T. Grady, Tobyhanna.
Harry E. Merritt, Ulysses.
James D. Brakeman, Union City.
Mary L. Carl, Vestaburg.
Charles S. Shaw, Waterford.
Catherine W. Stevenson, Waverly.
Thomas M. Hiester, Wernersville.
William T. Feaser, West Fairview.
John B. Brennen, Wilcox.
Frank E. Plankenhorn, Williamsport.
Henrietta T. McAvoy, Willow Grove.
Milton R. Luft, Wyomissing.
Ruth A. Fetter, Yardley.

PUERTO RICO

Jose Alejandro Principe, Juncos.
Enrique Rossy, San German.

TENNESSEE

Lyle S. Alexander, Ridgely.

UTAH

Eugene C. Gibson, Helper.

VERMONT

Irene M. Vaughn, Arlington.
Owen W. McShane, Poultney.

WASHINGTON

John M. Hurley, La Conner.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 16, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of our Heavenly Father, whose goodness and mercy never faileth. We beseech Thee to be everywhere as an abiding power and influence, shaping the destinies of men and nations. We wait upon Thee, O Lord, that our minds and hearts may be in harmony with Thy holy will. Give us a large outlook upon life; may the needs of a better world inspire us to noble and unselfish service. With patience and fortitude may we fulfill the obligations which the citizens of our land have placed upon us. Out of Thy abundance, do Thou bestow blessings of happiness and good health upon all. Be Thou the lamp unto our pathways when our skies are overcast and the way is confused. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 8, 1936:

H. R. 12120. An act to provide for the further development of vocational education in the several States and Territories.

On June 15, 1936:

H. R. 6772. An act to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes;

H. R. 8271. An act to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics and related subjects, and for other purposes", approved May 22, 1928; and

H. R. 9183. An act to provide for the extension of the boundaries of the Hot Springs National Park in the State of Arkansas, and for other purposes.

On June 16, 1936:

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9483. An act to extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become part of the Umatilla and Whitman National Forests;

H. R. 11614. An act to amend the Judicial Code to divide the middle district of Georgia into seven divisions by adding a new division to the middle district, and providing for terms of said court to be held at Thomasville, Ga.; and

H. R. 12073. An act to reserve certain public-domain lands in New Mexico as an addition to the school reserve of the Jicarilla Indian Reservation.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 476. An act relating to promotions of civil-service employees;

S. 2293. An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States;

S. 4552. An act to extend the retirement privilege to the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation; and

S. J. Res. 286. Joint resolution fixing the date of meeting of the Seventy-fifth Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5368) entitled "An act to provide for the addition of certain lands to the Chalmette National Monument in the State of Louisiana, and for other purposes."

The message also announced that the Senate had ordered that the Secretary be directed to request the House to return to the Senate the bill (S. 4740) to provide a graduated scale of reduction of payments under section 8 of the Soil Conservation and Domestic Allotment Act.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate no. 136 to the bill H. R. 9185, entitled "An act to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4105. An act authorizing the Secretary of Agriculture to convey certain lands to the Maryland-National Capital Park and Planning Commission, of Maryland, for park, parkway, and playground purposes.

LAYING OF THE CORNERSTONE, BRONX (N. Y.) POST OFFICE BUILDING

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address made by the Postmaster General, Hon. James A. Farley, at the laying of a cornerstone in the Bronx, N. Y., on June 13, 1936.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RICH. Reserving the right to object, is that James A. Farley? Is he the man who is running Roosevelt for President?

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Postmaster General James A. Farley at the laying of the cornerstone of the Bronx (N. Y.) Post Office Building at 12 o'clock noon, Saturday, June 13, 1936:

This is a historic day in the postal, social, and business life of the great Borough of the Bronx and it is a particularly happy day for me. I feel deeply honored in being permitted to join old friends in laying the cornerstone, which is the beginning of a magnificent post-office building—a building which will be a monument to the business enterprise of the citizens of this borough.

I understand that all of my predecessors for the past 35 years studied the problem as to whether a central post office should be located in the Bronx. When I became Postmaster General I learned that property had been acquired as early as 1910 upon which to erect an adequate post-office building, and that in 1914 additional land was purchased.

For more than 20 years the need for a central post office in the Bronx has been realized and I do not know why one has not long ago been provided. I have found no reason why the Bronx should not have as adequate postal facilities as any other city. Post-office records show that as early as the year 1900 there was correspondence and discussions about such a building as the one for which we are laying the cornerstone today, but the plans for the present building necessarily are on a much larger scale than were those contemplated 36 years ago, when the population of the borough was but 200,000.

I feel that I know the postal needs of the city of New York. This city provides one-tenth of the entire postal revenues of the United States. It is the greatest national and international business center in the world. Annually there are mailed here for dispatch to the several States of the Union and all parts of the world approximately 1,000,000,000 letters, 600,000,000 pieces of advertising mail, and 50,000,000 parcel-post packages.

The population of this borough is now estimated at more than 1,500,000, with a social, commercial, financial, and educational life requiring the very highest type of mail service. This immense population brings this borough into the group of the five greatest cities of the United States.

This splendid edifice will provide a central delivery point for mail in the entire Bronx area and for the delivery district in Manhattan north of One Hundred and Thirtieth Street. It will also be used as a distribution point for outgoing letter mail collected after delivery hours. The building will be 280 by 196 feet, with basement and three stories. The exterior walls will be of faced brick, with granite base to first-floor line and glazed or enamel-faced brick above and trimmed in limestone. There will be approximately 57,700 square feet available for post-office work space. The first floor and part of the second floor will be devoted to post-office activities, and the balance of the space will be assigned to other Government agencies and devoted to storage and miscellaneous uses. The basement space will contain a garage for our motor vehicles, and in every way the building will be a credit and an ornament to your community. It is to be constructed within 400 calendar days from September 19, 1935, which was the date of the notice to proceed with construction.

It is pleasing to me that the present administration so early and so clearly saw the necessity for such a post-office building as we are erecting. I am confident that the allotment made by the Secretary of the Treasury and myself for this building will be wisely expended and will result in many advantages to the community and the Postal Service.

The contract for the construction was awarded to the Caldwell, Wingate Co. of New York, for a building to cost $1,320,273.

At this time I would like to commend the business interests of the Borough of the Bronx who have labored so earnestly in securing what I know will be a magnificent and serviceable post-office building. When it is dedicated within a few short months a well-deserved tribute can be paid to the architects of the Treasury Department, to the contractors, and to the artisans whose skill and good work will be manifested in the building, at once imposing in appearance and designed to afford the best possible postal service. It will be so arranged that those who work within its walls will do so under the most pleasant and healthful conditions.

Realizing that efficiency is promoted by pleasant and healthful surroundings, the Post Office Department is constantly endeavoring to improve the working conditions of the men and women in the Postal Service. There are more than 250,000 of these employees, and they are, as a rule, the best type of American citizen. They are industrious, conscientious, capable, and loyal, and they take a special pride in the Service. I have visited with them in post offices, in railway terminals, and mail cars in many parts of the country and have been greatly impressed by the fine spirit in which they perform their tasks. The morale of those in the Service is really remarkable and is the source of great pride.

Recently I was privileged to speak at the dedication of the New York City Post Office Annex and I pointed out that Federal buildings to house 16 postal stations in New York City and 4 in Brooklyn were then under construction or were about to be placed under construction. These 20 postal stations, together with the New York Post Office Annex and the Bronx Post Office, make up a Federal building program which is designed to provide modern structures with ample space for present and future needs at points where it has been determined that postal accommodations of a permanent nature are required.

During the past 3 years many improvements have been made in the Postal Service. Under the act of June 19, 1934, Congress appropriated $65,000,000 for public-building construction, and on August 12, 1935, an additional sum of $60,000,000 was provided for this purpose.

Under these authorizations 713 projects will be consummated. Of this number, 89 have already been completed and more than 250 additional are under contract.

These new buildings are being erected in every State of the Union as well as in the Territorial and island possessions.

Legislation now pending in Congress contemplates an additional $60,000,000 for public buildings, which will permit construction in approximately 350 additional towns and cities.

The Railway Mail Service has been very largely reorganized during the past 3 years and much excess railway mail-car space has been eliminated.

The domestic air-mail system has been entirely reconstructed so that we have 15 percent more service than we had 2 years ago, and we are obtaining the greatly expanded service for $12,000,000 a year as against approximately $20,000,000 in 1932.

The foreign air-mail system, which connects the United States with the various countries of South and Central America, Cuba, Mexico, and Canada, is now operated with better planes and faster schedules and at a saving of about $1,000,000 a year.

Last October we inaugurated a trans-Pacific air-mail service and we expect that by next summer a trans-Atlantic service will be in operation.

In addition to these air-mail services we have established a route connecting the islands of the Hawaiian group and we are operating services in Alaska.

The Rural Free Delivery Service has been greatly improved and its cost to the Government has been reduced to the extent of several million dollars a year.

The ocean-mail service has likewise been improved and savings have been effected in this service which amount to more than $2,000,000 a year.

The system of accounting has been brought up to date so that the Department has current information as to its receipts and expenditures, whereas formerly it was at least 4 months after a given period when such information was available.

Last October a 40-hour working week for postal employees was put into effect.

These are some of the improvements which have been made under the present administration.

Postal receipts for the last fiscal year were approximately $44,000,000 more than for the preceding fiscal year. The Department's deficit for ordinary postal operations of $150,000,000 during the fiscal year 1932 was last year turned into a surplus of $4,000,000. Postal receipts show a steady and consistent increase, which is real evidence of constantly improving business conditions throughout the country.

The Post Office Department performs many services which are entirely apart from postal activities. It administers the merchant marine and aviation subsidies; it conducts a great postal savings system; it sells Government bonds for the Treasury Department; and it sells revenue stamps and migratory bird stamps. During the heavy snowstorms of the winter rural carriers feed the birds in outlying sections, and at one time the Department took a Nation-wide census for the Department of Agriculture. Through its inspectors it assists local, State, and Federal law-enforcement agencies in apprehending criminals.

Beginning Monday, the Department, through the post offices, will handle the payment of veterans' bonus bonds. This is one of the most important duties outside of its regular activities which has ever been placed upon the Department. Every effort is being made to the end that these bonds may be gotten into the hands of the veterans with as little delay and inconvenience to them as possible. The Department is ever ready and eager to serve the public.

As I think of this and other hundreds of new post-office buildings which the Government is erecting in all parts of the country for the benefit of the people and the improvement of the postal service, I wonder if those critics of the Roosevelt administration who find fault with everything it does and everything it tries to do will condemn this building program. So far they have not done so and, in fact, most of their criticisms are of a very general nature. They rarely, if ever, present a bill of particulars.

When I read the howls and moans of the so-called Liberty League, the spokesmen for the special interests, and the Old Guard Republican leaders about how the Roosevelt administration is "destroying American institutions", "wrecking the American system", and "establishing a despotic dictatorship", I naturally look around to see upon what these howls and moans are all about, and, to save my life, I cannot discover any basis whatsoever.

What do they mean by "destroying American institutions"? What do they mean by "wrecking the American system"? What do they mean by the "setting up of a dictatorship"? I am forced to conclude that these are the general terms with which they hope to create a bugaboo to frighten the American voters.

Have they condemned the saving of the banks by the Roosevelt administration?

Have they objected to the life line which the Roosevelt administration has thrown out to railroads, to insurance companies, and to many important industrial interests?

Would they repeal the law passed by this administration which insures the bank deposits of the people?

Are they willing to assert that the administration should not have protected and saved the homes and farms of hundreds of thousands of American citizens who were on the verge of being thrown out because they were unable to meet mortgages?

Will they go on record as declaring that the administration was wrong in its efforts to put the farmers of the country back on a self-sustaining basis?

Would they stop relief for destitute citizens and permit these unfortunates to starve?

Would they repeal the law which protects investors against worthless securities?

Would they repeal the law which eliminates the abuses that have characterized many of the great public utility holding companies?

Do they object to the action of the administration in providing the C. C. C. camps, which took hundreds of thousands of young men off the streets and highways and put them into useful work?

Do they condemn the efforts of the administration to bring about better working conditions, hours, and wages for labor?

Do they advocate the repeal of the social security law?

Are they opposed to the efforts of the administration to break down trade barriers between the United States and foreign countries so that American agricultural and industrial products can find a market in other countries?

Let them answer these questions specifically and unequivocally. Whether they do or do not make open and frank answers to these questions, the people of this country can determine for themselves if the enlightened and progressive policies of the Roosevelt administration are "destroying American institutions", "wrecking the American system", and "setting up a dictatorship."

Many of these critics seem to regard special privileges and indifference to the welfare of the people generally as the American system. If this is the case, the quicker we substitute a real American system the better.

It has been a great pleasure for me to be with you today. I hope to be with you again when this building is opened for business so that I may rejoice with you in the fulfillment of a hope which the citizens of the Bronx have labored so long to accomplish.

P. W. A.

Mr. BEITER. Mr. Speaker, today is the birthday of P. W. A. I ask unanimous consent to insert in the RECORD a statement by Administrator Ickes on this anniversary occasion, in which he gives account of the competence of P. W. A. since its inception.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, today is the birthday of P. W. A.! Under leave to extend my remarks in the RECORD, I include the following statement of Administrator Ickes on this anniversary occasion, in which he gives a very competent accounting of the accomplishments of P. W. A. since its inception:

Tomorrow P. W. A. will be 3 years old and "going on 4."

P. W. A.'s first program, embracing both Federal and local projects, a number of them of monumental character and therefore requiring several years for completion, has been practically finished. The second program, entirely non-Federal in character, is climbing to its peak. A third program, likewise a cooperative effort between the Federal Government and local communities, is about to be undertaken in conformity with the policies and practices that were controlling in the second program.

This birthday statement is in the nature of a report to the people of what P. W. A. has done during the past 3 years, while affording me an opportunity, as Administrator, to express my appreciation to the country for its generous acceptance of that program. The widespread interest manifested in public works has been due to the fact that, through P. W. A., States, counties, and municipalities, even to the smallest of villages, have had an opportunity to share directly in the President's recovery program through their own planning and initiative and by the selection of those projects that they considered the most needed and useful.

P. W. A. has required tangible proof of community interest in the form of local cash and local votes before a project was undertaken. Always P. W. A. has insisted that localities pay out of their local resources the major part of the money needed. Formal declaration of local desires in many instances has also been mandatory with the result that over 10,000,000 votes have been cast in local elections on P. W. A. projects with more than 83 percent of such projects receiving endorsements. The public-works policy has been that projects must be good enough for the community to be served before they are good enough for P. W. A. That policy will be continued.

We of P. W. A. take genuine pride in our record. True, P. W. A. has had its ups and downs; its bright and dark days. But with it all the Public Works Administration has performed the task assigned to it and after 3 years it has, in my opinion, proved itself an effective instrument of recovery. No one asserts that P. W. A. has been responsible for all of the economic improvement that has taken place, but I do say that through the creation of direct and indirect employment made possible by the construction of useful public works and by the production and transportation of materials and supplies that are built into the projects the Public Works Administration has been a potent factor in the fight against the depression.

PURPOSES OF P. W. A.

Three years ago tomorrow morning President Roosevelt affixed his signature to the act of Congress which created the Federal Emergency Administration of Public Works. The title of that act declared, among other things, that its purpose was "to provide for the construction of certain useful public works." A declaration of policy, embodied in the very first section of the act, also asserted that it was the policy of the Congress "to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources."

That was the mandate from the American people; that was the direct order from the President and the Congress; and that direction has been and will continue to be carried out.

USEFULNESS OF P. W. A. PROJECTS

It is agreed that the thousands of projects that have been built with the assistance of P. W. A. loans and grants are "useful public works." The great Triborough Bridge in New York City is a "useful public work", and so, too, are the schoolhouse at Lyme, Conn., and the disposal plant at Lumpkin, Ga.

As well as being "useful" in the accepted sense, P. W. A. projects must also qualify as "socially desirable." Usefulness and social desirability are important criteria for public works, but before we recommend a non-Federal project to the President for an allotment it must also undergo rigid tests as to legality, engineering feasibility, and, of equal importance, financial soundness.

The thousands of serviceable public facilities now in use and other thousands now under construction are the best evidence that

this policy has been sound. No contention has been made that P. W. A. projects are not "useful." Our record for 3 years on the score of the usefulness of the work we have done would meet any such challenge.

EMPLOYMENT—DIRECT AND INDIRECT

In 36 months P. W. A. has provided approximately 5,801,000 man-years of direct and indirect employment.

Over a 3-year period this is equivalent to jobs for nearly 2,000,000 men a year, many on construction sites and more in indirect labor.

Had it not been for our program many persons who shared in this work would have been forced to apply for relief.

P. W. A. has accomplished much more in providing employment than is commonly supposed. Tables of figures of the number of men working on P. W. A. projects frequently reflect only the number working at the site of the project. In reality, this site construction employment is a small part of the vast volume of work that has been created by P. W. A.

A factual study by the Department of Labor's Bureau of Labor Statistics recently, showed that the ratio of indirect to direct employment on completed P. W. A. municipal power plant projects is 4½ to 1. In other words, for every man employed on the site of these projects there are between four and five men employed off the site in mines, manufacturing plants, and transportation. The indirect labor on power projects is higher than on many other types.

I am neither an economist nor a statistician, but even a Chicago lawyer knows that the materials that go into schoolhouses, waterworks, sewer systems, bridges, and similar construction projects have to be produced and transported. Assuming that this ratio may be 3 to 1—estimates range all the way from 1 for 1, on upward—it can be readily seen that if P. W. A. has an average monthly site employment of 250,000 men, actually the total employment is 1,000,000.

One of our difficulties has been to get people to realize the existence of this "behind-the-lines" employment. But as the public-works program has grown in popular favor, people generally are coming to appreciate the fact that it is the so-called indirect labor that has benefited most from P. W. A. allotments.

After all, what difference does it make whether a man has a job on the site of a project or whether he is employed in a mill or a shop a thousand miles distant? That he has a job that he holds on merit, working just as if on a private construction task at prevailing wages, is what is important.

INDUSTRIAL REHABILITATION

P. W. A. allotments and other expenditures which have resulted from P. W. A. aid to local communities have had a tremendously beneficial effect in the construction trades and on business and industry generally.

Creation of work at prevailing wages, the purchase of vast quantities of steel, iron, lumber, cement, brick, and other building materials and orders for new machinery and other plant equipment not only have reopened fields of employment throughout industry but have provided a much-needed increased national purchasing power.

To date about $1,352,000,000 of the money allotted to P. W. A. have been expended for materials and supplies. The biggest part of this has gone directly to labor.

All of this, of course, has been of incalculable benefit to the capital-goods industries. Records are kept of orders for materials, making it possible to measure with some degree of accuracy the upward trend induced by this stimulation. Naturally it is more difficult to trace the beneficial influences that have been felt in consumers' goods, but we know that a very large proportion of the money that goes for wages soon finds its way to the grocer, the clothier, the shoe store, and in other channels of trade.

LOCAL CONTRIBUTIONS

The local contribution to every one of the more than 8,000 non-Federal P. W. A. projects has been considerably more than the amount granted by the Federal Government.

P. W. A. loans for local projects are regarded as local contributions, because the borrower in good faith contracts to and will repay the amount of the loan, plus interest at 4 percent. Instead of borrowing from P. W. A. the amount of its loan, a local community frequently draws upon its own cash reserves or raises money through the sale of its securities to some purchaser other than P. W. A.

In the first public-works program, where the grant was 30 percent of the cost of the labor and materials involved in the project, the local public bodies provided, either from their own resources or through the sale of bonds to P. W. A. or outside sources, $870,083,862 to supplement P. W. A. grants of $275,917,501. Thus P. W. A., through the granting of slightly over $275,000,000, enabled States, counties, municipalities, and other public bodies to construct useful public-works projects valued at $1,146,001,363.

P. W. A. also loaned approximately $200,000,000 to more than 30 railroad companies for steel rails and equipment, and to date has sold more than $180,000,000 worth of the securities it held as collateral.

In the so-called second public-works program, P. W. A. received from the $4,880,000,000 works-relief appropriation some $336,000,000 for 45-percent grants. Local communities, however, either borrowed from the P. W. A. revolving fund or supplied from their own resources funds to the extent of $468,580,679 enabling them to proceed with a construction program estimated to cost $805,246,679.

By granting $612,583,501 since June 1933 to approximately 8,000 community projects, P. W. A. has set in motion a Nation-wide construction program, the value of which is estimated at nearly $2,000,000,000. The exact figure at the close of April was $1,951,248,042.

STATUS OF P. W. A. PROGRAM

It is a mistaken idea that all of the funds appropriated in the national industrial recovery and subsequent acts have gone for public works. To June 1 of this year a little less than $3,000,000,000 has been allotted through P. W. A. for construction purposes, or about $1,000,000,000 a year during the past 3 years. About half of this total, or $1,558,051,270 was allotted for Federal projects, including large outlays for naval vessels, Army housing, rivers and harbors, Federal-aid highways, and other regular activities of the Government. P. W. A. allotments for non-Federal construction purposes have been $1,215,200,396, exclusive of railroad loans.

The estimated expenditures on P. W. A.'s Federal and non-Federal program amount to $2,292,000,000. Of nearly 17,000 projects started during the first program, 86.7 percent are completed and in use, including 14,149, or 90.8 percent of the Federal projects, and 2,786 or 70.7 percent of the non-Federal undertakings. About three-fourths of the money allotted under the first program has been expended.

More than 90 percent of the 4,031 projects under the second program are under construction. More than 100 of these new projects have been completed. With the exception of a few of the larger engineering structures all of the projects in the second program will be completed by this winter.

P. W. A. has never made forecasts. It is now ordered to continue its work and undertake a new program. It again refrains from prophecies and will make no promises as to how many new projects it will approve or when or for what amounts. As has been customary, the record will be written on the basis of performance.

The same established policies and methods of administration that have prevailed in the past 3 years will continue in the future. P. W. A. will not fail to give the country its best.

PRODUCTION OF SUGAR AND RICE

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a letter from Secretary Hull, which has to do with reciprocity, and tables showing imports and exports of commodities and production within continental United States and abroad.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. RICH. Reserving the right to object, it seems to me if you put in the tables showing the imports and exports, which will show the great amount of imports that are coming into this country, it would be a mighty fine thing for the people of the country, and they will stop these one-man reciprocity-trade agreements.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DEROUEN. Mr. Speaker, I have in mind particularly a discussion of the problems of our cane-sugar production as well as our rice production. We are the largest cane-sugar and rice-producing State in the Union. We feel that we are not receiving our just dues with the present quota of 220,000 tons when in fact the State produces 350,000 or 450,000 tons of sugarcane.

Secondly, it is the only sugar-producing State that does not receive benefit payments on its entire production. We receive those payments on less than 50 percent of our production. I feel I must protest and put into the RECORD that particular phase of the situation.

Of course, I have in mind particularly to deal with Cuba as our rice market. Cuba is our closest neighbor. Cuba has received many concessions from the States producing sugar, and it seems to me that Cuba ought to reciprocate to the extent of allowing us to recoup some of the losses made on our sugar, by entering the Cuban market with a certain quantity of our rice free of duty.

The Cuban market is our salvation. There are many reasons why Cuba should permit our United States rice to

enter free of duty. For instance, as I previously stated, the State of Louisiana is the largest rice-producing State in the Union, and it is also the largest cane-sugar-producing State in the Nation. Cuba has enjoyed for years many concessions on sugar, while Louisiana has always and is now suffering and penalized in the present sugar quota of 220,000 tons allotted to us, when, in fact, the State produces 350,000 tons to 450,000 tons of sugar, and besides it is the only State producing sugar which does not receive benefit payments on its entire production.

I shall now proceed with the world picture of American rice as the industry and myself view it, and I now read a letter I received from the Honorable Cordell Hull, of the Department of State:

DEPARTMENT OF STATE,
Washington, April 4, 1936.

The Honorable RENÉ L. DEROUEN,
House of Representatives.

MY DEAR MR. DEROUEN: I have received your letter of March 23, 1936, with reference to the United States exports of rice to Cuba. I am glad that you have given me this opportunity to point out several facts in connection with our rice exports to Cuba, and to comment upon bilateral balancing of foreign trade and upon the Government's trade-agreements program.

Under the trade agreement with Cuba, the Cuban duty on unhulled rice from the United States was reduced from ₱1.92 to ₱1.60 per 100 kilograms, and on hulled or semihulled rice, from ₱2.22 to ₱1.85 per 100 kilograms. Furthermore, the Government of Cuba guaranteed that rice from the United States should enjoy a preferential reduction of 50 percent from the lowest duty applicable to imports of rice into Cuba from any other country.

These reductions in duty have already resulted in a substantial increase in United States exports of rice to Cuba. In the year preceding the conclusion of the trade agreement, September 1933 to August 1934, our shipments of rice to Cuba amounted to 71,400 pounds, valued at $2,493. In the year following the effective date of the Cuban agreement, September 3, 1934, our exports of rice increased to 36,307,117 pounds, valued at $980,512.

It may interest you to note that since the conclusion of the trade agreement with Cuba that country has been able to increase its purchases from us by more than 100 percent. In 1933 our exports to Cuba were valued at $25,092,862, and by 1935 they had increased to $59,847,674. While the value of our imports from Cuba increased from $58,497,548 in 1933 to $111,500,992 in 1935, the relationship of imports to total trade has remained approximately the same. Through larger shipments of lard, wheat flour, rice, and similar commodities, agriculture received a good share of this increased export trade with Cuba.

I may point out a fact which should interest the rice producers of your State. Concessions on rice have been secured in 6 of the 11 agreements which have been concluded. In addition to the Cuban concession, Belgium has bound rice on the free list, and the Netherlands, Sweden, and Switzerland have bound (guaranteed against increase) the moderate prevailing rates. Switzerland has also bound an annual quota of 20,000 metric quintals, which is large enough to take care of the normal Swiss demand for American rice. Under the Canadian agreement, a 28 percent decrease, from $1 to 72 cents per 100 pounds, was granted on cleaned rice.

You, of course, appreciate the fact that the duties, quotas, or other restrictions which a foreign government may impose upon the products of a third country are within the competence of that government. The keynote of this Government's trade-agreements program is the reciprocal reduction of arbitrary and uneconomic restrictions and discriminations against international trade. In view of our Government's policy of seeking the removal of existing discriminations against American trade and guarantees against new discriminations, and of obtaining, through reciprocal negotiations, reductions in excessive barriers to our exports, you will undoubtedly recognize the inconsistency of any endeavor to secure new discriminations and barriers to trade in the form of higher Cuban duties on rice imported from other countries.

You are doubtless familiar with the Government's policy of granting equality of trade opportunity, on the basis of the unconditional most-favored-nation principle, to all countries which do not discriminate against American commerce. To attempt a bilateral balancing of our trade with individual countries would not only be contrary to that policy but would lead to retaliation, and otherwise have severe repercussions on our domestic economy. Agriculture would suffer most severely, because normally 15 percent of its products are exported as compared with 7 or 8 percent of its output which industry exports.

Bilateral balancing of trade leads inevitably to an effort to equalize the value of exports and imports between individual countries, which, in many instances, would be extremely disadvantageous to the United States. Our foreign trade is inherently triangular. As an example I shall cite our trade with the principal and essentially industrial countries of western Europe. In 1935 our exports to the United Kingdom, France, Germany, Italy, Belgium, and the Netherlands, including large quantities of our raw materials, such as cotton, wheat, hog products, and fruits, amounted to $821,000,000. Our imports from the same countries were valued at $405,000,000, giving us an export balance with those countries of approximately $400,000,000. With other sections of the world, notably the tropical countries producing coffee, tea, rubber, tin, and the like, our unfavorable balance is approximately $300,000,000. It is evident that any attempt to equalize either the favorable or the unfavorable balance would be harmful to the economic life of the United States.

That agreements for the purpose of effecting a bilateral balancing of trade are not successful in increasing trade has been proved by a number of major foreign countries during the past few years. It is becoming increasingly clear that the sound method of restoring and expanding foreign trade is by tariff adjustments and by a liberalization of international trade practices to permit commerce to flow in the natural channels of multilateral trade.

Sincerely yours,

CORDELL HULL.

Mr. DEROUEN. Mr. Speaker, I wish to call your particular attention to two underlying facts that the record brings out; first, that aside from the price structure, our exports are being adversely affected by import and currency restrictions of other countries; secondly, that Brazil as a producer of Blue Rose rice is rapidly supplanting us in world markets. Their growth in the past 3 years has been phenomenal, and they are now well entrenched in every foreign territory once dominated by American rices. Brazil is the only country of the world that so far has been able to produce quality comparable to ours, and it is my opinion that from now on they must be recognized as serious competitors.

From my files I submit the following information on the world markets of American rices:

AFRICA

There is a limited market on the west coast. The business is slightly hazardous, but so far it has been satisfactory and offers our millers an outlet of approximately 2,000 tons maximum yearly.

ARGENTINA

This territory at one time was a heavy consumer of American rice but is now definitely closed to us on account of exchange and currency control, plus heavy duties placed on milled rice in order to protect their rapidly developing home industry.

I quote the following from a letter of the American consul general, Mr. A. M. Warren, dated Buenos Aires, Argentina, July 17, 1935:

According to statistics compiled for 1934, Argentine imports of rice were as follows:

Bags of rice imported during 1934 and source

Brazil	416,952
Italy	308,076
Spain	142,027
Egypt	55,444
Germany	3,048
United States	300
Japan	231
Total	926,078
Total during 1933	1,135,457

AUSTRIA

This was a limited but steady outlet up to last year, but there has now been formed a monopoly, tied in with a reciprocal-trade agreement with Italy, and while American importations are not prohibited they are made difficult because Italy is a rice-producing country itself, and we can only secure the business when the Italian importers are not in a position to supply the desired quality. Recently, by reason of the Italian-Ethiopian war, Brazil has been a sizeable shipper to Austria, using the medium of the Italian importers.

BELGIUM

This is one of the few large markets for United States of America rices where no restrictions of any nature are in force. The market, however, is highly competitive and has recently been completely monopolized by Brazilian rices.

CHILE

This country at one time was a sizeable market. Exchange restrictions, credit hazards, and competition from foreign rices have completely destroyed the business at present.

COLOMBIA

Although a producer of limited quantities of rice, its consumption exceeds its production. Colombia at one time offered a fair market. Unfortunately, due to import restrictions and disastrous competition from foreign rices, this territory has now completely slipped from us. However, a reciprocal-trade agreement became effective May 20, 1936.

CANADA

On account of heavy duties on milled rices, to protect the home industry, business with Canada is only possible on rough and brown rice, principally rough rice, and while it offers to the United States farmers an outlet for a sizeable quantity of rough rice each year, by reason of the fact that rough rice moves in duty free, still it offers no market for rice in any other form. Not even under a subsidy export arrangement, due to the Canadian antidumping law, which requires that any product moving into Canada under a subsidy must be sold in Canada at the same basis of prices that it is sold within the country of its origin. These same conditions are also true of British Columbia.

CENTRAL AMERICA

Rice being one of the prime necessities of life in these countries, and the station of life of the majority of the population being such as to make necessary the securing of food at the lowest possible prices, the rice business of these countries goes to the Orient. They are not considered quality markets and for American rices to participate in the business it will be necessary that our prices compare favorably with the lowest-priced foreign production. Business with these countries under present circumstances seems impossible.

DOMINICAN REPUBLIC AND HAITI

These communities are heavy consumers of rice, but their supplies are drawn from the Orient. They do not present very favorable markets, as quality plays no part whatever. It is entirely a price market, and in order to get the business it will be necessary for American rice to sell at the low point of world levels.

DENMARK

Import restrictions have completely cut off any sizeable volume of business. Denmark is only a limited market, but in the last 3 years the importers of American rices have bought very little, and the importations have fallen off to such an extent that this season they were practically nil. This is a quality market, and were it not for restrictions, and regardless of prices, it would probably be possible for us to do some little business.

ECUADOR

This country is also a rice producer. The production is not equal to the consumption, but the surplus is drawn from Asiatic sources. This is a price market entirely and except at a disastrous basis of prices United States rices cannot be sold successfully.

UNITED KINGDOM, ENGLAND, IRELAND, SCOTLAND

A peculiar condition exists. The English people have cultivated a taste for the better grades of rice and therefore have preferred the Brazil and United States rices. The English Government has heavily taxed the United States and Brazil grades, with the hope of increasing the consumption of British colonial rices. Only fair success has been attained because the quality of the British colonial production has been inferior to what the English people have demanded, but on account of the heavy duties the importation of the United States and Brazil grades have been adversely affected.

FRANCE

In order to protect French rice millers, France for the past several years has been prohibiting the importation of milled rices from the United States in any form. There has, however, prevailed up to a few months ago a very splendid market for United States brown and undermilled grades suitable for remilling, for the reason that these grades move into France for a small duty.

Since the early part of October, however, the exports of United States rice into France have been practically nil for the reason that France has effected a trade arrangement with Brazil whereby the Brazilian rices of all grades and descriptions enter France at half of the duty that is imposed upon the United States grades. It was difficult—in fact, well-nigh impossible—for the United States millers to compete with the Brazilian millers on an equal tariff, and, consequently since the Brazilian shippers now enjoy a half tariff, the United States industry has been completely eliminated and the business with this nation lost, unless it is possible to get on an equal footing with the Brazilian shippers. It is unfortunate, because in the last 3 years records indicate that France took 40 percent of our total exports of brown and undermilled rices, quite a substantial tonnage.

GERMANY

Germany some several years ago was our best customer, and a tremendous amount of satisfactory business in both brown undermilled and milled rices, also byproducts, each year was transacted. Today, by reason of the scarcity of currency and import restrictions, business in a barter form only is possible; and, though several attempts have been made at business on a barter basis, to the best of my knowledge nothing has as yet definitely resulted. I am advised that the German Government now has a delegation in New York City, who have managed to work out a few small trades.

GREECE

In the past several years the exportation of United States rice into Greece has been quite heavy. The volume of the market seems to have been expanded, probably because this business was coming direct to the United States millers and exporters, whereas several years ago, when the exportation of United States rices was general, the business was being done by continental European importers, located principally at Hamburg, Germany. With the elimination of these importers at Hamburg, the business has taken on a direct relationship, and in the past few years, so far as our business is concerned, Greece has been one of the best customers in the export field of the American rice industry.

HOLLAND

This is a sizable market for United States rices, which up to the middle of April was closed or, in fact, was sharply reduced on account of import restrictions. However, a reciprocal-trade agreement has been effected recently between the two Governments, the terms of which permitted the United States to double her rice exportations, in consideration of which Dutch brewers were to come into the United States at half duty.

The duty on brewers' rice is 65 cents per 100 pounds, and the Dutch brewers are moving in at 32½ cents per 100 pounds. Unfortunately the work-out thus far on the reciprocal trade has not proven very satisfactory, because in the treaty the Dutch Government had the privilege of anticipating their requirements in the United States grades, either direct from the United States or any other country, the only provision being that the rice must be a product of the United States. The result has been that Holland has been buying United States rices from other countries, principally England and Greece.

It is true that these rices were originally produced in the United States and their sale could be counted as export business, but these foreign importers who have been securing the Dutch sales on American grades sold the United States grades to Holland and anticipated their requirements in Brazilian rices at cheaper prices, so the United States rices have really not profited to any great extent as yet.

On the other hand, the Dutch brewers have found a ready outlet for tremendous quantities of brewers' rice. Recently our brewers' market has steadily declined, and our stocks of broken and brewers ordinarily used for brewing purposes are heavy and our market sluggish, notwithstanding the fact that the market on table grades has advanced approximately a cent a pound in the past 90 days. Ordinarily under such circumstances the brokers and brewers markets, in sympathy with the advance in the table grades, would likewise have improved, but unfortunately importations at the lower range of prices made advances in these grades impossible.

HUNGARY

This also was a sizable market for milled rices and undermilled and brown rice suitable for remilling purposes, but for the past several years this market has been closed completely to us on account of a commercial treaty effected between Hungary and Italy. We are only permitted to do business in Hungary when Italy cannot supply the rice.

ITALY

Although a rice-producing nation, business in the past has been possible with the Italian importers because of the clientele built up by the United States industry in Jugoslavia. The volume is small, but the general out-turn of the business has been more or less satisfactory; but within the past year, although no restrictions exist, the financial status of the Italian Government has made shipping for payment against documents impractical, forcing the United States millers and exporters to demand payment against an irrevocable confirmed credit, which the Italian importers have not been able to do.

LATVIA

While this country has never been directly associated with the consumption of United States rice, there are sizable milling institutions located there who were buyers of our brown and undermilled grades several years ago, before the entry of United States rices was prohibited.

MEXICO

No business is possible, the country being both a producer and exporter.

NORWAY AND SWEDEN

Although restrictions exist in a minor degree, business is still possible with these two countries, but, unfortunately, the consumption of rice is not very great. The business is available only around the Christmas period; consequently, the importance of the market, while not underestimated, should not be overestimated. Brazilian rices are each year becoming more serious competition, and this season, after the subsidy was removed, dominated both countries.

PORTUGAL

Up to 1934 free trade was permitted, but thereafter, in order to encourage the production of rice in Portugal, restrictions were placed upon importations, and so stringent have become these restrictions that no business at present could possibly be done except in case of a crop failure there. As yet the production does not equal the consumption, but it is fast approaching that point.

RUMANIA

A fair-size volume of business was possible up to a few years ago with this country, both on the milled rices and rices for remilling purposes. Now, on account of trade restrictions, the business has been completely lost. It is only possible to do business with Rumania through countries which enjoy a favorable trade balance with Rumania. Several attempts to do business through English and Holland agents of the United States rice industry proved fruitless, despite the fact that both countries are on satisfactory standing with Rumania.

We are given to understand by our connections in Rumania that an excellent opportunity exists for a reciprocal trade treaty, particularly so if the proper financial arrangements could be made.

SPAIN

The nation offers no business whatever, being both a producer and exporter.

SWITZERLAND

For many years Switzerland offered a limited volume of business on United States milled rices, but restrictions have been imposed and few transactions have been made during the last 2 years. Within the past several months, however, a reciprocal-trade arrangement has been effected between the United States and Switzerland whereby an annual importation of not to exceed 2,000 tons of United States rice may move into Switzerland each year.

This arrangement was effected after the heavy crop movement and at the time when our market was reacting. As a result, both Holland and England have thus far benefited, because they had afloat then purchases of United States rice made before the elimination of the export subsidy. I consider this simply a coincidence and am sincere in my belief that the reciprocal-trade arrangement that now exists with Switzerland is going to make possible business to the extent of 2,000 tons each year, and, although the volume involved is not great, still from a trading standpoint, Switzerland, by reason of the reciprocal trade, today represents one of the few countries of continental Europe where a satisfactory business on United States rice can be conducted.

BRAZIL

This country is now producing far in excess of its normal requirements, and, as has been indicated throughout these pages, is our chief competitor in world markets, because it is the only country in the world that produces grades and qualities very similar to United States Blue Rose rice.

The other countries of the world not mentioned offer no prospective market. Those that consume rice secure their supplies from the Orient and at prices that make the territories unattractive, even as a dumping ground.

CUBA

This is the high spot on the export horizon. It is the one and only market that we know of that offers an outlet for enormous quantities of rice, providing a proper understanding can be arrived at between the two Governments. Developments within the past 2 years convey the impression that there is a serious desire on the part of the present Cuban Government to work out an arrangement whereby the rice supplies of Cuba may be procured from the United States.

Rice is considered a prime necessity in Cuba. There was promulgated some 20 months ago by the Cuban Government a law no. 14, establishing a sliding scale of import duties bearing on the relationship of imports and exports into Cuba.

The United States, by reason of the fact that her imports from Cuba exceeded her exports to Cuba, enjoyed the 100-percent preferential, whereas in the case of the Asiatic countries now supplying Cuba with rice, the conditions were just the reverse. These Asiatic countries buy nothing of Cuba, whereas Cuba is a heavy purchaser from them. The effect of this tariff arrangement would increase the duty on Saigon and Siam rices to $7.40 per 100 kilos, as compared to the present duty of $3.70 per 100 kilos. At a glance it is evident that such a duty on these Asiatic rices would make business impossible, whereas U. S. A. rices would enjoy the maximum preferential, which, as we calculate it, would under no conditions exceed 40 percent of the import duty imposed upon rices from the Orient.

The significance of these figures is apparent, and had this law remained in full force and effect it would have resulted in Cuba anticipating her full requirement ultimately, in rice, from the United States, but unfortunately, the consumer resistance was so forceful as to accomplish the suspension of the law. Since that time, two additional suspensions have occurred. It will now be October 2, 1936, before the higher duties can be assessed on any of the Asiatic importations into Cuba, provided, of course, that the presently suspended law no. 14 is not canceled or nullified. We further understand that under the terms of the law, only three suspensions are permitted. Consequently, if the Cuban Government intends to continue to permit Asiatic rices to move into Cuba after October 1936, on the present basis of their tariffs, it will not only be necessary to nullify law no. 14, but further legislation will have to be enacted. The Cuban market, by virtue of its geographical position, is truly our market, and it will be ours if law no. 14 can be made to stand.

Considering the volume of business available from Cuba on rice, it is our opinion that the industry need go no further if that market can be opened up, because the importations into Cuba of rice from the United States will, in all probability, exceed normal exportations of rice from

the United States to all other markets of the world. In fact, at a glance it would appear henceforth that our opportunities for business lie within the Americas, principally the West Indies, Cuba, Central and South America, for the general set-up abroad is not favorable, nor can I see at any time in the immediate future any possibility of reinstating it to its former position of some 15 to 20 years ago; but getting back to Cuba, your particular attention is called to decree no. 716 of the Cuban Treasury Department, which extended the suspension of law no. 14.

This decree no. 716 is quite plain in its intent and it is our hope that further capitalization may be permitted by our industry on the opportunities presented. This is particularly true of the incoming season where production, barring crop failures and harvest hazards, bids to exceed considerably the normal supplies required by our present trade channels.

Mr. Speaker, rice is produced in the United States in the area bordering the Gulf of Mexico; and since the United States produces about 18 percent in excess of the quantity consumed in the continental United States and its Territorial possessions—the Philippine Islands excepted—our industry must look to some foreign market to absorb this excess production.

Trade relations between the United States and Cuba are favorable, and since Louisiana and the rice-producing area of the United States is very much closer to Cuba than any other country, and because Cuba enjoys certain concessions on sugar, it seems to me Cuba should permit our rices to enter duty free, or at least admit a quota of, say, 2,000,000 pockets of rice, from the United States duty free.

Since sugar and rice are produced in the same Gulf States of the United States—and let us not forget the imports of sugar in 1935 were very large—and I quote from a letter received from Mr. Sidney Morgan, Secretary, United States Tariff Commission, under date of April 21, 1936, to wit:

The present rate of duty on 96° sugar from countries other than Cuba is 1.875 cents per pound. The rate of duty on 96° sugar from Cuba is nine-tenths of 1 cent per pound. The latter rate became effective September 3, 1934, under the reciprocity agreement with Cuba and is contingent upon a quota or an equivalent limitation on imports from Cuba. Should this limitation on imports become inoperative the duty on Cuban sugar would revert to 20 percent under the rate effective on imports from countries other than Cuba.

The imports of sugar from Cuba in 1935 amounted to 1,995,444 short tons, valued at $80,449,827, regardless of polarization. Of this quantity approximately 336,000 short tons were refined sugar and the balance was raw sugar intended principally for further refining in this country.

Mr. Speaker, I wish to submit some very interesting data, together with the source of information, and to be numbered tables 1, 2, 3, 4, and 5.

TABLE 1.—*Cuba, rice imports*

[Source of information: Department of Commerce, Bureau of Foreign and Domestic Commerce, Washington. Source for years 1931–35: Comercio Exterior, Republica de Cuba]

Year	Quantity	Value
	Pounds	
1921	255,014,054	$15,655,391
1922	386,199,589	12,145,583
1923	442,984,275	12,625,469
1924	444,706,801	12,314,883
1925	451,933,691	14,672,324
1926	475,701,279	15,989,202
1927	434,752,982	15,238,977
1928	512,243,059	15,709,257
1929	451,764,896	14,771,229
1930	441,469,519	14,337,716
1931	354,951,535	7,538,172
1932	314,452,195	5,354,024
1933	279,453,817	4,369,087
1934	368,609,627	5,316,197
1935 [1]	487,071,633	7,668,669

[1] Source: Special report of Commercial Attaché at Habana, no. 32, May 19, 1936. Figures are for "unbilled and semibilled" rice.

Imports from—	*Percent of total*
British India	68
United Kingdom	12
Siam	12
United States	4
Spain	2
Germany	1
China	1
Total	100

TABLE 2.—*Cuban imports of rice without husk from 7 leading countries*

[Source of information: Comercio Exterior, Republica de Cuba]

Country	1927	1928	1929	1930	1931	1932	1933	1934	Total 8-year period
	1,000 lbs.	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*1,000 lbs.*	*Pounds*
British India	318,292	368,001	317,053	300,636	198,691	187,382	168,394	212,268	2,070,717
United Kingdom	48,365	63,972	57,293	72,178	49,707	37,964	20,847	17,374	367,700
Siam	11,203	16,964	21,996	22,585	37,231	53,919	75,129	118,891	357,918
United States	25,243	41,729	18,400	2,814	9,563	17,741	5,491	433	121,414
Spain	11,754	8,765	7,091	12,298	9,519	6,479	3,567	330	59,803
Germany	8,067	3,673	5,155	3,132	2,999	3,257	567	790	27,640
China	9,350	2,586	9,844	2,117	1,397	920	1,164	1,944	29,322
Total									3,034,514

TABLE 3.—*Cuban rice imports—comparative table of quantity and amount of 10 principal sources of supply. Quantity in kilos (1 kilo equals 2.204 pounds), amounts in dollars*

	1935 [1]		1934		1933		1932		1931		1930	
	Pounds	Value	Pounds	Value	Pounds	Value	Pounds	Value	Kilos	Value	Kilos	Value
British India	171,971,359	$2,486,809	212,268,383	$2,960,625	168,394,112	$2,980,118	189,465,685	$3,287,805	90,415,730	$4,335,808	136,367,965	$9,699,545
Great Britain	17,189,150	249,907	17,373,866	203,653	20,846,717	223,041	37,963,768	544,749	22,547,284	1,030,306	32,740,013	2,227,382
Siam	217,547,821	3,252,949	118,890,952	1,702,431	75,128,890	892,009	56,322,113	1,036,571	16,598,296	889,749	10,244,522	793,740
Spain	2,040,202	51,265	330,018	8,382	3,580,350	64,092	6,479,452	144,529	4,318,082	241,744	5,578,633	359,984
United States	57,782,833	1,331,706	432,803	11,362	5,965,919	113,621	19,781,261	261,816	4,337,880	111,116	1,276,812	72,285
Indo-china	15,949,047	228,502	9,308,617	237,992	159,834	1,949			1,238,301	60,354	2,786,937	175,488
Germany	(2)	(2)	789,791	14,390	567,338	9,055	3,256,547	61,657	1,360,697	64,111	1,421,096	127,084
China	(2)	(2)	1,943,906	24,559	1,163,766	13,873	919,539	12,452	633,844	31,681	960,438	65,467
Holland	(2)	(2)	583,317	10,785	249,254	5,357					1,179,658	59,363
Italy [3]	(2)	(2)					229,609	4,007	10,070	339	350,047	29,044
Japan [3]	(2)	(2)	3,076,874	71,448								

[1] 1935 figures from Special Report of Commercial Attaché at Habana, No. 32, May 19, 1936, and are for imports of "unhulled and semihulled rice"—the total imports in that year.

[2] Not available.

[3] Italy was the tenth most important country in 1932; Japan in 1934.

Source (other than 1935): Comercio Exterior, Republica de Cuba.

TABLE 4.—*Quantity of rice grown in Cuba*

[Source of information: Cuban Department of Agriculture]

Year	Production, rough or paddy rice	Production or out-turn of clean rice
	Pounds	*Pounds*
1928	7,187,185	4,436,000
1929	50,000,000	30,864,000
1930	61,747,685	38,116,000
1931	100,000,000	61,728,000
1932	33,709,000	20,808,000
1933	(1)	(1)
1934	(1)	41,181,928

[1] Not available.

1935 not yet available.

TABLE 5.—*Showing comparison of Cuban domestic production of rice, with her importations*

Year	Domestic production, clean rice	Importation, clean rice
	Pounds	*Pounds*
1928	4,436,000	507,752,537
1929	30,864,000	441,317,293
1930	38,116,000	425,867,161
1931	61,728,000	314,170,910
1932	20,808,000	[1] 450,000,000
1933	(2)	279,453,817
1934	41,181,928	368,609,627

[1] Estimated. [2] Not available.

The United States imports annually from Cuba better than $80,000,000 of sugar, and Cuba now imports about 92 percent of its rice consumption. If, then, on the one hand, we are to permit Cuban sugars to come into the United States, by the same token Cuba should grant every preferential asked on rice from the United States, so that the farmers of the States which produce sugar might at least offset a part of their losses by increasing their rice income.

The possibility of getting into the Cuban market with our rice is of vital importance to the rice industry of this country. That the rice industry needs help seems very obvious, as rice is one of the commodities included in the administration's agricultural relief bill. I feel that the present administration has done much for agriculture, and I am firmly of the opinion that with proper representations to the Cuban Government a quota of 2,000,000 pockets of rice from the United States would be admitted free. I earnestly urge the aggressive cooperation of the State Department to bring this result.

Gentlemen, this is a world picture of the position occupied by United States rice. It is far from a satisfactory one, particularly in the light of increased production.

Cuba is the salvation of the industry. Its importance cannot be overestimated, and it is my opinion that if this market can be opened up on a satisfactory basis the future of the industry is assured. It will permit expansion in the milling and distributing end of the industry. In fact, it will allow rice to take its position among the industries of this country, and unless this territory is opened up production will have to be retarded until such time if and when some other export outlets now closed can be opened up to us.

CLAY COUNTY, GA.

Mr. CASTELLOW. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASTELLOW. Mr. Speaker, for the edification of any who have concluded that economical government is a lost art, I desire to read a short extract from one of Georgia's best weekly papers, the Dawson News, published in Dawson, Ga. It is as follows:

CLAY COUNTY HAS AN UNUSUAL DISTINCTION—ONLY COUNTY IN GEORGIA THAT DOES NOT LEVY TAX FOR COUNTY PURPOSES

Clay County commissioners have gone on record against levying taxes for county purposes this year. The county is out of debt and has sufficient money to operate upon without making any levy.

Clay County is one of the few in the State that has no bonded indebtedness and money in the bank. For many years it has held the record of having the lowest tax rate of any county in the State.

[Applause.]

Mr. Speaker, I desire to congratulate the splendid commissioners of that excellent county and its most worthy citizenship. It is one of the small counties. My observation in regard to these matters is that the smaller the unit of government the less the per-capita expense of operation. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

AGRICULTURE

Mr. CROWE. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CROWE. Mr. Speaker and Members of the House, the farmer is the mainstay of the Nation. Nothing has ever yet been found to fill the stomach and to clothe the back successfully except by the toil of the farmer and the farmer's wife. Bread is still the staff of life, and regardless of the attitude of the industrialist and the great bankers of the Nation, nevertheless the Nation prospers when the farmer prospers and the Nation becomes bankrupt when the farmer is bankrupt.

This present administration, under the leadership of President Roosevelt, found the farmers broke and agriculture in its all-time low. Three years under a safe, sound, fair, and equitable program for the farmer and agriculture shows them definitely coming back. The index price for farm products has more than doubled since February 1933. Gross farm income of the United States has increased nearly $3,000,000,000 since 1932. The farm real-estate market has been increasingly active, with advancing prices, until now the average value of farms in the United States is 82 percent of the pre-war years of 1912 to 1914, while during the period ending in 1932 it was very difficult to tell what, if any, value the farms of the United States had. Likewise, the farm mortgage debt, which was nine and one-half billion dollars in 1928, is now listed at seven and one-half billion dollars, a reduction of more than 20 percent. Interest reductions to the farmers of the United States in the past year amount to more than $68,000,000.

Further proof of the recovery of agriculture is the steadily increasing demand for farm real estate. This is shown by the fact that the 12 Federal land banks during the first quarter of 1936 sold 60 percent more farms than in the first quarter of 1935, and, likewise, there was a large gain in 1935 sales over the preceding year.

The statements just made are broad statements giving results and benefits to agriculture of the Nation. I will now briefly set out some of the major things that this administration has done for the State of Indiana. Farmers of Indiana, as well as the laborer and almost everyone else, were in a state of rout and destruction when the Roosevelt administration was ushered in; and today all farm prices are materially improved, farm lands are salable, and, with increased selling prices, decreased taxes and interest charges, the farmers of Indiana are now well on the way out; and when the farmers of Indiana are prosperous we find a good and ready market for the products of the factory and mill; so it is an endless cycle, and the spiral is going up, and prosperity is not around the corner any longer but is among us everywhere.

Cash receipts from the sale of principal farm products in Indiana increased from $136,000,000 in 1932 to $247,000,000 in 1935. This is an increase of 87 percent. I want to compare some prices of farm products and base my figures on the prices of March 15, 1933, and show you the favorable comparison as of December 15, 1935; and I will say the

prices today are averaging approximately what they were in December 1935. I quote as follows:

Commodity	Mar. 15, 1933	Dec. 15, 1935
Wheat (per bushel)	$0.43	$0.89
Corn (per bushel)	.17	.45
Oats (per bushel)	.13	.24
Potatoes (per bushel)	.45	.70
Hogs (per hundredweight)	3.60	9.10
Hay (per ton, all loose)	4.70	7.00
Beef cattle (per hundredweight)	4.15	7.60
Milk cows (per head)	30.00	51.00
Chickens (per pound)	.084	.16
Butter (per pound)	.19	.33
Eggs (per dozen)	.082	.283
Wool (per pound, unwashed)	.10	.26

The above figures were obtained from the United States Department of Agriculture. During the 3-year period ending March 15, 1933, the number of forced farm sales in Indiana was 44.9 per thousand, whereas they have now declined to 26.1 per thousand. The bettered farm conditions also reflect themselves in labor. The average farm wage in Indiana has also improved with improved conditions and is now 25 percent higher than during the depression years.

Approximately $50,000,000 have been available to the United States under the A. A. A. for the eradication of cattle diseases, of which Indiana has received $595,000.

We have read and heard much propaganda in newspapers and otherwise ridiculing the corn-hog program. It developed, however, that in Indiana the official returns showed that 67,000 farmers approved the program while only 8,000 opposed it. A total of more than $36,000,000 of benefit payments were disbursed among the farmers of Indiana.

We find some chambers of commerce in the larger cities who become greatly concerned and excited when there is indication that the farmer is receiving a fair price for his products. They immediately begin to howl and wring their hands and sympathize with the laborer. The facts are that there is only one-half cent more cost to the flour that goes in a loaf of bread when wheat is $1.75 a bushel than there is when wheat is 35 cents a bushel. The trouble is that when the wheat is 35 cents and 40 cents and when the price of all farm products is down, the farmer has nothing with which to buy the product of the factory. Consequently, the secretary of the city chamber of commerce who complains because the farmer is fairly remunerated for his product is ignorant and knows nothing of his subject. I desire to give you some proof of the statement just made and will give it to you in the automobile sales in the State of Indiana. The comparison shows very clearly that when the farmer receives a fair price for his product, he at once spends it for his home and for his farm and for his comfort. The following gives the automobile sales for the State of Indiana for the past 4 years:

1932	34,051
1933	46,297
1934	64,270
1935	109,038

The increase from 1932 to 1935 was 220 percent. The increase in the use of gasoline in 1935 over the year of 1933 amounted to 13 percent.

Prosperity to the farmer in Indiana is further reflected in his use of fertilizer, which shows an increase of 95 percent over 1933.

A further indication of the prosperity of Indiana is shown through the Chicago Federal Reserve district, which includes the greater part of Indiana, which amounted to $38,000,000,000 in 1932, while in 1935 the figures totaled $49,000,000,000, an increase of 30 percent over 1932 figures.

A further indication of the return of prosperity to Indiana is shown in time deposits and postal-savings deposits, which show an increase in 1935 of 54 percent over 1933.

Another barometer is reflected in the commercial failures in Indiana and shows them to be rapidly declining. In 1932 there were 563 such failures in Indiana. During the year 1935 they were reduced to 160, which shows there was only 28 commercial failures in Indiana in the year 1935 where there had been 100 in the year 1932.

Newspaper propaganda and political barnstorming would attempt to frighten the farmer, telling him of his loss of foreign markets and telling him that he has been regimented and attempt to make mountains out of molehills. In the face of present-day prices and in the face of the prosperity of the farmers of my State, it will not be possible to fool them by such foolish newspaper propaganda and political harangue. It will be difficult to fool the housewife who sold her eggs for 6 to 8 cents a dozen and is now getting from 25 cents to 35 cents a dozen. It will be difficult to fool the farmer who sold his wheat at 35 cents to 45 cents a bushel, who of late has been getting 80 cents to $1 a bushel. It will be difficult to fool the farmer who sold his hogs for $2.25 to $3 per hundredweight, but who is now getting from $9 to $12.

The farmer has been promised relief for a number of years. He has been promised help when he was sinking under the burden of high taxes and high interest and suffering because of receipt of the lowest prices for his product in all history. All he got from the party in power were promises to be broken more quickly than they were made. Promises were again made to the farmer in 1932, and it was left for President Roosevelt and this administration, of which I am glad to be a part, to have supported the program promised the farmer and to pass laws for his benefit. These laws, including all the other legislation which has been passed for the general good, have brought not only the farmer but the Nation from a nation of bankruptcy and fear to a nation of prosperity and confidence.

EXTENSION OF REMARKS

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. The gentleman already has that permission.

INCREASE OF FACILITIES FOR INTEROCEANIC COMMUNICATION THROUGH THE CENTRAL ISTHMUS

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain quotations from the United States Board of Engineers which surveyed the Nicaraguan Canal.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARTER. Mr. Speaker, the construction of an additional interoceanic ship canal through the Central American isthmus, across the Republic of Nicaragua, is of such importance to the future commercial and maritime welfare and development of our country and to our national security that it should receive our most serious attention and action.

Surveys have been made and reports completed and have been on file with the Congress since December of 1931. The survey was made under the direction of Col. Dan I. Sultan, of the Corps of Engineers of the United States Army. He and his staff did their work thoroughly, and his report is detailed and exhaustive. The War Department is continuing the gathering of hydrographic data at Nicaragua.

The total cost of building the canal, including costs of acquiring rights, franchises, and land, is estimated at $722,000,000, with an annual total maintenance cost of $10,800,000.

The investigation and survey was authorized by Public Resolution 99, Seventieth Congress (S. J. Res. 117), approved March 2, 1929.

The purpose of the investigation was to determine—

The practicability and probable cost of increasing the facilities for interoceanic communication through the Central American isthmus either by an interoceanic ship canal across the Republic of Nicaragua or by additional locks and other facilities at the Panama Canal.

The report on increasing the capacity of the Panama Canal was, under the instructions of the Secretary of War, made by Col. Harry Burgess, Corps of Engineers, Governor of the

Panama Canal Zone. The report on the Nicaraguan route was made by Lt. Col. Dan I. Sultan, Corps of Engineers. A provisional battalion of engineer troops was employed on the work in Nicaragua for a period of 2 years.

The reports of Colonels Burgess and Sultan were referred to the Interoceanic Canal Board, appointed by the President, for review. Col. Ernest Graves, United States Army, retired, served as chairman of the Board, and the other members of the Board signing the report were Sydney B. Williamson, Anson Marston, Roy G. Finch, and Dan I. Sultan, lieutenant colonel, Corps of Engineers, United States Army.

The conclusions and recommendations of the Board follow:

CONCLUSIONS AND RECOMMENDATIONS

72. The board believes that the plans prepared by the Governor of the Panama Canal for an additional set of locks and for the conversion of the Panama Canal into a sea-level canal are the most practical solutions of these problems. An additional set of locks at the Panama Canal would cost $140,000,000. To transform the Panama Canal into a sea-level canal would cost $1,000,000,000. The board concurs in the plans and estimates submitted in the report of the officer in charge of the investigation of the Nicaragua Canal route. The most practical route for an interoceanic ship canal across the Republic of Nicaragua is from Greytown on the Atlantic Ocean to Brito on the Pacific Ocean by way of the Deseado and San Juan Rivers and the Great Lake of Nicaragua. A lock canal over this route is practicable. Its cost, exclusive of rights, franchises, land, etc., would be $697,000,000, and the maintenance cost would be $10,800,000 per year. The approximate cost of acquiring rights, franchises, land, etc., would be $25,000,000.

73. The present conditions of world trade, the necessity for economy in expenditure of public funds, and the facts that traffic through the Panama Canal now requires only about 50 percent of its capacity and that full capacity when demanded by traffic will be assured by the additional water supply from the Madden Reservoir (at Alhajuela), with the indication that thus the Panama Canal can serve the needs of interoceanic traffic for some time to come, lead to the conclusion that no immediate steps must be taken to provide increased facilities for passing water-borne traffic from ocean to ocean.

74. The study of the precipitation and run-off in the watersheds of the proposed Nicaragua Canal should be continued.

75. When increased interoceanic canal facilities are actually needed, in view of the advantages of two canals for shipping during both war and peace times, as well as the intangible but nevertheless considerable value of another canal in Central America, the Nicaragua Canal should be favorably considered for the following reasons:

(a) A majority of the ships passing from ocean to ocean would save time and money by using the Nicaragua route.

(b) The intercoastal trade of the United States would be benefited.

(c) The improvement of the Mississippi River and connecting waterways, together with the construction of the Nicaragua Canal, would benefit the midsection of the United States. Growth of commerce between Gulf ports and our west coast would be stimulated.

(d) Both in war and in peace two canals would give greater assurance of uninterrupted waterway passage between oceans.

(e) Two interoceanic canals would reduce the danger of a complete stoppage of water-borne traffic by reason of sabotage or accidents, slides, and earthquakes. The probability of the simultaneous blocking of traffic on two canals is very remote. The water necessary to operate a lock canal up to its capacity should be available during the dryest years. It is not sure that the driest year possible has been recorded either in Panama or in Nicaragua. The ample water supply in Nicaragua and the improbability of extreme dry conditions affecting both Nicaragua and Panama at the same time would eliminate any apprehension as to possible water shortage.

(f) The sizes of ships are increasing. In time larger locks than those now at Panama will be needed. When this need develops one set of larger locks at Panama may not accommodate the demand of larger ships during the period that the larger locks are out of commission for overhauling or other reasons. A Nicaragua Canal with all locks larger would not have this disadvantage.

(g) The construction of the Nicaraguan Canal, with the establishment of a canal zone by the United States, would tend to stabilize the Government of Nicaragua, which would have a beneficial effect on the stabilization of all Central American Governments and thus greatly benefit international relations. The economic conditions of these countries would be improved, with a consequent benefit to the foreign trade of the United States.

(h) When the United States acquired the right to build a canal in Nicaragua, it precluded the construction by anyone else of a feasible canal as a rival to the Panama Canal and indicated that it was sound national policy to construct when warranted the Nicaraguan Canal.

(i) With both the Panama Canal and the Nicaraguan Canal in service, if it should then develop that interoceanic traffic demanded still further enlarged facilities either canal could be closed or partially closed during the construction period necessary to increase its facilities. In the event of a conversion of a lock canal into a sea-level canal, the closing of the canal would permit the work to be done a great deal more cheaply than under maintenance of traffic conditions.

(j) The building of the Nicaraguan Canal is entirely feasible from both an engineering and a construction standpoint.

76. It is recommended that the complete reports of the investigations just made, with their drawings and maps, be published so that full information will be available when consideration of additional facilities for interoceanic traffic becomes necessary; and that provision be made by legislation for the continuous collection of hydrographic data for the Nicaragua route.

ERNEST GRAVES,
Colonel, United States Army, Retired,
Chairman of Board.
SYDNEY B. WILLIAMSON,
ANSON MARSTON.
ROY G. FINCH.
DAN I. SULTAN,
Lieutenant Colonel,
Corps of Engineers, United States Army.

The compelling reason for the construction of the Panama Canal was the importance of this canal to our national defense. The commercial utility and importance has far exceeded all of the estimates of the early advocates and engineers. Since the year 1500 men had discussed the commercial desirability of an interoceanic ship canal through the Central American isthmus. Various routes were studied and some surveyed, and some attempts at building a canal were actually started, but prior to the construction of the Panama Canal each failed due to lack of engineering skill or mechanical devices and equipment, through inability to supply adequate medical service and sanitary safeguards for the men engaged, and for lack of financial resources to carry so great a project to successful consummation.

Events of the Spanish-American War and our national development thereafter forced us to the realization that we had to be prepared for war in either the Atlantic or Pacific. To maintain an adequate naval force in each ocean capable of waging successful war in either would be prohibitively costly, and it was for the primary purpose of maintaining a sufficient fleet readily available for action in either ocean that we built the Panama Canal.

Colonel Sultan in his report points out that—

Since the construction of our first canal at Panama the weapons of attack against canal structures, particularly the airplane, have increased in power, in effectiveness, and in the strategic element of surprise. The Panama Canal is not so invulnerable now as it was at the time of completion. The ability to concentrate our battle forces and the power of access to either ocean is, therefore, no longer beyond the possibility of prevention.

The colonel further states:

In time of war the Canal fulfills its national-defense mission in the opening phases of the conflict in securing the concentration of forces in the chosen ocean. A war in the Atlantic would attract the world's shipping to that ocean, as it did in the World War, leaving a reduced commerce to transit the Canal. A war in the Pacific would, because of the greater industrialization of the Atlantic seaboard, make a more continued use of the Isthmian Canal for supply purposes.

The report further states:

A hostile power would find it very difficult to capture or destroy both of two canal systems. After conquering and garrisoning one of the defenses the attacker would have to have a sufficiently large force remaining to attack the other, with the further handicap that the possibility of a major surprise would be lacking. In case the principal attack was by air the Nicaraguan Canal would be nearer for reinforcing planes from the United States.

To be completely successful, sabotage would probably have to be accomplished just prior to the outbreak of war. Secrecy and surprise being essential elements, the timing would have to be perfect for sabotage to be successful at two canals. Sabotage should not be capable of the destruction of two canals, but it might cripple one.

The report also states:

It must, therefore, become increasingly apparent that with the growing power of the offensive against canal structures the construction of a second canal has great justification in the added security it gives to the United States in time of war by assuring to the United States Battle Fleet surer access to both oceans, so that it may apply, at all times, united strength in naval operations and gain the full strategic value of choosing the theater of activity.

Thus it seems perfectly obvious that if there were no immediate commercial justification for the construction of an additional canal, there is certainly an impelling reason for

our doing so in the interest of our national security, and that without delay. And it should be borne in mind that this is a commercial justification.

It is estimated that it will take 10 years to construct the Nicaragua Canal and 2 to 5 years in the preliminary work of passing the required legislation and negotiating necessary treaties. Thus, if a start is made during the early days of the next Congress, allowing for some slight and usually inevitable delays in negotiations, without taking into consideration any possible unexpected delays that may be encountered in the course of actual construction, we should have the Nicaragua Canal open for commerce and for the use of our fleet by about 1955.

By the convention between the United States and Nicaragua, signed August 5, 1914, the United States acquired by the payment of $3,000,000 the following rights:

First. Exclusive proprietary rights in perpetuity, necessary and convenient for the construction, operation, and maintenance of an interoceanic canal.

Second. A 99-year renewable lease on the islands known as Great Corn and Little Corn in the Caribbean.

Third. The right to establish a naval base at such place on the territory of Nicaragua bordering upon the Gulf of Fonseca as the Government of the United States may select.

A further treaty with Nicaragua would be necessary before construction could begin covering the acquisition of a canal zone and the rights and privileges necessary for constructing and operating and defending the canal.

The United States would also be called upon to enter into negotiations with Costa Rica, Salvador, and Honduras.

It is estimated by canal authorities in a report submitted by Sydney B. Williamson covering future traffic through the Panama and Nicaragua Canals that the Panama Canal will be operating to the limit of capacity by 1960, and that additional capacity for interocean traffic must be provided.

On the basis of this report, if we immediately start negotiations and arrangements leading to the construction of the Nicaragua Canal, it can be completed and in operation about 5 years prior to the date that the Panama Canal has reached the limit of capacity in service.

Colonel Sultan points out in his report that—

> Developments in world trade and interoceanic commerce in the past have exceeded the forecasts. * * * The commerce through the Panama Canal increased during the first 10 years to over twice the tonnage which had been forecast when the work started.

It is a known fact that any improvement in transportation facilities tends to stimulate and increase commerce. The Nicaragua Canal would provide a shorter route from port to port for two-thirds of the traffic now using the Panama Canal. A ship of 10 knots speed, allowing 23 hours for transiting a Nicaragua canal and 8 hours for transiting the Panama Canal, would save 1¼ days on each trip between San Francisco and New York and 2¼ days on each trip between San Francisco and New Orleans. This reduction in time and distance would be of immense benefit to all intercoastal trade and very particularly to intercoastal trade in perishable products. It is stated that the following trade routes would use a Nicaragua canal with a saving of time over use of the Panama Canal:

First. United States intercoastal trade.

Second. Europe and west coast of North America.

Third. West coast of United States and east coast of South America.

Fourth. East coast of United States and Far East.

Fifth. West Indies and Pacific coast of North America.

Sixth. North American intercoastal (exclusive of item 1).

The size of the locks in the Panama Canal are 110 feet by 1,000 feet, with a minimum depth of 41 feet on the miter sills. The proposal for the Nicaragua Canal is for locks 1,200 feet long by 125 feet wide, with a minimum of 42½ feet of water over the sills.

It is noted that the U. S. S. *Saratoga* is 888 feet long and 107.9 feet wide, which leaves very little room for it to safely squeeze through the Panama Canal. The locks proposed for Nicaragua are estimated to be sufficiently large to accommodate the ships of the future, both commercial and naval.

The route recommended by the Intercoastal Canal Board as the most practical for a canal across the Republic of Nicaragua is from Greytown on the Atlantic to Brito on the Pacific. The total distance across will be 172⁹/₁₀ miles, of which 70 miles will be through the Great Lake of Nicaragua.

Three twin locks are provided at Miramar, on the Pacific side, about 5 miles from deep water at Brito. At the east divide, 15 miles from deep water in the Caribbean near Greytown, three twin locks are also planned.

The route as laid down is given as follows:

> Starting at Brito on the Pacific, the route follows the valley of the Rio Grande to the low divide (elevation 153 feet) between the basins of the Rio Grande and the Las Lajas, thence down the valley of the Las Lajas to Lake Nicaragua; crosses Lake Nicaragua to Fort San Carlos, keeping to the south of the island of Ometepe and northward of the Solentiname group. From Fort San Carlos to the vicinity of Conchuda Hills the canal route follows the San Juan River; leaving the San Juan, the route passes through the Conchuda Hills, crosses the valleys of the Danta and San Francisco Rivers, and follows the valley of the Limpio to the divide (center line elevation, 383 feet; maximum elevation, 410 feet). From the divide it goes down the valley of the Deseado to the Caribbean Sea just north of Greytown.

Artificial harbors are required at both Brito and Greytown and are provided for in the plans.

There is an abundant water supply in Nicaragua for all of the purposes of the canal, and in this connection it is of interest that it is pointed out the rainfall conditions differ from those at Panama, so that extreme droughts would not occur both at Panama and Nicaragua at the same time, and thus any possible shortage of water for lockage purposes is entirely eliminated.

The construction of the Nicaragua Canal would add greatly to our national security, it would develop and promote our commerce and our merchant marine, further strengthen our friendly relations with South and Central American countries, improve the economic condition of Central American Republics and tend to stabilize their governments, and stimulate our mutual trade and commerce.

It brings closer together by water transportation the ports of both coasts of the United States. I know of no project that our Nation could undertake so likely to inspire the renewed commercial activity essential to the resumption of our normal economic life.

ROADS FOR ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an excerpt of about 10 lines from an official report concerning the building of a highway to Alaska.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. DIMOND. Mr. Speaker, it is the mere repetition of a truism to say that the development of an orderly and material civilization depends to some extent upon roads; for without means of communication, a humanized culture can scarcely come into being or endure. This repetition is justified only because men so often forget the value of the elementary and essential things. Few people anywhere have ever managed to both establish and maintain a high degree of material civilization not accompanied by the enlarged facility in means of transportation which may be brought about only through the construction and maintenance of roads and highways. Civilization and road building go hand in hand, and the best example of that lies in the history of the Roman Empire. Economic development has followed the building of roads. I know of no exception to that rule, and so it has long been my considered judgment that not only are roads a necessity for the development of the Territory of Alaska but that one way, and the surest way, to bring about that development is by building roads.

In saying this I make but one reservation, and that is with respect to the new art of flying and to the new industry of air transportation. It is true that to some extent—in

fact to a substantial extent—the facilities of transportation furnished by the development and use of the airplane will compensate for the lack of good highways, but we all realize that airplanes and air transportation can never take the place of roads, and that in fact the two means of transportation—that made available by roads and that furnished by airplanes—really supplement each other, and that seldom, if ever, is there any true competition between them. Therefore, until roads are built in Alaska, the Territory can be most speedily and immediately benefited by the establishment of a comprehensive system of air transport in the Territory, embracing the construction of airfields and the installation of a modest amount of lighting equipment and radio control for the guidance of those engaged in flying.

Alaska, as we all know, is a vast country, approximately one-fifth the size of the United States, and equal in area, as I have often remarked, to that part of the United States which lies east of the Mississippi and north of the southern boundary of Tennessee and North Carolina, plus the additional States of South Carolina and Georgia. I do not assert that Alaska is of the present economic value of the States included in the area above mentioned, but the value of Alaska is very great, indeed, and is commonly underestimated by most of the people of the United States.

Now, in all of this vast Territory of Alaska there at present exists only approximately 2,400 miles of motor roads, 1,500 miles of sled roads, and 7,000 miles of trails. By trails I mean just that—pack paths through the forests and over the tundra, and not capable of being traversed by vehicles of any description. Two thousand four hundred miles of road in a region embracing about 589,000 square miles surely is not much. The State of Delaware, with a proportionate road mileage, would have just about 10 miles of highway in the entire State. Even Delaware would feel rather cramped with only that much in the way of roads.

The sum immediately required for building roads in Alaska, when compared with the benefits to be derived therefrom, is not really large. Judging by the very substantial amounts of money which have been spent in recent years on various types of public works, I suggest that the Alaska program for road building ought not be longer delayed. The expenditure of approximately $2,000,000 in Alaska a year for road building for a period of 10 years without intermission or break would give Alaska a really efficient and useful system of roads and one that would be bound to stimulate speedily the settlement and the economic development of the Territory. It is to be observed that the amount which I have mentioned, $20,000,000, is not to be spent all at once, and when entirely spent Alaska will not have all the roads needed, but the building of this system of roads would give us such a substantial start, and would, in my opinion, stimulate so materially the economic exploitation of the Territory that we need not at the present time look beyond the 10-year period to determine what may be needed for the future. Eventually, of course, I hope to see a highway over which one can drive from New York City to Bering Sea without a break. But that is for the future. For the present we must be more modest, and the plan which I have in mind for immediate road development in Alaska has nothing in it of the unreasonable or extravagant.

The ultimate expenditure for the period mentioned—namely, $20,000,000—is designed to cover not only the cost of construction but also maintenance from year to year, and does not include the substantial contributions made by the Territory of Alaska for Territorial roads. In this connection, Mr. Speaker, it may not be irrelevant to say that, except as to roads built in the national-forest areas of Alaska and in Mount McKinley National Park, the people of Alaska have paid approximately 32.3 percent of the entire cost of construction and maintenance of all Alaska roads, as shown by the last annual report available of the Alaska Road Commission for the fiscal year ended June 30, 1935.

In presenting, as I do, the outline of a program for the building of roads in the Territory of Alaska I do not attempt to include all the roads the building of which can be justified at the present time. The Territory is so large and many parts of it are so almost totally undeveloped that one is not able to look confidently many years in the future and see that a road will not be needed in one part of the Territory or another. And hence, if it be found that some road-building projects are omitted from this statement, I trust it will be understood that it is not practicable within moderate bounds to mention and describe every conceivable road project in the Territory that is worthy of consideration; and, moreover, an attempt is herein made to bring the program presented within reasonable fiscal limits.

Mr. Speaker, I am appending below a list of roads in Alaska the construction of which ought to be undertaken without delay, giving the location of the road either by mention of termini or other general description and an estimate of the amount needed to complete each project. First will be set out a list of the smaller local roads, 24 in number, the total cost of construction of which is estimated to be $343,000. These roads are all needed, much needed, but practically all of them serve local requirements only. After that I am giving a list of the larger projects which in a sense may be considered as parts, either presently or ultimately, of a complete and comprehensive road system for the Territory, and am stating briefly the justification for each project.

No complete program for the construction of roads in Alaska can omit or overlook the great road project for connecting Alaska by motor road with the United States proper. This road has been referred to by several different names, including the International Highway, the Pacific-Yukon Highway, and the British Columbia-Yukon-Alaska Highway. The last name is probably as closely descriptive as one can be since the road to be built lies entirely in British Columbia, Yukon Territory, and the Territory of Alaska.

Following is a list and brief description of the several roads or portions of the road systems, the building of which is proposed:

Name of project:	*Amount*
Valdez-Mineral Creek	$20,000
Kanatak-Becharof Lake	10,000
Campbell Creek Road	4,000
Lake Otis Road	3,000
Faith Creek Road	6,000
Porcupine Creek Road	12,000
Cleary-Summit-Chatham Creek	6,000
Happy-Goldstream Road	15,000
Farmers-Birch Hill Road	14,000
Bettles-Coldfoot	20,000
Bessie-Snake River Road	20,000
Marvel Creek Trail	5,000
Vault Creek Road (3 miles)	3,000
Mason Creek Road (5 miles)	5,000
Grant Creek Road (4 miles)	4,000
Nenana-Mission Road	4,000
Cripple-Cripple Mountain	20,000
Homer Road extension	38,000
Marshall Road	6,000
Candle Creek Road extension	12,000
Marsh Branch, anchorage	6,000
Pt. Gustavus Road	15,000
Teller-Bluestone	20,000
Seldovia-McDonald Spit	75,000
Total	343,000

OLNES-LIVENGOOD

Estimated to complete $215,000

This road is necessary, indeed absolutely necessary, for the development of the extremely promising Livengood mining region. The work was commenced with public-works funds; $295,000 of such funds having been spent thereon. It is estimated that $215,000 is necessary to complete the work. This project is surely entitled to a high degree of priority and should be undertaken without delay. The road can be completed economically in 18 months from the date the work begins.

SHELTON-DAHL

Estimated to complete $35,000

This project was estimated to cost in the beginning $170,000, and an allotment from public-works funds of $135,000 was obtained and spent. The project provides for the construction of 6 miles of tram as an extension of the Nome-

Shelton tram, a ferry over the Kuzitrin River, and the construction of 10 miles of tractor road east of the river. Completion of this road will provide easier access to a known productive placer field, reducing the present freight rate thus enabling operators to work lower-grade gravels and thus, in turn, provide employment for a very considerable number of persons in an industry where competition does not exist.

KANTISHNA-PARK BOUNDARY

Estimated to complete..... $50,000

This project calls for the construction of 6 miles of road, and when completed it will connect with the road which traverses Mount McKinley National Park. The completion of this road will unquestionably stimulate the Kantishna mining district, which is one of great promise. The Kantishna district is the only district in Alaska which holds excellent prospects of being developed for its silver ore. The road would be an important feeder to the Alaska Railroad, a point worthy of consideration. The road can be completed within 5 months after construction begins.

TALKEETNA-CACHE CREEK

Estimated to complete..... $150,000

The district supplied by this road affords employment in the placer fields for 100 men during the summer months. The present poor road has been in existence for 14 years as a passable wagon road. It is planned to improve it to a truck-road standard and to extend it to existing placer operations, enabling operators to materially reduce freight costs, thus again permitting the working of lower-grade gravels and an increase in employment and additional tonnage for the Alaska Railroad. The plans call for construction of the road in a period of 15 months after commencement of work thereon.

CANTWELL-VALDEZ CREEK

Estimated to complete..... $345,000

This road will connect the very important mining district of Valdez Creek with the Alaska Railroad. The building of the road is certain to furnish additional traffic to the Alaska Railroad, and thus make the railroad what it was designed to be, a large factor in the development of the country through which it passes. Some money, approximately $25,000, from public-works funds has been expended on the project for bridge construction. The road is of distinct merit. An estimate has been made that 30 months will be required for construction, embracing three summer working seasons.

HOT SPRINGS ROAD SYSTEM

Estimated to complete..... $75,000

An allotment of $10,000 from P. W. A. funds has been expended on this project for preliminary construction of a tractor road. Recent developments in placer mining in the area indicate the necessity for a truck road, and the estimate has been increased accordingly. The road will serve a producing placer camp which has been handicapped due to lack of adequate transportation. If the work is started on June 1, it may be completed within 16 months.

WILLOW CREEK SYSTEM

Estimate to complete..... $80,000

The Willow Creek system supplies an outstanding mineral region of Alaska with the necessary roads, but the system is far from being complete. The additional amount estimated, $80,000, allows for the improvement and graveling of the Willow Creek-Lucky Shot Road and for the construction of the proposed 2-mile Willow Creek Spur Road, which will serve new lode properties now having no road. This road system also is a feeder to the Alaska Railroad. Work can be completed in one working season.

TAKOTNA-NIXON FORK

Estimated to complete..... $150,000

The town of Takotna is situated 65 miles up the Takotna River from the Kuskokwim River. It supplies the entire mining community in the vicinity of Takotna and Ophir and is the terminus of a road leading to Ophir and the Yukon watershed. The Takotna River on its upper reaches is a very unreliable means of transportation due to swift water and bars. In dry seasons it is impossible to get freight by river to Takotna, and in several instances spring freight has had to lay at McGrath until November and then has been hauled on the snow. The first 20 miles of the Takotna River—from McGrath to the mouth of the Nixon Fork—is always navigable. It is proposed to build a road 15 miles long from Takotna to this point, doing away with 45 miles of very uncertain river travel and making this community accessible at all times in summer. The work can be completed within two working seasons of 5 months each.

POORMAN-RUBY

Estimated to complete..... $200,000

The construction of a passable wagon road 56 miles between these two points was recently completed, reducing the freight rate from 12 to 6 cents a pound. It is proposed to improve and gravel this road, which will further reduce the freight rate to not more than 2 cents a pound. This will allow lower grade ground to be worked and stimulate gold production in this vicinity, leading again to material increase in employment in working the low-grade placer grounds which will be made available for operation by the road. Work can be completed in two working seasons of 5 months each.

M'CARTHY ROAD SYSTEM

Estimated to complete..... $84,000

This road system is connected with the Copper River & Northwestern Railroad near its terminus at the Kennecott mine—the point of departure of the railroad being at the town of McCarthy. These roads serve operating placer mines which have been worked for years, and lead to numerous promising gold-lode prospects. A large part of the expenditure in this region has been made in building and maintaining a bridge across the Nizina River. This bridge is absolutely necessary. In former years it was crossed by fording or swimming, and many lives were lost. No large-scale operations can be carried on under such circumstances. The work may be completed in two working seasons. This system embraces much-needed construction to supply road facilities for the important Bremner mining district.

ILIAMNA BAY-ILIAMNA LAKE

Estimated to complete..... $30,000

This is a part of a transport route to connect Bristol Bay with the Gulf of Alaska through Cook Inlet. The use of this route saves approximately 2,000 miles of travel by sea around the end of the Alaska Peninsula. The construction of this road, coupled as it is with travel by boat on Iliamna Lake and on the Kvichak River into Bristol Bay, gives facilities for a great saving in transportation costs. The route is already extensively used. The work may be completed in one working season.

NEWHALON-LAKE CLARK

Estimated to complete..... $40,000

This project will require the construction of 7 miles of road providing a portage from Lake Iliamna to Lake Clark. There is a large native settlement on Lake Clark; at the present all supplies for the Lake Clark area are packed across this portage on men's backs. Work can be completed within 6 months.

GULKANA-NABESNA

Estimated to complete..... $245,000

Estimated cost, $450,000; allotted from public-works funds, $205,000; balance unallotted, $245,000. The balance required will complete this road to one of the most promising hard-rock sections in Alaska. One mine is now milling $1,000 per day. According to the Geological Survey, there are many possibilities of additional deposits being found. With the completion of the road, the district will see an influx of prospectors who will undoubtedly prove the prediction of the geologists. Work can be completed within 18 months from commencement, provided it is started at the beginning of a working season.

GOODNEWS BAY-PLATINUM CREEK

Estimated to complete..... $35,000

This project provides for the construction of 9 miles of road connecting placer platinum mines with ocean boats at Goodnews Bay. One of the larger mining companies has tentatively agreed to provide the balance of the funds required above this estimate for completion. Work can be completed within 6 months.

CHISTOCHENA-SLATE CREEK

Estimated to complete..... $40,000

This provides for the improvement of an existing trail, 40 miles in length, to provide for freighting by tractors to serve a producing placer-mining area. Work can be completed within 6 months.

COLORADO STATION-WELLS MINE

Estimated to complete..... $75,000

This project provides for the construction of 10 miles of road from the Alaska Railroad to a lode mine now being developed on a very considerable scale. The road is an absolute necessity for the mineral development. The working of the lode property in question, now apparently amply financed, will give employment ultimately to several hundred men and will not throw anybody out of employment. The road is eminently justified from an economic standpoint. It has been estimated that by commencing work on the project at the beginning of the season the work can be completed within 18 months.

KENAI LAKE-KENAI-HOMER

Estimated to complete..... $1,100,000

This is one of the most important road projects in all of Alaska. A road has heretofore been built from Seward to the east end of Kenai Lake and from Moose Pass, which is approximately 12 miles from the east end of Kenai Lake to Sunrise and Hope on Turnagain Arm. A branch of this road has been constructed—the construction is not completed—to the west end of Kenai Lake. From the west end of Kenai Lake the plan is to build the road to the town of Kenai on Cook Inlet and thence south to a small settlement called Homer, on Kachemak Bay. This would open up and make available for settlement some of the best agricultural land in Alaska. It should be noted here that the so-called "missing link" between the east end of Kenai Lake and Moose Pass is now under construction. With the completion of the "missing link" and the building of the Kenai Lake-Kenai-Homer road, all of that very large region will be rendered accessible to settlers, and, more important, the settlers will have access to the market which will be afforded through Seward and through other towns along the Alaska Railroad. It is to be noted here that Seward is situated on the shores of Resurrection Bay and is the southerly terminus of the Alaska Railroad and is the northerly terminus of the main steamship line which serves Alaska. Out of Seward runs another steamship along the shores of the Alaska Peninsula and into Bristol Bay, as well as smaller motor vessels to other parts of that general region. The Kenai Peninsula district has probably attracted more attention as a farming region in recent years than almost any other part of Alaska, except the Matanuska Valley in which the Government has recently aided in establishing a number of farm families. The climate of Kenai Peninsula is comparatively mild, the soil is deep and fertile, and the rainfall sufficient without being excessive. It is reported that 58 families moved into this region last year immediately north of Homer. At the present time, however, the country is not accessible because, except for a very short distance out of Homer, no roads exist. A farmer away from a road on the Kenai Peninsula is so effectively isolated that the settlement of the country cannot proceed until the road is built.

Moreover, the adjoining waters of Cook Inlet and Kachemak Bay contain plentiful supplies of salmon and herring. The packing season for both species of fish is so short that the settlement of farmers in the region would aid greatly to a balanced economic life. The construction of this road is absolutely necessary for the development of the district to be served, and the district in question is one which, according to all present indications, would be rapidly settled and would maintain in comfort a considerable population if the road were built. The chamber of commerce of the village of Seldovia, situated on the south shore of Kachemak Bay, has received hundreds of letters from prospective settlers inquiring about conditions in the region, and more than 1,300 people already residing in the district who would be directly or indirectly benefited by the road have joined in a petition for its construction.

The period of construction of this road would probably cover three working seasons in order to do the work economically and without the establishment of an unduly large working force.

FAIRBANKS-CHENA HOT SPRINGS SYSTEM

Estimated to complete..... $530,000

This route is now supplied by winter train and is entirely inaccessible in summer except for airplanes. Agitation for a summer road has been going on for 16 years. The construction of such a road would provide access to a known health resort and to producing placer fields, thus providing increased employment. If work is commenced at the beginning of any season it may be completed economically in three seasons or within a total period of 30 months.

RAMPART-LIVENGOOD-CHENA HOT SPRINGS

No complete engineering data is available, and therefore no reliable estimate of the ultimate cost can be given.

While the Fairbanks-Chena Hot Springs system is stated separately and the Livengood road is considered, and properly so, as an individual project, in reality the Fairbanks-Chena Hot Springs-Livengood system should all be included in one set-up of roads for that region. It is realized, of course, that not all of it can be put into construction at once, so particular emphasis has been placed, first, upon the completion of the Livengood road, and, second, the Fairbanks-Chena Hot Springs project. But ultimately Rampart should be connected with the others, and when that is done the larger part of the road-building program for that particular region will be well taken care of.

NENANA-BONNIFIELD COUNTRY

The Bonnifield country has definite possibilities for both placer and lode development. The Alaska road system should be extended into that district. Such a road, like many others described, is bound to lead to largely increased mining operations and thus to increased employment.

SNAG POINT-LAKE ALEKNAGIK

Estimated to complete..... $125,000

This proposed road would connect Snag Point on Bristol Bay with Lake Aleknagik, out of which Hood River flows, thus more adequately opening to development a mining and fishing region. Recently a road was built between Snag Point and Kanakanak which would be extended on to Lake Aleknagik by the proposed construction. The population of the region is increasing, and by reason of the wealth of its fisheries and prospects inland for mineral development there is ample justification for construction of the road desired.

NAKNEK-EGEGIK

Estimated to complete..... $200,000

Naknek and Egegik are settlements on the shores of Bristol Bay. Large salmon-packing operations are carried on at each place. Traveling in the summertime is confined to small boats, either those using sails or powerboats. No shelter is available for 40 miles. In this connection it is worthy of note that commercial fishing in Bristol Bay is confined to sailboats, and no powerboats are permitted to be used. A reindeer company owns a herd of approximately 5,000 reindeer stationed at Naknek. The surplus deer of this herd could be quite extensively used by the people employed in the salmon-packing operations, but under present conditions no market can be obtained by reason of lack of transportation. If the road were built, the reindeer owners would be able to sell their meat to the canneries. A road through this part of the country would be easy to build, since it is mostly flat country, containing some graveled hills, with no heavy rockwork to be done and no large streams to be crossed. Many sturdy pioneers already make their homes in that region. Their comfort and material welfare would be greatly enhanced and the population of the district enlarged by the building of the proposed road.

GEORGETOWN-FLAT (50 MILES)

Estimated to complete..... $500,000

The construction of this road would effect a saving of 2 cents per pound on all freight going into the Flat district (annual gold production over $400,000) and make it possible

for lower-grade placers to be worked. More than 1,000 tons of freight were required last year. It would also provide much cheaper transportation for placer workings on the immediate route and make accessible promising quicksilver prospects. It would allow the Flat district to receive freight from 2 to 4 weeks earlier in the spring, and 2 to 4 weeks later in the fall. Its construction would solve the problem now being agitated of changing the course of the Iditarod River to permit small boats to reach Iditarod City. At present they are obliged to discharge their cargo on the banks three-fourths of a mile from the warehouses except at high-water stages. If work is commenced about June 1 of any year it can be completed in three working seasons, or within a period of 30 months.

NOME-COUNCIL

Estimated to complete..... $200,000

The Nome-Council Road is a road commencing at Nome extending back to the foothills and then taking an easterly direction crossing the Flambeau, Eldorado, and Bonanza Rivers to Solomon River, up that river across the Divide to the Casa De Paga River, and thence on to Council on the Niukluk River, a total distance of about 75 miles. Out of Nome a road now exists about 43 miles and the balance of the route is supplied, after a fashion, by a sled road. The motor road should be completed to Council in order to furnish adequate transportation for that entire region. All of the rivers crossed have been and still are producing placer gold and some of them, like Solomon River and Ophir Creek, have produced many millions. With respect to many of them, on account of the existing high cost of operation due in part to high cost of transportation, only the high-grade ground was worked. Here again is a field for operating low-grade ground and thus furnishing employment to many people.

NOME-TELLER

Estimated to complete..... $360,000

Teller is quite an important settlement on Port Clarence—the harbor is measurably protected. The distance between Teller and Nome is approximately 80 miles. A road would be of very much benefit to all of the people of that region. At the present time a road has been built out of Nome going by way of Little Creek and turning westward across Snake River to the Third Beach line of Sunset Creek, a distance of 12 miles, which is the end of the road at present. The road should be extended westward across Penny, Cripple, and Sinrock Rivers to the Bluestone and Gold Run Creeks, and thence on to Teller. All of the creeks mentioned have been producing gold for more than a quarter of a century but only the richest spots could be mined under the conditions that have existed in regard to roads.

COPPER CENTER-CHICKALOON-PALMER

The Richardson Highway, extending from Valdez on the southerly seaboard of Alaska to Fairbanks in the interior, passes through the settlement of Copper Center, about 103 miles north of Valdez. The Anchorage-Matanuska Valley region is supplied by a local road system recently materially enlarged and expanded. No connection exists, however, between the Matanuska Valley-Anchorage region and the main highway system of Alaska, of which the Richardson-Steese Highway is the principal part. Eventually a road should be built from Copper Center by way of Tazlina River over the summit, which is not high, down the Chickaloon, and thence on to Palmer, there to connect wtih the Anchorage-Matanuska roads. (No estimate is given of the cost because engineering data are not available.)

CORDOVA-THOMPSON PASS

Cordova is a substantial city on the southern seaboard of the main body of Alaska. It is the seaboard terminus of the Copper River & Northwestern Railway. Eighty miles to the north lies the city of Valdez, which is the seaboard terminus of the Richardson Highway. In order to give the Cordova region access by highway to the interior of Alaska, a road, if geographically feasible, should connect Cordova with the Richardson Highway, and that connection can probably be made at or near Thompson Pass, about 26 miles northerly from Valdez. At the present time no sufficient survey of such a connection has been made to determine whether the building of such a road is practicable, but many who are acquainted with the country through which the road will pass say that it is. Therefore it is included in this list of road projects for Alaska.

BEAVER-CARO-LITTLE SQUAW

Estimated to complete..... $290,000

Total estimated cost $300,000, of which $10,000 has already been allotted from public-works funds. A winter sled road now serves placer operators and quartz prospects in this district. Recent developments indicate that prominent mining concerns have done sufficient work on one of the lode prospects to warrant a continuation of expenditure probably leading to actual mining. This will necessitate summer traffic to this district. It is proposed to construct a summer tractor road for this purpose at a cost of $300,000. The total distance is 120 miles. If work is commenced at the beginning of any season it may be completed economically within three seasons.

M'CARTY-CANADIAN BOUNDARY

Estimated to complete..... $2,250,000

This proposed road is part of the so-called International Highway through British Columbia and Yukon Territory, Canada, into Alaska to connect with the present Richardson Highway in Alaska at McCarty. The road is described in the Report of the Commission to Study the Proposed Highway to Alaska. This project is of the greatest importance to Alaska as a whole, and if constructed under a general agreement with Canada to construct the portion of the route through that country necessary to reach the United States, it should be given very early priority. It seems likely that not less than four summer seasons will be required to complete the Alaskan sections requiring 182 miles of new construction accessible now at only two points. It seems also probable that the same length of time will be necessary for the construction of the proposed highway which lies in British Columbia and in Yukon Territory.

The construction of the McCarty-Canadian boundary road in, of, and by itself is amply justified and construction should be undertaken immediately even though the remainder of the International Highway is not built at the present time, for the reason that the building of this road, which lies entirely in Alaska, will make accessible for development enormous areas of placer-mining ground, some of which has been worked for years, and will make available for exploitation and development large areas of what is generally referred to as low-grade ground, thus very largely extending placer operations and leading to greatly increased employment. One feature of road building in Alaska is that the construction of most of the roads under consideration will not only give employment during the construction period but the building will make available for development large areas of mining country as well as agricultural lands, and in the mining country alone it is estimated that the building of the roads will give employment to at least 2,000 additional men for many years to come. Hence, the benefits of the building of the roads here recommended are of very large scope and extend indefinitely in the future. In this connection it should be noted that, according to a report of the Department of Agriculture, the building of this road will make available and accessible for settlement approximately 750,000 acres of the best agricultural land in Alaska located in the Forty-mile country. The building of this road would give direct road connection with the very important city of Dawson in Yukon Territory, Canada, since an existent low-grade road extends westerly from Dawson to a point very close to the boundary between Yukon Territory and Alaska.

In addition to its local benefits, as above indicated, the McCarty-Canadian boundary road is an integral part of the proposed British Columbia-Yukon-Alaska Highway.

INTERNATIONAL HIGHWAY

A road already exists from the southerly boundary of British Columbia to Hazelton in that Province which is approximately 830 miles north of the city of Vancouver, British Columbia, and 882 miles north of the city of Seattle, Wash. Of the International Highway there remains to be built approximately 520 miles in British Columbia, 480 miles in Yukon Territory, and 182 miles in Alaska. The total mileage thus remaining for construction is 1,182. It is estimated that the total cost of this construction for a coach road with gravel surface and transversable in all weathers is approximately $12,000,000, though higher estimates have been made.

The highway to Alaska has been referred to as "visionary." The term is an inapt one, though it is true that only men of vision have ever accomplished anything constructive in the world from the dawn of recorded history until the present time. In the sense that one must have vision in order to understand the possibilities of any great highway, the appellation may be justified but not otherwise.

The father of the International Highway idea is Donald MacDonald, of Fairbanks, Alaska, an exceptionally capable engineer who has been for some years employed in that capacity with the Alaska Road Commission. To the vision, energy, and industry of Mr. MacDonald must be ascribed in ample measure the present state of development of the idea of the highway, and to the impetus which he gave to the plan and the actual reconnaissance which he made over the several alternate routes of that part of the road to be built in Alaska must be attributed in equally full measure the definite steps which have been taken toward its consummation.

Following Mr. MacDonald's lead, the Legislature of Alaska made a small appropriation for promotion of the highway, and in 1930 Congress passed an act (Public, No. 228, 71st Cong.) authorizing the President to designate three special commissioners to cooperate with representatives of the Dominion of Canada in a study regarding the construction of the highway, with a view of ascertaining whether such a highway is feasible and economically practicable, and providing that upon completion of such study the result should be reported to Congress. Accordingly the President appointed as the American members of the Commission Mr. Herbert H. Rice, of Detroit, Mich., chairman; Mr. Ernest Walker Sawyer, then Assistant to the Secretary of the Interior; and Maj. (now colonel) Malcolm Elliott, Corps of Engineers, United States Army, then President of the Alaska Road Commission. These commissioners, in cooperation with the Canadian authorities, carried on the necessary investigations, and under date of May 1, 1933, the American commissioners made their report to the President, who in turn transmitted it to Congress. To the engineering skill of Colonel Elliott and to the exhaustive work which he did, and which was done under his direction, in investigation of the project must, I believe, be largely ascribed the very lucid and comprehensive report made on the project, in which the road was found to be feasible and that it could be built at reasonable cost, estimated in the report at $12,000,000, and setting forth facts indicating that the construction of the road was economically practicable and, indeed, justifiable. This is said of Colonel Elliott's work without detracting in the least from the very valuable services given by Mr. Rice and Mr. Sawyer, the other American members of the Commission. In the report, on page 41, we find the Commission saying, with respect to the building immediately of that part of the road which lies in Alaska, the following:

> While the objective should be the ultimate completion of the entire route, the local benefits to be derived from early completion of individual sections should not be ignored. Thus the early completion of the Fairbanks-Dawson road on its own merits for the purpose of developing the intermediate territory and providing a much-needed connection between the two communities as well as a vital link in the proposed through highway is considered highly desirable.

Before this report had been made, most Alaskans believed that the part of the road to be built in Alaska should be constructed without delay. This was warmly advocated by Mr. MacDonald and by many others, including myself. Accordingly, shortly after I became Delegate from Alaska in March 1933, I introduced in Congress a bill calling for the construction immediately of the part of the road in Alaska and for the building of the entire highway as soon as proper arrangements with the authorities of the Dominion of Canada could be made. No action was taken on this measure during the Seventy-third Congress, and so it was reintroduced in both House and Senate in the Seventy-fourth Congress. The measure, after some amendments, particularly one which eliminated an appropriation for the immediate construction of the Alaska portion of the road, passed both Houses and was approved by the President on August 26, 1935.

The act so passed by Congress and approved by the President requests the President, through such channels as he may deem proper, to negotiate and enter into an agreement or agreements between the Governments of the United States and the Dominion of Canada for the survey, location, and construction of a highway to connect the Pacific northwestern part of the continental United States with British Columbia and Yukon Territory, in the Dominion of Canada, and the Territory of Alaska; and that upon the completion of the negotiations and the execution of the agreement or agreements in the act authorized to designate such existing agency of the Government of the United States as he may select for the purpose, or such officials or agency as he may specially appoint or create for the purposes of the act, to carry on the work of survey and location of the route for the highway and of the construction thereof after such route shall have been determined and approved by the President. The act, as above noted, carried no appropriation, but it is clear evidence of the intent and desire of Congress and of the administration to have the road built, provided, of course, suitable and proper arrangements can be made for the construction of that part of the road which lies in the Dominion of Canada. It will be noted from the figures given above that nearly 1,000 miles of the road yet remain to be built is in British Columbia and in Yukon Territory and less than 200 miles of it in Alaska.

The construction of the proposed highway to Alaska is in entire harmony with the road construction now going on through Mexico and Central America and projected ultimately to reach at least to the Panama Canal—a truly Pan American highway. No Territory of the United States except the Panama Canal Zone, which can be adequately served by sea, lies to the southward, but to the northwest of the United States lies a region of great actual, and still greater potential, value and in area more than twice the size of Texas; in fact, so large that many of the residents of the United States fail to comprehend it. As one very eminent Member of Congress observed to me, there are 10 times as many strong reasons for aiding in the construction of the highway to Alaska as there are for aiding in the construction of a highway through Mexico and Central America to the Panama Canal. For in the one case we connect up with and we serve our own citizens, while in the other no citizens of ours in the lands to be joined by the road will receive any material benefit. No system of road construction in Alaska will be complete or fully effective without the building of this great highway. The internal road plan for Alaska and the highway to Alaska ought to be considered as component parts of an indivisible thing. If we have our system of internal roads, and then if these roads can be reached from the United States by a road northerly through British Columbia and Yukon Territory into Alaska, it is not difficult to realize the profoundly stimulating effect which the traffic northerly to the Territory will have upon Alaska and incidentally, equally great effect and perhaps greater immediately beneficial effect upon British Columbia and Yukon Territory.

It is not necessary, Mr. Speaker, to draw upon the imagination in order to foresee what the system of roadbuilding which I have attempted to present here would do for Alaska. And may I here remind the Members of the House that with the very large benefits certain to follow the building of the International Highway and the extension and enlargement of roads in the interior of Alaska, the American citizens who will benefit most largely by such construction are not those who live in Alaska but those who reside in the United States, for

they, through the building of these roads, will be able to find for themselves new frontiers of opportunity, of satisfaction, and of wealth. One has only to read the data as to the number of American motor cars which pour yearly southward into Mexico over the highways recently constructed in order to understand the absolute inevitability of a like flood of people to Alaska over the British Columbia-Yukon-Alaska Highway when built—people going not into a strange land but into a part of their own country, of which most of them know little, and there finding, as I am certain they will find, economic and other attractions which will detain a considerable percentage of them in Alaska and make them permanent residents of the Territory.

Mr. Speaker, statehood for Alaska may not be so far off after all. When one who knows Alaska considers what may reasonably be expected to follow the construction of an adequate system of roads to Alaska and in Alaska, the construction of a like system in the immediate future of air fields and air facilities, a reasonable amount spent in improvement of our harbors for the protection of commerce and navigation, it requires no effort of the vision to see Alaska being admitted as a State in this present generation.

BEHIND THE POLITICAL SMOKE SCREEN

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by Senator GEORGE W. NORRIS, of Nebraska, over the Columbia Broadcasting System, Sunday, June 14, 1936. Senator NORRIS' topic was Behind the Political Smoke Screen. He spoke from the studios of WJSV, Columbia's station for the Nation's Capital:

Some eminent gentlemen behind a smoke screen at Cleveland have been engaged in adopting a national platform and nominating a candidate for President of the United States. The unbounded enthusiasm of that convention upon the appearance before it of ex-President Hoover demonstrates beyond a shadow of doubt that the convention was in favor of Hoover and Hoover principles of government. If they had carried out their wishes and expressed their true sentiment, if they had had the courage of their convictions, they would have nominated Mr. Hoover for President. They knew, however, that the Hoover lesson of despair, of failure in governmental affairs, is still too fresh in the minds of the American people for them to succeed in any such reactionary program. They cheered to the limit Hoover's description of European methods. They gave unstinted approval to his idea of Europe. They were undoubtedly right in that. Hoover ought to know about Europe. He lived there long enough. From his own experience he is far better qualified to speak of European conditions than he is to discuss American questions. The American people have not forgotten that it was Hoover who, while he was President of the United States, tipped off to our European debtors the idea that they should repudiate the debts they owed America. It was Hoover's idea, in the interest of foreign debtors, that culminated in the repudiation of more than $11,000,000,000 of foreign debts.

The American people have not forgotten the dreary picture of the Hoover administration. They remember how it failed. The chicken in every pot, the two cars in every garage, pictured by Hoover, will not satisfy the hunger of the unemployed or bring relief to suffering mothers and ragged children, who can so clearly trace their suffering and their misery to Hoover's unfulfilled prophecies. No amount of fantastic dancing around that mysterious corner, looking for prosperity, can change the situation. As the smoke screen at Cleveland gradually rises, the American people will realize that though the voice of that convention is Jacob's voice, the hands are the hands of Esau.

How those eminent gentlemen cheered the ex-President, when in glittering generalities he discoursed on the precious value of human liberty! How they applauded when he praised the Supreme Court for its action in nullifying New Deal measures designed to bring relief to a suffering people! His comment on these Supreme Court decisions brought unlimited joy to those eminent gentlemen at Cleveland, particularly when they recalled its most recent decision which nullified any attempt to limit the hours of labor by any of the States of the Union. The same Court had practically held, only a few days before, that the Federal Government did not have this power and, therefore, the sacred doctrine of liberty had been preserved, and the freedom of the man or the woman to enter into a contract with big business to engraft human slavery upon the toilers of the Nation had been upheld.

How precious is such a liberty to the humble toiler, faced with ruin and starvation, thinking of the sufferings of his wife and children, which protects him in his right to sign himself and his posterity into human bondage?

These eminent gentlemen did not give consideration to the fact that other unemployed millions will be deprived of a living wage by the precious liberty exercised by the few who sign on the dotted line at the demand of organized monopoly and human greed!

When any monopoly or combination is able to control economic conditions so as to compel our people to sign away their right and their liberty of action, then the rights of society must be preserved by legal means, in order to restrain the oppression of the powerful over the weak. To preserve our Constitution and to preserve our democratic form of Government, such reactionaries as these must be kept from control of the situation.

The keynoter at that convention had no constructive note in his address. He devoted all of his great abilities to faultfinding and to criticism which was neither just nor constructive. He said, it is true, he himself had voted in the Senate for some of the New Deal measures, but the people of this country should not charge that up against the New Deal because, in the same speech, the Senator afterward apologized for such votes. In opening his address before these eminent gentlemen at Cleveland, he enumerated very beautifully in a general way some of the economic reforms he desired to bring about, and then he asked the question, "How can we achieve this objective?"

He never answered that question, but the answer is very simple, and for the benefit of these eminent gentlemen behind the smoke screen at Cleveland, let me say that the way to achieve the moral, intellectual, and spiritual objectives of our people is simply to reelect Franklin D. Roosevelt.

The very able gentleman who was permanent chairman of that convention delivered a beautiful speech of glittering generalities, filled with criticism, but without a single constructive idea. All of these gentlemen failed to suggest a single remedy for existing conditions. They all admit that at the time Hoover went out and Roosevelt went in, the country was in a deplorable condition. Any fair-minded man must admit that it was on the verge of destruction. Something had to be done, but these men, leaders of a great party, have failed, even by innuendo, to suggest any remedy for the depression.

If the New Deal is wrong on the unemployment question, for instance, what suggestions have they to make to solve this perplexing problem? If the New Deal has not functioned properly, what have they to offer that will function properly? What specific remedies have they to offer to bring relief to a suffering people?

Constructive criticism should always be welcomed. However, men who do nothing but throw monkey wrenches into the machinery, without offering any remedy, are not making constructive criticisms. The keynoter in that convention, for instance, promised the people that if his crowd were successful, it would reduce taxation. Everybody concedes that a reduction in taxes would be a good thing, but just how and where shall the reduction take place?

This keynoter admitted they should feed the hungry and take care of the unemployed. Does he expect to do these things without money? Can they be done without taxing the people? If so, give us the formula. Come out from behind the smoke screen, and tell the barefaced truth to the American people.

When President Roosevelt took control of this Government on the 4th of March 1933 he was confronted with a condition never before faced by mortal man. Every remedy of Hoover had failed; every promise he had made to the American people remained unfulfilled. Banks were closing all over the country. Unemployment was increasing at a rapid rate. Business was at an absolute standstill. But it must be admitted that Mr. Hoover, as he said in that memorable campaign, had preserved the gold standard. To him this was more precious than the welfare of his people. Banks might fail, business might go into the hands of a receiver, the army of unemployed might increase, mobs driven to desperation by cold and hunger might be organized, yet he had preserved the gold standard.

When President Roosevelt took over the helm of government he had no precedents to guide his footsteps. He had to sail the ship of state into an uncharted sea. Naturally, he made mistakes. In setting up, almost overnight, machinery to cover the entire country from ocean to ocean, necessarily there were in it many cogs of inefficiency and some of graft.

However, as one of the results of the Roosevelt administration, the banks, for instance, were put on a firm foundation, and today a bank failure has become almost a thing unknown except in bitter memory. But we see now a great combination of bankers, having had their own business preserved by governmental action, uniting to prevent the Government from doing anything to help anyone else. Yet it was these same bankers of the United States in the first days of the depression who came, hat in hand, to the Government, begging for help.

They were not opposed then to having the Government go into business, but when they had been placed upon an honest footing, when their own business had been saved from ruin by Roosevelt's action, then many of them, with greedy hearts and itching palms, combined to destroy every action of the New Deal.

When Roosevelt took the helm in March 1933 the farmer was in a deplorable condition. The men who produce the food we eat and the raw products out of which our clothing is made were in practical financial ruin. All promises of Hoover had been tried. They had all failed. Every remedy suggested by Mr. Hoover proved disastrous when put to the test. When for the first time in "3 long

years" the farmers were beginning to get the benefit of New Deal policies, the Supreme Court nullified the Agricultural Adjustment Act and brought joy and jubilation to the hearts of these eminent gentlemen behind the smoke screen at Cleveland. I do not mean by that they had any malice toward the farmer. I do not mean to say they were not interested in the well-being of the farmer. But I do mean that if they could get any partisan advantage from the nullification of any of the New Deal measures designed to help the farmer, they would be jubilant beyond expression.

And this brings me to the proposition which I have often stated, both publicly and privately. I get it from my experience of more than 30 years in Congress. The one greatest evil of government is partisanship. It was condemned originally by Washington, the Father of his Country. The spirit of party, as George Washington said, if unrestrained, will eventually burst into flame and destroy the very foundation of the Government itself.

So, after all, these eminent gentlemen behind the smoke screen in Cleveland to a great extent were imbued with a partisan spirit which is more or less common to all of us. But they have carried this party feeling so far, they are so completely controlled by it, they would see the farmer fail rather than give any credit to any other party or organization which has been instrumental in bringing him relief.

This was clearly exemplified when the keynoter of that convention offered an apology in his speech for having voted for some of the New Deal measures. When he voted for them he undoubtedly believed in them. But, as he himself said, it was early in the session and at that time the approaching national convention was so far off that it was unthought of and his party spirit had not asserted itself. If these partisan gentlemen want to be fair, if they have supported some of the New Deal measures, why are they not frank enough to approve them instead of offering an apology? When the Supreme Court nullified the Farm Relief Act these same partisan gentlemen went into hysterics of joy because a New Deal measure which had brought relief had failed to receive the approval of the Supreme Court.

Let me enumerate some of the acts passed by Congress on the recommendation of President Roosevelt: The Holding Company Act, acts for farm relief, the Tennessee Valley Authority Act, the Railroad Retirement Act, Securities and Exchange Act, Farm Credit Administration Act, Home Owners' Loan Act, Federal Housing Act, Federal Deposit Insurance Act, Social Securities Act, Rural Electrification Act, and many others.

Will these eminent gentlemen behind the smoke screen at Cleveland, if given the power of government, repeal any of these beneficial laws? Will they, for instance, nullify the Holding Company Act, by which people are given relief from an autocracy and a monopoly of the greatest and most unholy combination ever put together by human hands? Will Mr. Hoover and his vociferous admirers, behind the smoke screen, repeal the Federal Housing Act? Will they repeal the Tennessee Valley Authority Act, an act which, when completely carried out and applied to our inland waterways, will give to America the greatest and cheapest method of inland water transportation ever devised by man; a system of navigation that will make it possible to carry the products of Minnesota, for example, by water to the Gulf of Mexico, to Omaha, Nebr., or to Knoxville, Tenn.; a law that, in addition to its immense navigation possibilities, will hold in subjugation and control the enormous floods which heretofore have done such great damage in the Tennessee Valley; a law which already, through the instrumentality of one great dam, holding back flood waters amounting to 3,500,000 acre-feet, has saved many millions of damages which would otherwise have been suffered by the residents of the States in that great fertile plain; a law that, as an incident to navigation and flood control, has brought relief to millions of people who have been suffering under the hardships and injustices of an unconscionable Power Trust? Will the men behind the smoke screen repeal that law?

Will these eminent gentlemen, if given the power, repeal the Rural Electrification Act, by which the farmer and the farmer's wife are given relief from the drudgery and hardships of farm life hitherto imposed upon them by an unjust and unconscionable monopoly?

Will these eminent gentlemen repeal the laws providing for the public-works program, by which the people of the entire country have been given assistance in making internal improvements? Will they repeal the Roosevelt law passed for the benefit of the farmer after the Supreme Court had so ruthlessly set aside the Agricultural Adjustment Act? Will these eminent gentlemen behind the smoke screen at Cleveland, if given the power, repeal the Social Security Act, which gives pensions to millions of our aged citizens? Will these eminent gentlemen continue to shout with joy every time the Supreme Court nullifies any one of these beneficent laws? Will they continue to shed crocodile tears every time any of the New Deal measures receives judicial sanction and approval? Why not be explicit? Why not be concrete? In condemning the New Deal, why not make a bill of particulars?

In a nutshell, the efforts of President Roosevelt have been to put some humanity on the statute books. These measures which I have enumerated are only examples of this attempt to make government human. The people of the country must not forget that in this program of humanity in which President Roosevelt is engaged, he has incurred the animosity and bitter hatred of all monopoly, of all combinations, of all special interests, which are trying to get a financial advantage out of legislation and which are financially interested in shifting the burden of government from their own shoulders to those of the poor, whose rights they have so long trampled under foot.

One of the great reforms now pending which comes from the earnest recommendation of President Roosevelt is the one which has to do with the taxing of undistributed profits by corporations which have so far to a very great extent escaped through a legal loophole from paying their just share of income taxes. The eminent gentlemen behind the screen at Cleveland are all opposed to this reform measure. The interests behind them have so long escaped their just share of the tax burden that they are alarmed when Roosevelt undertakes to stop up the loopholes that have made it possible in the past for selfish interests to shift the burden of taxes from the rich to the poor. This is not a partisan question. There are unnumbered thousands of Republicans who are behind the President in his noble attempt to bring happiness and comfort to the firesides of millions of our citizens. There are many Democrats who are opposed to this program. They will give secret help and assistance to these eminent gentlemen behind the smoke screen at every opportunity.

I am not asking support of Roosevelt on a party basis. I am pleading with my countrymen to forget partisanship and come to the support of the man who more than any other man in recent years has stood for the welfare of the common people. I want you to remember that these eminent gentlemen behind the smoke screen at Cleveland will attempt to buy the electorate at the coming presidential election. They will be supplied with funds from special interests which have come into conflict with the reform measures of President Roosevelt. The amount of their subscriptions will, to them, not be material. The only question they will ask is how can their subscriptions be used for the purpose of bringing about the defeat of Mr. Roosevelt.

They will be careful in this coming campaign not to appear in the open, wherever they can conceal their attempts. They will wrap themselves in the American flag, stand on the housetops, cry out for liberty of contract, denounce the Government for going into business, and do everything they can, directly or indirectly, which will enable them to maintain the stronghold they held under Hoover, and upon which Roosevelt has gradually but surely loosened their grasp.

These eminent gentlemen behind the smoke screen in Cleveland adopted a platform. Within the limits of my time I cannot discuss that platform in any detail. A few things in it, mostly glittering generalities, will be approved by fair-minded men. Some things in it are absolutely unworkable, and many things in it are deceptive and so indefinite as to permt of almost any construction. For instance, the platform says, "We advocate a sound currency to be preserved at all hazards." The wildest inflationist who believes in unlimited expansion of the currency and the most narrow-minded stand-pat reactionary who believes in deflation both claim, and I presume believe, that they are advocating a sound currency "to be preserved at all hazards." No man, reasonable or unreasonable, will have any difficulty in standing on that plank. It covers everything, and does not touch anything. Similar misleading planks on almost every subject are found in this platform. We should consider, not only the platform, but the men who made it.

In this connection we should not forget that the leaders of those eminent gentlemen, most of the members of the platform committee, belong to the reactionary element of the party. Some of them have had experience for many years in Congress, and the record shows they have bent all their great abilities in the direction of the protection of monopolistic principles as against the welfare of the common man.

These eminent gentlemen behind the smoke screen at Cleveland nominated a man for President whose greatest asset is that nobody knows him, and nobody knows what he stands for. It does not necessarily follow from this that the nominee is not a good man. But it does mean that if he will not take orders from the undisclosed bosses who made him, then these eminent gentlemen have been deceived. The very fact that reactionary alleged leaders from Maine to California, from Minnesota to Florida, and from all other sections of our great country tumbled over one another to endorse a man they did not know and had never heard of before is conclusive proof that somewhere behind the scene the representatives of special interests issued the commands that percolated down through the reactionary organization to the lieutenants in local control, and they obeyed the recognized voice of their masters.

I think Mr. Landon is entitled to credit for his stand upon the merit system. In his message to the convention he takes a definite stand upon this subject. For this I commend him. But I call attention to the fact that his stand upon the merit system is not binding upon the convention which nominated him. Some of the leaders on the platform committee have shown by their past official activities that they are bitterly opposed to the merit system in all its details.

This is not peculiar to any one party. Both parties have fought the enactment into law of any legislation which would put an effective merit system upon the statute books. This is particularly true of the Post Office Department. That ought to be taken out of politics entirely from top to bottom; and the President, whoever he is, will have to battle the leaders of his own party to bring about this reform.

I am firmly of the belief that President Roosevelt is an ardent believer in the merit system and that he would be glad to have the proper legislation enacted so that the civil-service system may be firmly embedded upon the statute books, and particularly that the Post Office Department, from Postmaster General down to janitor, should be taken completely out of the domain of partisanship. There has been a gradual sentiment developing, I think,

even in Congress, that this should be done, and I welcome Mr. Landon's assistance in that direction. I firmly hope and sincerely believe that the next Congress of the United States, under the guidance of President Roosevelt, will enact such a law.

In spite of all the partisan criticism, in spite of the ardent attempts of monopolies, of special interests, and of partisan politicians, I do not believe the American people are going to change horses while crossing the stream of depression. President Roosevelt's sincerity of purpose, the humanity of his heart, his desire to relieve the distressed, his fidelity to the common man will bring to his standard, regardless of politics, all sincere, liberty-loving, patriotic people of America, many of whom love him for the enemies he has made, all of whom have faith in his declared purposes. Out of the New Deal, under his leadership, will come a new civilization for America.

CATEGORIES OF VESSELS LIMITED BY TREATIES, ETC.

Mr. VINSON of Georgia. Mr. Speaker, I call up the conference report on the bill (H. R. 5730) to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", and ask that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5730) to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934, 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 1, 2, and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

CARL VINSON,
P. H. DREWRY,
GEORGE P. DARROW,
Managers on the part of the House.

DAVID I. WALSH,
M. E. TYDINGS,
FREDERICK HALE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5730) to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934, submit the following statement in explanation of the effect of the action agreed upon and recommended as to each of such amendments in the accompanying conference report, namely:

On amendments nos. 1, 2, and 3: Restores the proposal of the House that net losses on contracts or subcontracts completed within any income-taxable year shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income-taxable year.

On amendment no. 4: Specifies effective dates of the law as amended, as proposed by the Senate.

This amendment will not affect contracts completed prior to January 1, 1936. The profits on such contracts will be determined as provided in the original Vinson-Trammell Act; that is, on the basis of each separate contract. The amendment will apply to all contracts entered into between March 27, 1934, and the date of the enactment of this amendment, which had not yet been completed on January or before December 31, 1935.

CARL VINSON,
P. H. DREWRY,
GEORGE P. DARROW,
Managers on the part of the House.

Mr. VINSON of Georgia. Mr. Speaker, unless there are some questions, I shall move the previous question on the conference report.

Mr. SNELL. Mr. Speaker, I think the gentleman ought to explain to the House a little about what happened in the conference.

Mr. VINSON of Georgia. Mr. Speaker, I may state to the gentleman from New York and to the membership of the House that the Senate inserted amendments nos. 1, 2, and 3 to the House bill. At the conference the Senate abandoned its position, and the bill in its present form is exactly as it passed the House except for the Senate amendment clarifying and stating what is meant by the income taxable year.

Mr. SNELL. Which amendment is that?

Mr. VINSON of Georgia. That is amendment no. 4 of the Senate, to which the House conferees agreed.

Mr. SNELL. Just how does that affect the situation?

Mr. VINSON of Georgia. That requires the Treasury Department to make its calculations as to excess profits from the date of the passage of the original Ship Construction Act of March 27, 1934. The income taxable year on all contracts of the Navy, including whether or not they will have to pay the 10-percent excess profit, are to be calculated from the original act which was approved March 7, 1934.

Mr. SNELL. And will be calculated on the completion of the contracts?

Mr. VINSON of Georgia. The gentleman is correct.

Mr. SNELL. Taking in that year's income.

Mr. VINSON of Georgia. That is right.

Mr. Speaker, I may state to the gentleman from New York that the amendment was suggested by the Treasury Department to clarify their accounting and to enable them correctly to carry out the intent of Congress in reference to the 10-percent-profit feature.

Mr. SNELL. That is all there is to it.

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to, and a motion to reconsider was laid on the table.

CONDITIONS FOR THE PURCHASE OF SUPPLIES BY THE UNITED STATES, ETC.

Mr. GREENWOOD, from the Committee on Rules, reported the following resolution (Rept. No. 2995), which was referred to the House Calendar and ordered to be printed:

House Resolution 549

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3055, a bill to provide conditions for the purchase of supplies and the making of contracts, loans, or grants by the United States, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

ORDER OF BUSINESS

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, when the House completes its business this afternoon it is planned to stand in recess until 7:30 this evening to consider the Private Calendar. First on the calendar are five omnibus bills. If they are completed the individual bills will be taken up thereafter. It is important, of course, to maintain a quorum tonight in case any quorum calls are made necessary by objections to bills.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. COCHRAN. There is going to be a point of no quorum made tonight, so it would be advisable to have the Members here.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. BLANTON. Could we have an understanding that at the night session nothing but bills on the Private Calendar will be considered, that no other business will be taken up?

Mr. O'CONNOR. That is the understanding.

Mr. BLANTON. That will be the understanding—we can go away with that assurance?

Mr. O'CONNOR. Yes.

INTERSTATE COMMERCE IN BITUMINOUS COAL

Mr. GREENWOOD. Mr. Speaker, I call up House Resolution 535 for immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12800, a bill to regulate interstate commerce in bituminous coal, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentleman from New York [Mr. O'CONNOR] such time as he may need.

Mr. O'CONNOR. Mr. Speaker, the rule provides for 2 hours of general debate. Having conferred with certain Members interested, I hope the time can be reduced to 1 hour so we may expedite final action. The bill is quite lengthy and its reading under the 5-minute rule will afford plenty of opportunity for debate.

Mr. Speaker, I ask unanimous consent that time for general debate be reduced from 2 hours to 1 hour.

Mr. SNELL. Mr. Speaker, reserving the right to object, the gentleman from New Jersey [Mr. BACHARACH] advises me he thought there was to be 2 hours of general debate.

Mr. O'CONNOR. We discussed yesterday the proposition of reducing it to 1 hour and I thought that was satisfactory to the gentleman from New Jersey.

Mr. BACHARACH. Mr. Speaker, if the gentleman will yield, we have had some requests since then which alters the situation. I think it would probably be better to make the time an hour and a half.

Mr. SNELL. I think 1 hour is a little too short a time.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that time for general debate be reduced to 1 hour and a half.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. RANSLEY] and a like time to myself.

The SPEAKER. The gentleman from Indiana is recognized for 15 minutes.

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JENKINS of Ohio. I thought the time on the rule had been fixed at 10 minutes to the side?

Mr. GREENWOOD. It was fixed 3 or 4 days ago at 10 minutes, but we have liberalized the time and added 5 minutes to each side.

Mr. Speaker, this rule is for the consideration of what is sometimes called the revised Guffey coal bill for the regulation of interstate trade and distribution of bituminous coal. It has for its purpose the continuation of the stabilization policy that has been established under the bill previously passed by the Congress known as the Guffey coal bill. It has been found very beneficial for the stabilization of the business and the working out of a harmonious arrangement between the management and the employees. Very much to the regret of the proponents of that bill, the Supreme Court held the former bill unconstitutional because of its regulation of labor as to hours and working conditions. The Court held these labor regulations were local and incidental to production under State control.

The committee has reported a bill now which eliminates all of those provisions to which the Court raised objection. It is not undertaken in the present bill to regulate labor as to hours, as to wages, or as to working conditions. It has for its purpose the regulation of the distribution and the sale under code provisions very similar to the former code regulation of bituminous coal. Those who have drawn the bill have looked into the Court decision very carefully and feel this meets all the objections which the Supreme Court raised to the former bill.

The N. R. A. undertook similar provisions with reference to industry. The Supreme Court in the Schechter case based its decision upon the question of State control. I have always felt in my own mind had that case been based on a code governing the regulation of bituminous coal the Supreme Court might have sustained it.

In the first place, bituminous coal is a natural resource very much like water power and electrical energy and belongs to the Nation as a whole. It necessarily follows it must be produced in certain localities, although its consumption is Nation-wide. Being a natural resource, there is a national significance attaching to the production and consumption of coal that is not found with reference to the regulation of local business such as involved in the Schechter case. We have eliminated the provisions to which the Supreme Court raised objection in the former bill and have the assurance of those who have studied the matter that this bill will meet the necessary constitutional requirement.

This bill sets up a board of seven to regulate the matters of price and distribution, two to be selected by the employees, two to be selected by the producers, and three to be appointed from the public who have no interest whatever either in coal, in oil, or in the distribution of electrical energy. This board will formulate a code for the stabilization of the coal industry and has the power to set up minimum prices, taking into consideration the cost of production, the peculiar features of any particular quality of coal, or any of the necessary costs that enter into the production.

It sets up 13 unfair trade practices of which the board will take cognizance. In some respects it is very similar to the recent Robinson-Patman bill in that its object is to promote fair trade practices as between different producers in the various coal fields. It is true there is no labor regulation in this bill, but if the business is stabilized and the industry knows what the the prices are to be, it will have a very good effect and labor will take care of itself. Coal is sold under long-time contracts ordinarily, and if the industry knows what the price will be, it can fix the prices and reach an agreement with the employees on a long-time basis so that harmony prevails in this particular industry. Stabilization and understanding is the object of this particular law. The whole business will be organized on a fair, comparative basis as between the producers in the various fields, taking into consideration the cost of production, quality of the coal, and the various items that necessarily may create differentials between one class of coal in one section of the country and another class of coal in another section.

There is to be a conservator appointed under the law who will have the interest of the consuming public under his jurisdiction. He may appear before the Commission and present all of the facts which will take care of those who purchase the coal. The Board may set a minimum price, having in mind a fair return in profit to the various producers.

Mr. SNELL. Will the gentleman yield?

Mr. GREENWOOD. I would prefer to wait until after I have finished my statement.

The conservator set up under this law will take care of the consuming public. The minimum price will be based upon a fair return and a fair profit to the various producers. The Board can in emergencies fix a maximum price. The law clearly provides maximum prices are made to prevent exploitation of the consumers, prevent price skyrocketing in emergency or under weather conditions which may arise. Fair competition will protect consumers.

Mr. Speaker, the committee should be complimented for endeavoring to take care of all the different factors or groups which will operate under this law. The employees are protected. The employers are taken care of so that they may make a fair return and pay fair, living wages. The consuming public is taken care of so that they shall not be exploited because of price fluctuations.

Mr. MAY. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman comes from a State which is a large producer of coal, and he knows, as a matter of fact, that coal is one industry that is affected by weather conditions as much as any other. Is it not a fact that the mere existence of the Bituminous Coal Commission during the last cold-weather period had a decisive effect on the regulation and control of prices and kept them from going to an unreasonable point?

Mr. GREENWOOD. It is very true, and the gentlemen on the Ways and Means Committee have statistical tables which show the comparative prices since the operation of this law. There has not been a fluctuation in any of the large centers of consumption of more than 25 cents a ton, and in many instances there has been a reduction in price under the present law that was declared unconstitutional. Stabilization of price and publicity of methods of distribution are helpful of fair trade practices.

Mr. O'MALLEY. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Is it not a fact that one of the principal points of the Supreme Court decision was the taxing power of the Federal Government could not be used for penalty purposes? Does not this bill tax coal and then make a refund of that tax if certain codes are agreed to?

Mr. GREENWOOD. The same provision was in the old law, but it is conceded by all who read the recent decision and former decisions that if the Congress has the delegated power to pass a regulation, then it has the power to use the taxing power of the Constitution to enforce that regulation.

This measure rests upon the commerce clause of the Constitution.

They have eliminated those features to which the Supreme Court raised objection with reference to labor, and the revised law is based upon the commerce clause of the Constitution and on the theory that we are not exceeding our authority in the regulation of commerce; and if the bill is upheld on that basis, then there can be no question about our using the taxing power to enforce the authority which is contained in the measure.

Mr. O'MALLEY. Of course, the gentleman knows that as the Supreme Court is constituted now we can keep on voting for these measures for labor and to regulate industry and the Supreme Court will knock them out. The only way we can get laws of this kind enacted is by a constitutional amendment.

Mr. GREENWOOD. That may be true, but there are others who believe that we have formulated this law upon the delegated authority which Congress has, and having such authority under the interstate commerce clause to regulate commerce and create a free flow of products in the channels of interstate commerce we can use the taxing power to enforce such delegated powers.

Mr. SNELL. Mr. Speaker, will the gentleman from Indiana yield?

Mr. GREENWOOD. I yield to the gentleman from New York.

Mr. SNELL. It seems to me the important question before the people now is how much these new regulations and conditions that you are setting up are going to raise the price of coal to the ultimate consumer. Can the gentleman tell us that?

Mr. GREENWOOD. Just a few moments ago I commented on that, I may say to the gentleman from New York, and stated that a gentleman on the Ways and Means Committee has a statistical table showing the cost of coal for many years, by month; and during the operation of the law which was declared unconstitutional by the Supreme Court, the former Guffey Act, there has not been a fluctuation in price in any large city where there is volume consumption of more than 25 cents a ton; and the statistics also show that the former price was reduced in as many instances as it was increased, showing that stabilized prices with an understanding on the part of the producer as to what the price shall be has benefited even the consumers by affording them a stabilized price. I do not think there need be any fear along that line.

Mr. SNELL. Then the gentleman is firmly convinced that the price to the consumer will not be any higher under this bill than it was before?

Mr. GREENWOOD. Well, the law provides that it can be raised 2 cents a ton by the Board, but no more than that, upon a hearing.

Mr. SNELL. I am referring to the price to the ultimate consumer.

Mr. GREENWOOD. We all know that there have been times of emergency and times of extreme weather conditions when it has not been unusual for the price of coal to be boosted as much as $1 or $2 a ton. Nothing like that has happened under the present law.

Mr. SNELL. I know that, but that was not the matter I was trying to find out about. I was inquiring about the average price to the ultimate consumer on account of these added regulations and the cost of production. I was interested in knowing how you are going to get by and sell the coal to the consumer cheaper.

Mr. GREENWOOD. The added cost of production is not nearly as great as the losses that have arisen on account of strikes and misunderstandings, and under the bill you will have a better understanding and stability by putting it on a uniform basis, even though it costs the management something because operations under the old system have been considerably more expensive.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. MAY. The gentleman knows, as a matter of fact, that the coal producers will be interested in making the price of their products such as to enable them to compete with the cleaner fuels, such as fuel oils, gas, and electricity, and it would only destroy their industry if they increased their prices unreasonably.

Mr. GREENWOOD. The only way to have a reasonable price to the consumer is to have stabilized prices under fair trade practices so that nobody can take advantage of their consumers, either to skyrocket prices or to undersell their competitors so as to drive someone out of business. The consumer will be protected by this law as much as any other group.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If the price to the consumer does not go up, and I understand it does not, where does the money come from to add the amount that the producer or the laborer or the miner is to receive?

Mr. GREENWOOD. That is not the question at all. They are not particularly going to pay labor more.

Mr. HOFFMAN. They are not?

Mr. GREENWOOD. But with a stabilized price they can enter into long-time contracts for the sale of coal and with their labor for 1 or 2 or 3 years.

Mr. HOFFMAN. Will the miner get any more under this bill?

Mr. GREENWOOD. Not any more than the union prices that have been paid.

Mr. HOFFMAN. Will he get steadier work?

Mr. GREENWOOD. I think so.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from New York.

Mr. MARCANTONIO. Will the gentleman explain what effect the enactment of this bill will have on the antitrust laws, if any?

Mr. GREENWOOD. The antitrust laws are administered by the Government. This law will be administered by a commission of the Federal Government, and, while it proposes to maintain a complete competitive system under the the regulation of the commission whereby the price of coal will be fixed and stabilized, it is not a question of monopoly or of the driving out of one producer by another, but every producer will stand before the board or the commission on an equal basis to present his case, and this measure is to promote fair trade practices of competition rather than monopoly.

Mr. CRAWFORD. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. CRAWFORD. You speak of stabilizing the price. It fixes the minimum price, but has it the power to fix the maximum price in an emergency?

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. RANSLEY. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, this is price-fixing legislation pure and simple. The Government never has succeeded in its attempt to fix prices heretofore, and there is no reason to believe that it will be any more successful in fixing the price of coal.

In effect, this bill proposes to allow those engaged in the industry to fix the price of their own product. The majority of the commission that is created by the bill and given authority to fix minimum prices and in some cases the maximum prices of bituminous coal is made up of interested parties or those directly engaged in the industry.

The commission is to consist of seven members, two of whom are to be producers of coal, two of whom must be miners, and the other three, or a minority of the commission, are to be selected outside the industry.

The Supreme Court declared the labor provisions of the original Guffey law unconstitutional. One of the objects sought to be accomplished by this bill is to get around the decision of the Supreme Court in the original Guffey Act. It is proposed to accomplish that purpose by leaving out of this bill the provisions of the original act relating to labor and to retain only those relating to price fixing. Of course, the majority of the Commission composed as it will be of producers and miners will cooperate to raise the price of coal in order to give the producers more profits and enable them in turn to pay the miners better wages. In that scheme of things it is easy to see what will happen to the consuming public. Of course, the public will have to pay more for its coal and the average man is having more than he can do to get enough coal to keep him warm as it is.

The gentleman from Indiana [Mr. GREENWOOD] referred to the decision of the Supreme Court in the original Guffey Act, and made the statement as I understood him, in effect that this bill was drafted for the purpose of complying with the decision of the Court in that case.

In that connection it should be kept in mind that the majority opinion did not pass on the power of the Government to fix the price of coal at all. It specifically reserved that question for future consideration.

Let me read what the Court said on that point. I quote:

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter, nor anything we have said, is to be taken as indicating that the Court is of opinion that these provisions, if separately enacted, could be sustained.

Mr. Speaker, it is a violent assumption to assume from that language that the Court will hold that the Government has the right to fix the price of coal that enters into interstate commerce. I do not know whether the Government, under the Constitution, has the right to fix the price of coal and other commodities that enter into interstate commerce or not, but I am satisfied that it ought not to exercise it if it has the right to do so. See where the policy of this legislation will lead us, if we once adopt it. If we fix the price of coal, we will be asked sooner or later to fix the price of other commodities that enter into interstate commerce. We will be asked to fix the price of manufactured products, of furniture, of automobiles, of shoes, of wearing apparel, and of farm products. In fact, if we once get started there will be no place to stop.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes; for a short question.

Mr. GREENWOOD. Is the gentleman willing to concede that there may be a difference between coal, which is a natural resource, and a manufactured product?

Mr. MAPES. There is little difference in theory. This morning, Mr. Speaker, there came to our desks a copy of a speech delivered over the radio on June 5 by Senator BURTON K. WHEELER. Let me read just two paragraphs of what he had to say about the policy of price fixing by the Government. I quote from his speech:

> Consider the implications of ultimate price fixing for trade and industry by either the Government or private groups. It radically changes our form of government.
>
> The Government would be forced into a system of regimentation of industry that would not only be onerous to the people but that might very well be inefficient. Certainly the greatest totalitarian, bureaucratic state the world has ever seen would be the result. Price fixing by private groups will inevitably lead to price fixing by the Government. It will be a fascist state in every sense of the word.

That is the language of the Senator from Montana [Mr. WHEELER].

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I am sorry, but I have not the time. This legislation is a striking illustration of the way some of the New Deal policies head in opposite directions. We are developing hydroelectric power which must necessarily take the place to a large extent of bituminous coal. Of course, that raises serious problems for the bituminous coal industry. It has been estimated, I believe, that some 40 million tons of bituminous coal will be displaced by the TVA development, and on the assumption that 1,000 tons of coal furnishes employment to one man per year, that will take out of employment in the bituminous coal fields, 40,000 people. Fixing the price of bituminous coal will have a tendency also to cause the consuming public to use substitutes for it, such as anthracite coal, fuel oil, natural gas, as well as hydroelectric power. In fact the passage of this legislation will tend to defeat its own purpose. It will tend to reduce the amount of bituminous coal consumed and thereby reduce the number of men employed to produce it. We cannot fix the price of coal without limiting the production of it.

Mr. MAY, Mr. VINSON of Kentucky, and Mr. GREENWOOD rose.

Mr. MAPES. Mr. Speaker, I am sorry, but I cannot yield. My time will not permit. I want to call attention to the similarity of the policy of this bill to that laid down in the Esch-Cummins Act a few years ago relating to the railroads. The Esch-Cummins Act divided the country into regions and contemplated the fixing of uniform rates for the transportation of commodities over all the railroads in a given region. It had in mind that the rates would be high enough to provide a reasonable return on the aggregate value of the railroads in the region. The act specifically stated that in order to accomplish that purpose the rates would have to be high enough to give the roads more favorably situated an unreasonable return, and provided that the surplus over and above a reasonable return to those roads should go to the weaker roads. This bill is based upon the

same theory. It divides the country into 23 different districts and provides that this Commission shall fix the price of coal so as to equal the average cost of production in a given district. Of course, that will enable the low-cost mines to make an unreasonable return and may result in putting the high-cost ones out of business. Experience demonstrated that the provisions of the Esch-Cummins Act, to which I have called attention, would not work and they were repealed. I predict that this legislation will meet the same fate in time.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Not now. The gentleman from Indiana [Mr. GREENWOOD] said that there would be competition between the different districts. That may be true, but there certainly will be no competition as between individual producers in the same district if this bill goes into effect, and it will either allow the low-cost mines in a given district an unreasonable return or force the high-cost ones to go out of business.

The bill does not stop with fixing the minimum price. It provides for the fixing of a maximum price as well. It provides that the commission, if it sees fit or if it deems it in the public interest to do so, may fix a maximum price, and then it contains this provision:

Provided, That no maximum price shall be established for any mine which shall not return cost, plus a reasonable profit.

In other words, the price must be high enough to allow the highest-cost mine to make a reasonable profit, plus the cost of production. Anyone can see what such a price will mean to the low-cost mines. A price that will provide a return which will enable a high-cost mine to get a return of cost, plus a reasonable profit, will certainly provide the low-cost mine an unreasonable profit.

Mr. Speaker, we cannot embark upon the policy of price fixing for the coal industry unless we are willing to do the same thing for other industries that are in distress and fix prices for their commodities as well. I am not willing to embark on such a policy.

Mr. Speaker, I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. DOUGHTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12800) to regulate interstate commerce in bituminous coal, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12800, with Mr. MEAD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. DOUGHTON. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman, the bill under consideration, H. R. 12800, is offered as the administration's substitute for the Bituminous Coal Conservation Act of 1935, which was invalidated by the Supreme Court May 18, 1936.

The provisions of the Bituminous Coal Conservation Act of 1935, which sought the stabilization of the prices of bituminous coal moving in interstate commerce and the regulations of the unfair methods of competition therein, were not directly passed upon by the majority in the Supreme Court's decision. The entire act was invalidated, as the prevailing opinion states, because of its inability to separate the labor provisions of said act from the regulation of prices and unfair methods of competition. The majority opinion held that, even though Congress segregated the distinct problems under separate headings, parts I, II, III, IV, and further separated these parts with sections numbered therein, and further had the separability clause usual and customary, which heretofore had never been found wanting in setting forth the expressed intention of Congress as to separability, the Court in the prevailing opinion substantially said that Congress did not show to their satisfaction that the stabilization of the industry through regulation of prices and of unfair methods of competition as it affected bituminous coal in interstate commerce was separate and apart from the labor provisions thereof; that, holding invalid the labor provisions as beyond Federal power, the stabilization features secured by regulation of prices and removal of unfair-trade practices would likewise fall. For the first time in our observation of the Supreme Court's history did we wince at the failure of this great tribunal to measure up to its responsibility and pass upon an issue truly vital to our economic life.

The gentleman from Michigan [Mr. MAPES] made the statement that the majority opinion of the Supreme Court did not pass upon the price-fixing features of the old act. That is true, but let me ask you as practical men that, with the temper of the Supreme Court as it is, with the divisions which we know obtain in that Court, is anybody, even the distinguished gentleman from Michigan [Mr. MAPES], prepared to say that if they had had five votes on that Court to strike down the price-fixing sections of this act, they would have hidden behind the separability clause to invalidate the act?

Ah, we are in respectable company when we say that Congress has the power to regulate interstate commerce, and in so doing the power to fix prices, unless they are arbitrary, discriminatory, and in violation of the fifth amendment to the Constitution of the United States. We are in respectable company when we say Congress has the power to pass this piece of legislation. Chief Justice Hughes stands there with a lucid opinion saying that Congress has that power. Three other Justices—Mr. Justice Brandeis, Mr. Justice Cardozo, and Mr. Justice Stone—say there is no question about Congress having that power. So I say to you that all of the Justices who spoke upon this subject said Congress had the power. The majority opinion is silent upon that proposition.

Unless the Taft philosophy set forth in the cases of Hill against Wallace, Chicago Board of Trade against Olsen, Stafford against Wallace, and the Coronado cases were followed, it was admitted by proponents of the measure that the labor sections in said act were subject to attack; but even if stricken down, the proponents urged the stabilization features through price regulations and the removal of unfair-competition methods. In fact, the general counsel of the United Mine Workers of America, Hon. Henry Warrum, made such statement very clearly in the hearings before the House committee preceding the enactment of the legislation. Mr. Justice Cardozo very clearly pointed out this frank statement by this learned lawyer and splendid gentleman. We quote from the dissenting opinion of Mr. Justice Cardozo:

At a hearing before a subcommittee of the Committee on Ways and Means, House of Representatives, Seventy-fourth Congress, first session, on H. R. 8479, counsel for the United Mine Workers of America, who had cooperated in the drafting of the act, said (p. 35):

"We have, as can be well understood, a provision of this code dealing with labor relations at the mines. We think that is justified; we think it is impossible to conceive of any regulation of this industry that does not provide for regulation of labor relations at the mines. I realize that while it may be contested, yet I feel that it is going to be sustained.

"Also, there is a provision in this act that if this act, or any part of it, is declared to be invalid as affecting any person or persons, the rest of it will be valid, and if the other provisions of this act still stand and the labor provisions are struck down, we still want the act, because it stabilizes the industry and enables us to negotiate with them on a basis which will at least be different from what we have been confronted with since April, and that is a disinclination to even negotiate a labor wage scale, because they claim they are losing money.

"If the labor provisions go down, we still want the industry stabilized so that our union may negotiate with them on the the basis of a living American wage standard."

To back up the attitude of the United Mine Workers of America toward the 1935 act, they stand here today in that same fair attitude toward this proposed legislation, asking

for its passage as a means of stabilizing the industry. It is their position that unless the industry is stabilized, the old cutthroat competition methods relegated to the scrap heap will be revived and they will have great difficulty in securing a reasonable wage for the dangerous and arduous service rendered. We read from a letter written by Hon. John L. Lewis, president of the United Mine Workers, dated June 13, 1936:

[United Mine Workers of America. Affiliated with A. F. of L. John L. Lewis, president. 712 Tower Building]

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

Hon. FRED M. VINSON,
Member of Committee on Ways and Means,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The United Mine Workers of America advocated before Congress the passage of the Bituminous Coal Act of 1935, not merely because of the labor provisions it contained but because its marketing provisions fixed a floor level of production cost for the interstate marketing of coal. The recent decision of the Supreme Court in the Carter case invalidated the act because the regulations relating to labor were held beyond the power of Congress and were considered to be so interwoven with the marketing provisions as to invalidate them. In the hearings before your committee upon the legislation of 1935 our representative made it plain that if the labor provisions should fail that they were still interested as wage earners in the marketing provisions of the act.

By the decision in the Carter case the bituminous-mine workers are thrown back upon their own resources and ability to organize and collectively bargain for their wages. But, however they may be able to meet this problem unsheltered by the law, they are still helpless to secure a living wage from an industry whose product has for years been marketed in a senseless cutthroat competition which finds its opportunity particularly in a competitive cutting of wages.

It is for this reason that the United Mine Workers of America are again asking Congress to reenact this legislation with the labor regulation deleted. The price provisions provide a minimum base which, after all, is a limitation upon the meanest manifestation of unfair practices in the interstate commerce of bituminous coal—practices which are wasting the coal resources of the Nation and which depend primarily upon a free hand with the wages and working conditions of mine labor.

Very truly yours,

JOHN L. LEWIS.

We also read a letter written by Hon. Charles O'Neill, chairman, special legislative committee of National Conference of Bituminous Coal Producers, under the same date, June 13, 1936:

NATIONAL CONFERENCE OF BITUMINOUS COAL PRODUCERS,
Washington, D. C., June 13, 1936.

Hon. FRED M. VINSON,
House of Representatives, Washington, D. C.

DEAR SIR: The Guffey-Vinson Bituminous Coal Act of 1936 provides a constitutional method of price regulation of the bituminous-coal industry under direct governmental supervision on the basis of reasonable standards, established by Congress, that have been proven by the test of actual experience to be fair to all districts, practical in operation, and which call for the absolute minimum of Federal power necessary to make such regulation effective.

The bill will prevent the monopoly of the industry by a few large financially entrenched corporations occasioned by the monopolistic device of eliminating smaller and weaker companies through price-cutting tactics.

The bill will prevent unjust discrimination in the cost burden to more than 10,000,000 unorganized household consumers as against the several thousand large, powerful, organized industrial consumers whose purchasing power enables them to break down prices of industrial coal and forces that loss to be made up by higher prices on domestic household coal.

The bill will provide adequate consumer representation in the final determination of prices by the Government, with full publicity after public hearings as to the facts and authoritative data of the industry which will best tend to prevent unduly high prices or wage levels.

This bill will provide for the orderly economic liquidation of such excess capacity as is not necessary to the needs of the Nation without allowing the death throes of the liquidation of such mines to destroy all other property and human values within the industry.

The bill will foster fair, healthy, intense, but intelligent competition that should best tend to provide the public with an increasingly superior product at a steadily decreasing annual cost and a product better designed to meet the force of competition of laborless fuels.

This bill will prevent the inexorable wage reductions caused by declining price levels which necessitate such action by sheer absence of cash to meet union pay rolls.

This bill will tend to promote the economic welfare of the Nation by preventing the waseful exploitation of a natural resource at a loss when, in fact, the wealth of any nation must come from the products of the earth and soil.

Very truly yours,

CHARLES O'NEILL,
Chairman, Special Legislative Committee.

THE NEW BILL—H. R. 12800

Immediately after the Supreme Court had knocked down the labor sections of the 1935 act, the preparation of H. R. 12800 was begun. The language of the invalidated act relating to labor was physically picked up and removed from the act. This was done with interlining by pencil and with a pair of scissors so that H. R. 12800 substantially is the bill passed in the last session with the labor provisions stricken therefrom to meet the Supreme Court's opinion. Further, the present bill has sought to conform with the opinions of the Court.

We set forth herein the important changes from the text of the 1935 act:

Section 1: The declaration of policy has been limited to the "regulation of the sale and distribution in interstate commerce" in order "to promote interstate commerce in bituminous coal and to remove burdens and obstructions therefrom."

Section 2 (a) provides for a commission of seven instead of five members—two to represent the producers, two the employees, and three the public.

Section 3 of the bill—the tax provision—changes section 3 of the 1935 act in order to clarify the procedure for revocation of the right to the draw-back and emphasize that code members waive no constitutional rights. The changes remove a compulsory feature of the code acceptance by coal producers by striking out the requirement of acting "in compliance with the code", in order to be entitled to the draw-back, and in lieu thereof authorize the draw-back to be paid to any producer who has filed his acceptance of the code, and whose membership and right to draw-back have not been revoked under section 5 (b), under which the right to review in court such revocation is recognized, and under which, by the addition of the sentence at the end of section 5 (c), the code member has the right to raise constitutional issues and to show that matters or transactions involved are not in or do not directly affect interstate commerce.

Section 4, first paragraph, provides that the code shall be "promulgated" rather than "formulated * * * into a working agreement."

Section 4, second paragraph, is changed to more clearly and specifically limit the application of price regulations "only to matters and transactions in or directly affecting interstate commerce in bituminous coal." Section 4–A, in this connection, has been added, following the language of section 13 (4) of the Interstate Commerce Act, to assure that intrastate rates in competitive markets will not cause "any undue, unreasonable, or unjust discrimination" against the interstate rates in bituminous coal. This is designed to protect interstate traders and interstate commerce (*The Shreveport Case*, 234 U. S. 342, 351, 352; *Wisconsin R. R. Comm.* v. *Chicago, etc., R. Co.*, 257 U. S. 563, 588; *United States* v. *Louisiana*, 290 U. S. 70, 75; *Florida* v. *United States*, 292 U. S. 1).

Section 4, part I (a), fifth paragraph, is revised to more clearly provide for the rearrangement of "price areas" as well as "districts" by the Commission after hearing.

Sections 5 (a), 6 (b) and (d), and 8 (a) and (b): References to the Labor Board have been eliminated to comply with the decision of the Supreme Court.

Section 5 (c): At the end of the first paragraph a sentence has been added to assure specifically that in any action of the Commission to enforce the price regulations—

Any code member shall be entitled to raise all issues of constitutional power or right, and particularly to show that the matters or transactions with reference to which an order of the Commission was issued are not in or do not directly affect interstate commerce (*I. C. C.* v. *Ill. Cent. R. Co.*, 215 U. S. 452, 470).

Section 9 has been revised to state the labor policy set forth in the Norris-LaGuardia Anti-Injunction Act and pro-

vides against any implied repeal of that act or other acts "regarding labor relations."

Section 14 (b) has been rephrased in its final clause for purposes of clarity with respect to compliance by Government contractors.

Section 15, the separability clause, is retained in a more specific and detailed form.

Section 20, prescribing the effective date of section 3, has been revised to be more definite and certain.

Section 22 has been expanded to provide for the repeal of the Bituminous Coal Conservation Act of 1935 and to provide for the transfer of funds to the new commission.

Section 23: The citation of the act has been shortened.

Annex schedule of districts: Arizona has been added to district 18, Idaho to district 19, and Oregon and Alaska to district 23. This constitutes no extension of the act, since sections 3 and 4 apply to all coal transactions in interstate commerce.

Dates have been changed for obvious reasons in sections 4, part I (a) and part II (a), 16 (5), and 23.

It is intended to offer an amendment on line 19, page 39, of the bill to strike the figure 4 and insert the figure 2. This would limit the life of the act to 2 years from the date of its approval.

THE CONSTITUTIONAL QUESTION

The regulation of prices and the unfair methods of competition as set forth in the 1935 act were not held invalid by the Court. The prevailing opinion did not pass upon such question. Their opinion is silent upon these provisions. The minority opinion of Mr. Chief Justice Hughes and Messrs. Justice Brandeis, Justice Stone, and Justice Cardozo very definitely upheld the constitutional validity of such provisions. We quote Mr. Chief Justice Hughes' opinion relating to this:

But that is not the whole case. The act also provides for the regulation of the prices of bituminous coal sold in interstate commerce and prohibits unfair methods of competition in interstate commerce. Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power, as the Interstate Commerce Act, the Packers and Stockyards Act, and the Antitrust Acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary (*Minnesota Rate Case*, 230 U. S. 352, 398). It is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution" (*Gibbons* v. *Ogden*, 9 Wheat. 1, 196). We are not at liberty to deny to the Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce. (See *Nebbia* v. *New York*, 291 U. S. 502.)

Whether the policy of fixing prices of commodities sold in interstate commerce is a sound policy is not for our consideration. The question of that policy, and of its particular applications, is for Congress. The exercise of the power of regulation is subject to the constitutional restriction of the due-process clause, and if in fixing rates, prices, or conditions of competition that requirement is transgressed, the judicial power may be invoked to the end that the constitutional limitation may be maintained (*Interstate Commerce Commission* v. *Union Pacific R. R. Co.*, 222 U. S. 541, 547; *St. Joseph Stock Yards Co.* v. *United States*, decided Apr. 27, 1936).

In the legislation before us, Congress has set up elaborate machinery for the fixing of prices of bituminous coal sold in interstate commerce. That provision is attacked in limine. Prices have not yet been fixed. If fixed, they may not be contested. If contested, the act provides for review of the administrative ruling. If in fixing prices due process is violated by arbitrary, capricious, or confiscatory action, judicial remedy is available. If an attempt is made to fix prices for sales in intrastate commerce, that attempt will also be subject to attack by appropriate action. In that relation it should be noted that in the Carter cases, the court below found that substantially all the coal mined by the Carter Coal Co. is sold f. o. b. mines and is transported into States other than those in which it is produced for the purpose of filling orders obtained from purchasers in such States. Such transactions are in interstate commerce (*Savage* v. *Jones*, 225 U. S. 501, 520). The court below also found that "the interstate distribution and sale and the intrastate distribution and sale" of the coal are so "intimately and inextricably connected" that "the regulation of interstate transactions of distribution and sale cannot be accomplished effectively without discrimination against interstate commerce unless transactions of intrastate distribution and sale be regulated." Substantially the same situation is disclosed in the Kentucky cases. In that relation the Government invokes the analogy of transportation rates (*The Shreveport Case*, 234 U. S. 342; *Wisconsin Railroad Commission* v. *Chicago, Burlington & Quincy R. R. Co.*, 257 U. S. 563). The question will be the subject of consideration when it arises in any particular application of the act.

Upon what ground, then, can it be said that this plan for the regulation of transactions in interstate commerce in coal is beyond the constitutional power of Congress? The Court reaches that conclusion in the view that the invalidity of the labor provisions requires us to condemn the act in its entirety. I am unable to concur in that opinion. I think that the express provisions of the act preclude such a finding of inseparability.

This is admittedly a question of statutory construction, and hence we must search for the intent of Congress. And in seeking that intent we should not fail to give full weight to what Congress itself has said upon the very point. The act provides (sec. 15):

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

That is a flat declaration against treating the provisions of the act as inseparable. It is a declaration which Congress was competent to make. It is a declaration which reverses the presumption of indivisibility and creates an opposite presumption (*Utah Power & Light Co.* v. *Pfost*, 286 U. S. 165, 184).

* * * * * * *

In this view the act and the code for which it provides may be sustained in relation to the provisions for marketing in interstate commerce, and the decisions of the courts below, so far as they accomplish that result, should be affirmed.

I quote from the minority opinion of Mr. Justice Cardozo, in which Mr. Justice Brandeis and Mr. Justice Stone concur:

First: I am satisfied that the act is within the power of the central government insofar as it provides for minimum and maximum prices upon sales of bituminous coal in the transactions of interstate commerce and in those of intrastate commerce where interstate commerce is directly or intimately affected. Whether it is valid also in other provisions that have been considered and condemned in the opinion of the Court I do not find it necessary to determine at this time. Silence must not be taken as importing acquiescence. Much would have to be written if the subject, even as thus restricted, were to be explored through all its implications, historical and economic as well as strictly legal. The fact that the prevailing opinion leaves the price provisions open for consideration in the future makes it appropriate to forego a fullness of elaboration that might otherwise be necessary. As a system of price fixing the act is challenged upon three grounds: (1) Because the governance of prices is not within the commerce clause; (2) because it is a denial of due process forbidden by the fifth amendment; and (3) because the standards for administrative action are indefinite, with the result that there has been an unlawful delegation of legislative power.

(1) With reference to the first objection, the obvious and sufficient answer is, so far as the act is directed to interstate transactions, that sales made in such conditions constitute interstate commerce and do not merely "affect" it (*Dahnke-Walker Milling Co.* v. *Bondurant*, 257 U. S. 282, 290; *Flanagan* v. *Federal Coal Co.*, 267 U. S. 222, 225; *Lemke* v. *Farmers Grain Co.*, 258 U. S. 50, 60; *Public Utilities Commission* v. *Attleboro Steam & Electric Co.*, 273 U. S. 83, 90; *Federal Trade Commission* v. *Pacific States Paper Trade Association*, 273 U. S. 52, 64). To regulate the price for such transactions is to regulate commerce itself, and not alone its antecedent conditions or its ultimate consequences. The very act of sale is limited and governed. Prices in interstate transactions may not be regulated by the States (*Baldwin* v. *Seelig*, 294 U. S. 511). They must therefore be subject to the power of the Nation unless they are to be withdrawn altogether from governmental supervision. (Cf. *The Head Money Cases*, 112 U. S. 580, 593; Story, Commentaries on the Constitution, sec. 1082.) If such a vacuum were permitted, many a public evil incidental to interstate transactions would be left without a remedy. This does not mean, of course, that prices may be fixed for arbitrary reasons or in an arbitrary way. The commerce power of the Nation is subject to the requirement of due process like the police power of the States (*Hamilton* v. *Kentucky Distilleries Co.*, 251 U. S. 146, 156; cf. *Brooks* v. *United States*, 267 U. S. 432, 436, 437; *Nebbia* v. *New York*, 291 U. S. 502, 524). Heed must be given to similar considerations of social benefit or detriment in marking the division between reason and oppression. The evidence is overwhelmingly that Congress did not ignore those considerations in the adoption of this act.

(2) The commerce clause being accepted as a sufficient source of power, the next inquiry must be whether the power has been exercised consistently with the fifth amendment. In the pursuit of that inquiry, *Nebbia* v. *New York* (291 U. S. 502), lays down the applicable principle. There a statute of New York prescribing a minimum price for milk was upheld against the objection that price fixing was forbidden by the fourteenth amendment. We found it a sufficient reason to uphold the challenged system that "the conditions or practices in an industry make unrestricted competition an inadequate safeguard of the consumer's interests, produce waste harmful to the public, threaten ultimately to cut off the supply of a commodity needed by the public, or portend the destruction of the industry itself" (291 U. S. at p. 538).

All this may be said, and with equal if not greater force, of the conditions and practices in the bituminous-coal industry, not only at the enactment of this statute in August 1935, but for many years

before. Overproduction was at a point where free competition had been degraded into anarchy. Prices had been cut so low that profit had become impossible for all except a lucky handful. Wages came down along with prices and with profits. There were strikes, at times Nation-wide in extent, at other times spreading over broad areas and many mines, with the accompaniment of violence and bloodshed and misery and bitter feeling. The sordid tale is unfolded in many a document and treatise. During the 23 years between 1913 and 1935 there were 19 investigations or hearings by Congress or by specially created commissions with reference to conditions in the coal mines. The hope of betterment was faint unless the industry could be subjected to the compulsion of a code. In the weeks immediately preceding the passage of this act the country was threatened once more with a strike of ominous proportions. The plight of the industry was not merely a menace to owners and to mine workers; it was and had long been a menace to the public, deeply concerned in a steady and uniform supply of a fuel so vital to the national economy.

Congress was not condemned to inaction in the face of price wars and wage wars so pregnant with disaster. Commerce had been choked and burdened; its normal flow had been diverted from one State to another; there had been bankruptcy and waste and ruin alike for capital and for labor. The liberty protected by the fifth amendment does not include the right to persist in this anarchic riot. "When industry is grievously hurt, when producing concerns fail, when unemployment mounts and communities dependent upon profitable production are prostrated, the wells of commerce go dry" (*Appalachian Coals, Inc.*, v. *United States*, 288 U. S. 344, 372). The free competition so often figured as a social-goods imports order and moderation and a decent regard for the welfare of the group. (Cf. *The Sugar Institute, Inc.*, v. *United States*, — U. S. —, Mar. 30, 1936.) There is testimony in these records, testimony even by the assailants of the statute, that only through a system of regulated prices can the industry be stabilized and set upon the road of orderly and peaceful progress. If further facts are looked for, they are narrated in the findings as well as in congressional reports and a mass of public records. After making every allowance for difference of opinion as to the most efficient cure, the student of the subject is confronted with the indisputable truth that there were ills to be corrected, and ills that had a direct relation to the maintenance of commerce among the States without friction or diversion. An evil existing, and also the power to correct it, the lawmakers were at liberty to use their own discretion in the selection of the means.

(3) Finally, and in answer to the third objection to the statute in its price-fixing provisions, there has been no excessive delegation of legislative power. The prices to be fixed by the district boards and the Commission must conform to the following standards: They must be just and equitable; they must take account of the weighted average cost of production for each minimum price area; they must not be unduly prejudicial or preferential as between districts or as between producers within a district; and they must reflect as nearly as possible the relative market value of the various kinds, qualities, and sizes of coal at points of delivery in each common consuming market area to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals on a competitive basis as has heretofore existed. The minimum for any district shall yield a return per net ton not less than the weighted average of the total costs per net ton of the tonnage of the minimum price area; the maximum for any mine, if a maximum is fixed, shall yield a return not less than cost plus a reasonable profit. Reasonable prices can as easily be ascertained for coal as for the carriage of passengers or property under the Interstate Commerce Act, or for the services of brokers in the stockyards (*Tagg Bros. & Moorhead* v. *United States*, 280 U. S. 420), or for the use of dwellings under the emergency rent laws (*Block* v. *Hirsh*, 256 U. S. 135, 157; *Marcus Brown Co.* v. *Feldman*, 256 U. S. 170; *Levy Leasing Co.* v. *Siegel*, 258 U. S. 242), adopted at a time of excessive scarcity, when the laws of supply and demand no longer gave a measure for the ascertainment of the reasonable. The standards established by this act are quite as definite as others that have had the approval of this Court (*New York Central Securities Corporation* v. *United States*, 287 U. S. 12, 24; *Federal Radio Commission* v. *Nelson Bros. Bond & Mortgage Co.*, 289 U. S. 266, 286; *Tagg Bros. & Moorhead* v. *United States, supra; Mahler* v. *Eby*, 264 U. S. 32). Certainly a bench of judges, not experts in the coal business, cannot say with assurance that members of a commission will be unable, when advised and informed by others experienced in the industry, to make the standards workable, or to overcome through the development of an administrative technique many obstacles and difficulties that might be baffling or confusing to inexperience or ignorance.

The price provisions of the act are contained in a chapter known as part II. The final subdivisions of that part enumerate certain forms of conduct which are denounced as "unfair methods of competition." For the most part the prohibitions are ancillary to the fixing of a minimum price. The power to fix a price carries with it the subsidiary power to forbid and prevent evasion. Cf. *United States* v. *Ferger* (250 U. S. 199). The few prohibitions that may be viewed as separate are directed to situations that may never be realized in practice. None of the complainants threatens or expresses the desire to do these forbidden acts. As to those phases of the statute the suits are premature.

You will note in the opinion of Mr. Chief Justice Hughes this language:

We are not at liberty to deny to the Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce. (See *Nebbia* v. *New York* (291 U. S. 502).)

THE NEBBIA CASE

This Nebbia case was handed down March 5, 1934, by the Court as it is presently constituted. The opinion was rendered by Mr. Justice Roberts—a very comprehensive opinion, covering 24 printed pages, resulting in the Supreme Court upholding a price-fixing statute enacted in New York which involved the price of milk which was a matter of internal commerce. The Court discussed the investigation of this subject, the necessity of milk as an item of diet, the necessity of safeguarding its production and handling for human consumption which greatly increased its price. It dealt with the amount of investment and the economic loss to the people of the State through the curtailment or destruction of the dairy institution. It treated of the prevalence of unfair and destructive trade practices leading to the demoralization of prices in the metropolitan area and other markets. It showed beyond question that, for the benefit of industry, for the benefit of the consumer, stabilization of this industry was needed.

The retail price fixed by the Milk Control Board was 9 cents a quart. Nebbia, a proprietor, sold 2 quarts of milk and a 5-cent loaf of bread for 18 cents. He was convicted for violating the Milk Control Board's orders. The Supreme Court confirmed his conviction. Mr. Justice Roberts stated in that opinion:

Under our form of Government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights nor contract rights are absolute; for Government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest.

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The Court has repeatedly sustained curtailment of enjoyment of private property in the public interest. The owner's rights may be subordinated to the needs of other private owners whose pursuits are vital to the paramount interests of the community.

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Laws passed for the suppression of immorality, in the interest of health, to secure fair trade practices, and to safeguard the interests of depositors in banks, have been found consistent with due process. These measures not only affected the use of private property, but also interfered with the right of private contract. Other instances are numerous where valid regulation has restricted the right of contract, while less directly affecting property rights.

The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases. Certain kinds of business may be prohibited; and the right to conduct a business, or to pursue a calling, may be conditioned. Regulation of a business to prevent waste of the State's resources may be justified. And statutes prescribing the terms upon which those conducting certain businesses may contract, or imposing terms if they do enter into agreements, are within the State's competency.

Legislation concerning sales of goods, and incidentally affecting prices, has repeatedly been held valid. In this class fall laws forbidding unfair competition by the charging of lower prices in one locality than those exacted in another by giving trade inducements to purchasers and by other forms of price discrimination. The public policy with respect to free competition has engendered State and Federal Statutes prohibiting monopolies, which have been upheld. On the other hand, where the policy of the State dictated that a monopoly should be granted, statutes having that effect have been held inoffensive to the constitutional guaranties. Moreover, the State or a municipality may itself enter into business in competition with private proprietors, and thus effectively, although indirectly, control the prices charged by them.

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In the light of the facts, the order appears not to be unreasonable or arbitrary, or without relation to the purpose to prevent ruthless competition from destroying the wholesale price structure on which the farmer depends for his livelihood, and the community for an assured supply of milk.

But we are told that because the law essays to control prices it denies due process. Notwithstanding the admited power to correct existing economic ills by appropriate regulation of business, even though an indirect result may be a restriction of the freedom

of contract or a modification of charges for services or the price of commodities, the appellant urges that direct fixation of prices is a type of regulation absolutely forbidden. His position is that the fourteenth amendment requires us to hold the challenged statute void for this reason alone. The argument runs that the public control of rates or prices is per se unreasonable and unconstitutional, save as applied to businesses affected with a public interest; that a business so affected is one in which property is devoted to an enterprise of a sort which the public itself might appropriately undertake, or one whose owner relies on a public grant or franchise for the right to conduct the business, or in which he is bound to serve all who apply; in short, such as is commonly called a public utility; or a business in its nature a monopoly. The milk industry, it is said, possesses none of these characteristics, and, therefore, not being affected with a public interest, its charges may not be controlled by the State. Upon the soundness of this contention the appellant's case against the statute depends.

We may as well say at once that the dairy industry is not in the accepted sense of the phrase a public utility. We think the appellant is also right in asserting that there is in this case no suggestion of any monopoly or monopolistic practice. It goes without saying that those engaged in the business are in no way dependent upon public grants or franchises for the privilege of conducting their activities. But if, as must be conceded, the industry is subject to regulation in the public interest, what constitutional principle bars the State from correcting existing maladjustments by legislation touching prices?

We think there is no such principle. The due process clause makes no mention of sales or of prices any more than it speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the State is incapable of directly controlling the price itself. This view was negatived many years ago (*Munn* v. *Illinois*, 94 U. S. 113).

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Many other decisions show that the private character of a business does not necessarily remove it from the realm of regulation of charges or prices. The usury laws fix the price which may be exacted for the use of money, although no business more essentially private in character can be imagined than that of loaning one's personal funds (*Griffith* v. *Connecticut*, 218 U. S. 563). Insurance agents' compensation may be regulated, though their contracts are private, because the business of insurance is considered one properly subject to public control (*O'Gorman & Young* v. *Hartford Fire Ins. Co.*, 282 U. S. 251). Statutes prescribing in the public interest the amounts to be charged by attorneys for prosecuting certain claims, a matter ordinarily one of personal and private nature, are not a deprivation of due process (*Frisbie* v. *United States*, 157 U. S. 160; *Capital Trust Co.* v. *Calhoun*, 250 U. S. 208; *Calhoun* v. *Massie*, 253 U. S. 170; *Newman* v. *Moyers*, 253 U. S. 182; *Yeiser* v. *Dysart*, 267 U. S. 540; *Margolin* v. *United States*, 269 U. S. 93). A stockyards corporation while not a common carrier, nor engaged in any distinctly public employment, is doing a work in which the public has an interest, and its charges may be controlled (*Cotting* v. *Kansas City Stockyards Co.*, 183 U. S. 79, 85). Private contract carriers, who do not operate under a franchise, and have no monopoly of the carriage of goods or passengers, may, since they use the highways to compete with railroads, be compelled to charge rates not lower than those of public carriers for corresponding services, if the State, in pursuance of public policy to protect the latter, so determines (*Stephenson* v. *Binford*, 287 U. S. 251, 274).

It is clear that there is no closed class or category of businesses affected with a public interest, and the function of courts in the application of the fifth and fourteenth amendments is to determine in each case whether circumstances vindicate the challenged regulation as a reasonable exertion of governmental authority or condemn it as arbitrary or discriminatory (*Wolff Packing Co.* v. *Industrial Court*, 262 U. S. 522, 535). The phrase "affected with a public interest" can, in the nature of things, mean no more than that an industry, for adequate reason, is subject to control for the public good. In several of the decisions of this Court wherein the expressions "affected with a public interest", and "clothed with a public use", have been brought forward as the criteria of the validity of price control, it has been admitted that they are not susceptible of definition and form an unsatisfactory test of the constitutionality of legislation directed at business practices or prices. These decisions must rest, finally, upon the basis that the requirements of due process were not met because the laws were found arbitrary in their operation and effect. But there can be no doubt that upon proper occasion and by appropriate measures the State may regulate a business in any of its aspects, including the prices to be charged for the products or commodities it sells.

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Where the public interest was deemed to require the fixing of minimum prices, that expedient has been sustained. If the lawmaking body within its sphere of government concludes that conditions or practices in an industry make unrestricted competition an inadequate safeguard of the consumer's interests, produce waste harmful to the public, threaten ultimately to cut off the supply of a commodity needed by the public, or portend the destruction of the industry itself, appropriate statutes passed in an honest effort to correct the threatened consequences may not be set aside because the regulation adopted fixes prices reasonably deemed by the legislature to be fair to those engaged in the industry and to the consuming public. And this is especially so where, as here, the economic maladjustment is one of price, which threatens harm to the producer at one end of the series and the consumer at the other. The Constitution does not secure to anyone liberty to conduct his business in such fashion as to inflict injury upon the public at large, or upon any substantial group of the people. Price control, like any other form of regulation, is unconstitutional only if arbitrary, discriminatory, or demonstrably irrelevant to the policy the legislature is free to adopt, and hence an unnecessary and unwarranted interference with individual liberty.

Tested by these considerations we find no basis in the due-process clause of the fourteenth amendment for condemning the provisions of the agriculture and markets law here drawn into question.

Opponents of this measure will say that that was the Supreme Court construing a State statute. That is true; it was construing an act of the New York Legislature; but it concerned a matter that was within the power of the State legislature.

We maintain that under the Constitution the Congress of the United States has supreme plenary power to regulate interstate commerce; and we maintain that under this constitutional power Congress has the same rights in that field that the State has in its particular field of intrastate commerce. I repeat my authority—Chief Justice Hughes, of the Supreme Court. He said:

> We are not at liberty to deny to Congress with respect to interstate commerce a power commensurate with that enjoyed by the States in the regulation of their internal commerce.

So I again state that if Mr. Justice Roberts, who wrote the opinion in the Nebbia case in March 1934, had been willing to agree that the price-fixing provisions in the Coal Act were invalid there would have been no trouble in the Court knocking down the price-fixing features of the act, and I feel that it is fair to assume that he refused to make the fifth member of the Court to refuse the Congress the same power in relation to interstate commerce as he had expressed for the Court was in the State of New York for intrastate commerce.

THE PRICE OF COAL

It is argued that this bill will increase the price of coal to the consuming public. Fear always creeps in, and particularly when the effort is made to benefit people by legislation. The history is such that this argument can be successfully refuted, unless there will be those who desire to purchase coal below the cost of production to the inevitable destruction of the industry itself and to an inevitable suffering on the part of the men and their families who produce it from the ground.

Before the enactment of the National Industrial Recovery Act the coal industry was prostrate and paralyzed. Cutthroat competition had reduced coal prices in many instances to as much as 75 cents per ton below cost of production. Then you had the stabilizing influence of voluntary action under the N. R. A. coal codes on the part of the coal producers. There was a lot of chiseling, to be sure, and a breaking down of the codes toward the end of their administration; but there was a definite stabilization of the industry, which benefited not only the operators but gave a living wage to the miners.

The facts are that the average realization per ton for the coal produced under N. R. A. was only 3 cents a ton more than the average production costs, and yet for the first time in years did the coal country make any money.

We insert herein the retail bituminous-coal price for prepared sizes in selected cities, per ton of 2,000 pounds, running from November 15, 1933, through January 15, 1936. This report was prepared by the Bituminous Coal Commission. A study of this report will show that in many instances the price of coal on January 15, 1936, was less than the price of coal on January 15, 1933. In many instances it will show that substantially the same price prevailed, and in no instances does it show the price to be appreciably higher.

Retail bituminous coal prices for prepared sizes in selected cities per ton of 2,000 pounds
[Source: Monthly Labor Review, published by U. S. Bureau of Labor Statistics]

City	1933		1934										1935								1936, Jan. 15
	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	July 15	Oct. 15	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	July 15	Oct. 15	
Pittsburgh	$4.82	$4.75	$4.72	$4.68	$4.68	$4.75	$4.64	$4.54	$4.47	$4.20	$4.19	$4.20	$4.20	$4.20	$4.20	$4.20	$4.27	$4.19	$4.02	$4.42	$4.40
Chicago:																					
High volatile	8.21	8.21	8.21	8.21	8.21	8.18	7.90	7.87	8.03	8.24	8.24	8.25	8.32	8.31	8.31	8.31	8.10	8.10	8.12	8.46	8.59
Low volatile	10.83	10.83	10.83	10.83	10.83	10.79	9.63	9.66	9.77	10.01	10.01	10.01	10.19	10.20	10.20	10.20	10.25	10.26	10.28	10.73	10.79
Cincinnati:																					
High volatile	6.10	6.15	6.10	6.10	6.10	5.69	5.83	5.85	5.85	5.85	5.85	5.92	6.06	6.24	6.24	5.06	4.96	4.96	4.98	5.80	6.26
Low volatile	7.98	7.92	8.00	8.00	8.00	7.39	7.46	7.50	7.50	7.50	7.50	7.55	7.68	7.91	7.91	6.87	6.63	6.63	6.66	7.57	8.18
Cleveland:																					
High volatile	6.34	6.20	6.20	6.26	6.29	6.34	6.81	6.81	6.90	6.75	6.75	6.77	6.77	7.08	7.08	7.08	7.05	6.85	6.82	6.62	6.66
Low volatile	9.09	9.00	9.00	9.00	9.00	9.00	8.75	8.75	8.76	8.79	8.79	8.79	8.79	9.21	9.21	9.21	9.21	8.16	8.75	9.41	9.54
Columbus:																					
High volatile	6.08	6.10	6.11	6.08	6.05	5.78	5.75	5.94	6.12	6.47	6.45	6.45	6.41	6.55	6.52	5.85	5.81	5.75	5.97	6.26	6.13
Low volatile	7.50	7.50	7.54	7.54	7.50	7.04	7.00	7.21	7.42	7.70	7.75	7.75	7.75	7.93	7.97	7.06	7.08	7.25	7.57	7.86	7.97
Detroit:																					
High volatile	6.84	6.84	6.86	7.12	7.17	7.17	7.17	7.17	7.17	7.17	7.12	7.17	7.17	7.17	7.17	7.03	6.95	6.95	7.06	7.36	7.36
Low volatile	7.56	7.55	7.89	8.38	8.51	8.51	8.52	8.52	8.52	8.52	8.52	8.52	8.52	8.52	8.52	8.50	8.48	7.92	7.73	7.79	8.63	8.63
Indianapolis:																					
High volatile	5.93	5.93	5.99	5.99	5.99	5.96	5.84	6.14	6.16	6.42	6.42	6.40	6.17	6.33	6.33	6.27	5.90	5.91	5.91	6.09	5.76
Low volatile	8.20	8.20	8.20	8.20	8.20	8.10	7.70	7.95	7.95	8.55	8.53	8.63	8.53	8.53	8.53	8.41	7.92	7.92	7.92	8.65	8.56
Milwaukee:																					
High volatile	7.51	7.50	7.51	7.51	7.51	7.51	7.96	7.96	7.98	7.98	7.98	7.98	7.98	79.8	7.98	7.98	7.89	7.97	8.21	8.42	8.43
Low volatile	9.62	9.83	9.83	9.80	10.11	10.11	10.39	10.36	10.36	10.70	10.65	10.65	10.65	10.65	10.65	10.65	10.14	10.03	10.53	11.22	11.48
Kansas City	5.79	5.79	5.85	5.76	5.96	5.97	5.95	5.99	6.30	6.31	5.98	6.01	6.03	6.00	6.02	5 94	5.98	5.92	5.74	5.94	5.85
Minneapolis:																					
High volatile	9.88	9.91	9.93	9.97	9.88	9.93	10.31	10.29	10.18	10.31	10.33	10.58	10.30	10.34	10.35	10.35	10.47	10.45	10.44	10.42	10.63
Low volatile	12.24	12.24	12.17	12.17	12.17	12.17	12.78	12.78	12.96	12.97	12.95	13.17	12.96	12.97	12.97	12.97	13.02	13.12	13.04	13.17	13.34
Omaha	8.55	8.56	8.59	8.59	8.59	8.59	8.59	8.59	8.61	8.55	8.57	8.55	8.55	8.55	8.57	8.39	8.38	8.34	8.34	8.55	8.62
St. Louis	5.54	5.55	5.54	5.57	5.51	5.59	5.52	6.26	6.44	5.63	5.51	5.99	5.99	5.96	5.85	5.87	5.65	4.98	4.95	5.39	5.34
Atlanta	7.05	6.98	7.02	7.02	7.02	7.02	6.52	6.52	6.52	7.02	7.02	7.02	7.02	7.02	7.02	7.02	5.98	6.03	6.23	6.98	6.73
Baltimore: Low volatile	9.56	9.38	9.88	9.38	9.50	9.38	8.94	9.06	9.69	9.38	9.38	9.25	9.06	9.06	9.31	9.31	8.50	8.50	8.50	9.00	9.19
Washington, D. C.: [1]																					
High volatile	8.69	8.64	8.64	8.64	8.64	8.64	8.56	8.56	8.56	9.00	9.00	9.00	9.00	9.00	9.00	8.94	8.61	8.50	8.50	8.81	9.00
Low volatile	10.31	10.31	10.31	10.31	10.31	10.19	10.00	10.00	10.00	10.47	10.47	10.47	10.47	10.47	10.47	10.38	9.91	9.72	9.72	10.52	10.87
Birmingham	6.00	6.01	6.07	6.07	6.07	6.06	5.94	6.12	6.24	6.29	6.29	6.29	6.29	6.29	6.29	6.02	5.86	5.78	5.80	6.18	6.33
Denver	8.24	8.10	8.03	8.13	8.02	8.04	8.07	8.10	8.18	7.81	7.81	7.81	7.75	7.62	7.62	7.62	7.82	7.83	7.73	7.08	7.69
San Francisco	16.06	16.06	16.06	16.06	16.06	16.06	15.04	15.04	15.04	15.04	15.04	15.21	15.21	15.21	15.21	15.21	15.04	15.04	15.11	16.35	16.33

[1] Washington prices for per ton of 2,240 pounds.

It is common knowledge that the past winter was the most severe which we have had in probably 15 years. In days gone by the coal-consuming public paid a much greater price for their coal in such a winter, or even in anticipation of winter than they paid for it this year. I feel certain that the power to fix maximum prices had something to do with this situation together with the fact that the price was fairly stabilized there was not the incentive to skyrocket the price in time of coal needs.

THE MANNER OF FIXING PRICES

My friend, the gentleman from Michigan, referred inadvertently to the fact that the industry controlled the prices under this bill. I know he caught the error, because later on he referred to the fact that the Commission, an agency of the Federal Government, fixes the price. Under the old bill the district boards established the price. But we have tried to conform to the language of the majority decision of the Supreme Court and, under the bill, a regularly constituted arm of the Government, the Coal Commission, is the authority which fixes the price.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. MAPES. And that commission is made up of a majority of those interested.

Mr. VINSON of Kentucky. O Mr. Chairman, a majority! Three having no connection with the industry at all and then two representing labor and two representing the operators.

Mr. MAPES. That is as I understood it.

Mr. KERR. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. KERR. Why does the bill designate two representatives of employees if this bill has no labor provisions?

Mr. VINSON of Kentucky. Because the labor sections were stricken from the old bill. It was thought that somebody who recognized the problems of the coal fields, the problem of the miners, ought to be on this Commission.

Some suggestion has been made in regard to the manner in which we reach this price. I am fearful that my friend from Michigan did not consider one particular phase of this question. First, considering the weighted average cost of the minimum-price area, that is not the minimum price. It is suggested as a minimum price; it may be the minimum price; but in addition to that average weighted cost, which is a mathematical calculation, we must take into consideration competitive conditions. There is the power of coordinating those prices, the power of coordination that was exercised under N. R. A. when the coal operators and the coal miners for the first time in 15 or 20 years made a thin dime. This coordination is made for the purpose of permitting coal to move in commerce as heretofore. In other words, the operators figure out what they can sell the coal for in a common consuming market, coal of certain kinds, sizes, and quality, taking into consideration transportation costs, and they submit these figures to the commission. It is their bounden duty to fix the prices that the coal will move as heretofore.

I viewed this bill with considerable interest. I know the situation in the southern fields as compared to the situation in certain other fields. I recognized the rate differential which exists. You will find at least three places in this bill which permits coal to move in competition as heretofore.

Some of the provisions dealing with the fixing of prices are herewith taken from the bill—

THE WEIGHTED AVERAGE COST

Each district board shall from time to time, on its own motion or when directed by the Commission, propose minimum prices f. o. b. transportation facilities at the mines for kinds, qualities, and size of coal produced in said district, with full authority, in proposing such minimum prices, to make such classification of coals and price variations as to mines and consuming market areas as it may deem necessary and proper. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum-price area, as such districts are identified and such area is defined in the subjoined table designated "Minimum-price-area table", equal as nearly as may be to the weighted average of the total costs per net ton, determined as hereinafter provided, of the tonnage of such minimum-price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation, and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for board operating expenses only levied under the code, and reasonable costs of selling and the cost of administration.

The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public. The procedure for proposal of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify the same to conform to the requirements of this subsection, subject to such modification therein as may result from the coordination provided for in the succeeding subsection (b): *Provided,* That all minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable as between producers within the district: *And provided further,* That no minimum price shall be established that permits dumping.

COORDINATION

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) hereof. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, and shall reflect, as nearly as possible, the relative market values at points of delivery in each common consuming market area of the various kinds, qualities, and sizes of coal produced in the various districts, to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed. The minimum prices established as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of this section by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum-price area shall approximate and be not less than the weighted average of the total costs per net ton of the tonnage of such minimum-price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission, which may approve, disapprove, or modify the same to establish and maintain such fair competitive relationship. No minimum price shall be established that permits dumping. On the petition of any district board or other party in interest or on its own motion after notice to the district boards, the Commission may at any time conduct hearings to determine whether the foregoing method of fixing minimum prices under subsection (a) is prejudicial to any district with respect to the fair opportunity of such district to market its coal. Should the Commission so find, and further find that the prejudice cannot be removed through the coordination of minimum prices as provided for in this subsection (b), then the Commission may establish a different basis for determining minimum prices in such district, to the end that fair and competitive prices shall prevail in the marketing of the coal produced in such district: *Provided,* That the minimum prices so established as to any such district shall yield a return per net ton not less than the weighted average of the total costs per net ton of the tonnage of such district.

MAXIMUM PRICES

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the right to fix maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided,* That no maximum price shall be established for any mine which shall not return cost plus a reasonable profit.

INTRASTATE SHIPMENTS

Section 4 (A) of this bill uses the language of the Interstate Commerce Act and follows the opinion of the Supreme Court in the Shreveport case and other cases in bringing within the commerce clause intrastate commerce which causes any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce. Such intrastate commerce certainly is within the commerce power of the Constitution under repeated decisions of the Supreme Court.

PENALTY PROVISIONS

There seems to be more concern about this penalty section than any other section of the bill. To us it is very plain that if the marketing provisions, the regulation of price, and methods of unfair competition stand that the penalty tax stands.

In the beginning it was agreed by proponents of the measure that reliance of the constitutionality of the bill was not based upon its taxing power. The commerce clause of the Constitution was the foundation rock. It was admitted in the hearings before our committee that, if the commerce power failed, the taxing power could not be relied upon to hold us up. Not only was that the position of the proponents before the committee but that was the position of the Government in the Supreme Court.

I quote from the majority decision:

The position of the Government, as we understand it, is that the validity of the exaction does not rest upon the taxing power but upon the power of Congress to regulate interstate commerce; and that if the act in respect of the labor and price-fixing provisions be not upheld, the "tax" must fall with them. With that position we agree * * *.

I quote from Mr. Chief Justice Hughes' opinion:

I agree * * * that the so-called tax is not a real tax but a penalty; that the constitutional power of the Federal Government to impose this penalty must rest upon the commerce clause, as the Government concedes.

I quote from the minority opinion:

Part II of the statute sets up a valid system of price fixing as applied to transactions in interstate commerce and to those in intrastate commerce where interstate commerce is directly or intimately affected. The prevailing opinion holds nothing to the contrary.

I submit that the power involved is the power under the commerce clause sought to be exercised. If that power is a valid one, the right to enforce it through penalty to us admits of no argument.

It is the purpose of this legislation to stabilize a great industry to which is inseparably tied the lives and livelihood of a half million American breadearners. It is the thought of the committee that this bill is within the powers laid down in the Constitution. We submit it to you and pray for it your favorable consideration. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend my remarks by including certain excerpts from the bill and Court decisions.

The CHAIRMAN. Without objection, it is so ordered.

Mr. BACHARACH. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. HOLMES].

Mr. HOLMES. Mr. Chairman, I want to register my opposition to the pending legislation. I have in my home city practically 600 industries that are dependent on bituminous coal for fuel. In my county there are in addition practically 540 other industries, every one of which are very much disturbed over this legislation. There is no question in my mind but what this is a price-fixing bill and is designed primarily to increase the cost of bituminous coal.

The legislation in the first place sets up a National Bituminous Coal Commission and appoints seven members at a salary of $10,000 a year each. It also creates a consumers' counsel at a salary of $10,000 a year. Eight officials to administer this act with a total salary of $80,000.

The bill divides the coal-producing areas into 23 districts, and I assume there will be a dozen or 20 inspectors or experts to work in those 23 areas. This will automatically increase the price of coal and increase the burden of the consuming public in paying the salaries of the hundreds of inspectors which will be used in the field to supervise this act.

There are 53,000 people employed in my city. The great bulk of them are employed in the various industries, and, in my opinion, the industries are not in any shape to assume an increased cost.

Massachusetts as a whole is a manufacturing State. The Legislature of the Commonwealth of Massachusetts is very concerned over this bill. I have just received from the secretary of the Commonwealth a resolution memoralizing Congress in opposition to certain pending legislation relative to the fixing of the price of coal.

This resolution reads as follows:

Whereas there is now pending before the Congress of the United States a bill to provide for Government price fixing of coal; and

Whereas the enactment of said bill would inevitably be followed by a substantial increase in the cost of coal to American homes and industries; and

Whereas it would be contrary to the public interests for the Congress to pass laws to compel our citizens to pay higher prices for coal than competitive conditions really warrant; and

Whereas there is grave doubt that Congress has power to fix the price of coal, particularly in view of the decision of the Supreme Court of the United States in the recent Guffey Coal Act case, so-called; and that if any such power does exist in Congress it should be used for the protection of the people against excessive charges for coal and not for the purpose of establishing a monopoly for the benefit of a privileged group of coal operators; and

Whereas the Senate of Massachusetts believes that the enactment of any such measure to fix prices for coal would be but the first step in the enactment of laws to similarly regulate prices of innumerable articles shipped in interstate commerce, and that the exercise of any such power would tend to weaken or destroy the power of the States: Therefore be it

Resolved, That the Senate of Massachusetts respectfully urges the Congress of the United States to reject the aforesaid bill; and be it further

Resolved, That the secretary of the Commonwealth be directed to send forthwith copies of these resolutions to the presiding officers of both branches of Congress and to the Members of Congress from this Commonwealth.

In senate, adopted June 2, 1936.

IRVING N. HAYDEN, *Clerk*.

Section 3 of this bill provides for a 15-percent excise tax on the sale price of coal at the mine, to be paid to the United States Government by the producers of such coal.

Who is going to pay this increase in price? The consumer—the little fellow who has to burn the coal to heat his home—as well as the industries which daily use large tonnage for generating power and heat to run their factories.

However, because of this increased cost of bituminous coal we will find the individual home owners installing millions more of automatic oil burners in the hope of reducing their heating costs and at the same time eliminating the nuisance of ashes and dirt. Already many large institutions have changed over their coal-burning boilers to oil equipment, and it is certain that this change of fuel from coal to oil will not be of any benefit to the miner or producer. Labor will suffer as a result of this legislation, rather than to benefit by it. In fact, as time goes on we will see greater unemployment among the miners.

Let us see what the New Deal power-development program has done to the coal industry. Every dam construction at the taxpayers' expense—and they are scattered all through the South and West—has curtailed the production of millions of tons of bituminous coal. It is no wonder that the coal miners are in such distress.

The Guffey bill will not help labor, but it will, on the other hand, further deprive labor of an opportunity to produce. In my opinion this bill is just another "racket." Just think of it—eight men to be appointed by the President at a salary of $10,000 a year each, making the initial cost $80,000. Then there must be one regional director in each of the 23 districts, and probably at least one assistant director for each district. Following this, each district undoubtedly will have a dozen or more inspectors, so that all told the set-up is headed for a cost to the coal consumer of between $500,000 to $1,000,000 a year, and for what?—to curtail production of coal, to create more unemployment, to close more mines, and to raise the price of coal to the consumer.

Mr. BACHARACH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, it is very unfortunate that a larger part of the membership of this House is not familiar with the coal-mining industry. This arises from the fact that coal is produced in a very small area in the United States, comparatively speaking. Coal is produced in appreciable quantity in only 10 States of the Union. Six States produce 80 percent of the coal. Ohio is fifth in the production of coal, and more than 75 percent of the coal produced in Ohio comes from five counties. This ratio will obtain in the other States as well. West Virginia produces approximately 95,000,000 tons per year; Pennsylvania produces approximately 80,000,000 tons; Illinois approximately 37,500,000 tons; Kentucky produces 37,000,000 tons; Ohio produces 21,000,000; and Indiana produces 14,000,000 tons. On the other hand, coal is consumed in practically every State. The fact that the majority of the coal is consumed far away from the point of production makes the coal situation one which is very much misunderstood. The people who use the most coal know little or nothing about how coal is produced.

There are some people, I am sorry to say, who look upon the coal industry as a sort of piratical industry. That is far from being the truth. Those of us who live in the coal-mining and coal-producing territories know the want, the squalor, and the poverty that has come to the people living in those territories because of this failure of our people in all sections to understand each other. Consider people living in cold New England and in the North and far Northwest. How could they live without coal? Their very life depends on it, and there should be a more humanitarian understanding between those who produce coal at the risk of their lives far below the surface of the earth, and those whose comforts of life depend upon the coal which warms them in their northern homes.

No legislation has been offered in this Congress since I have been here that would tend to do that very thing as much as this legislation. What is the use of fearing what is going to happen in the future, if the price of coal is raised a few cents? What difference does it make to a man in Massachusetts who now pays $10 or $12 a ton for coal if that coal is going to cost him 10 or 15 cents more? It is not going to cost much more, if any. The increase in the price that might go to the producer will be only a few cents on each ton and maybe in many cases there will be no increase at all, and even if there is, this difference will more than be absorbed by the increase in the efficiency of transportation which will come from the stabilization of the industry.

Let me tell you a little something about the production of coal. I made a statement here in the House 10 or 12 years ago when I first came to Congress, and I am going to repeat it. A Member from New England was making a speech deploring the fact he had to pay so much for coal. I told him at that time that for $2 per ton my district could provide 500 cars of coal every day, as good coal as is produced anywhere in the world. I told him: "I will put it on the cars for you for $2 a ton. I will pay all these miners you fear. I will pay all these operators you accuse of all kinds of misdeeds and improper practices. I will pay every expense involved in the loading of that coal. I will send out 500 cars per day, 10 trainloads, from my district for $2 a ton. You may take it up into Minnesota where it sells for $8 or $9 a ton or up into Boston where it sells for $12 or $14 a ton, and then you figure the difference between the cost of production of the coal and the cost to the consumer, and you will find it is made up of transportation cost." By that I meant to show that the total production cost of coal is only about one-fifth the total cost to the consumer in many localities.

In my opinion that is where the coal operators of our section of the country and every other section of the United States have made a great mistake. They have stressed too much the cost of production. They ought to stress more the cost of the transportation of coal. I have thought that the producers of coal should have kept a controlling hand on their coal while it was being transported. They ought to take more interest in the transportation of coal because it is upon that fact this bill is founded. That is where we get into the interstate-commerce feature. As I have already stated, the production of coal is only about one-fifth of the cost of the coal to the consumer in his furnace, in his basement, or wherever he has it delivered for final consumption.

What has been the condition of the coal industry throughout these years? It has been deplorable. It has been appalling. Some may have been inclined to lay the blame on the miners' union, but the miners' union is a great organization and has done more to bring the workingman up to the high position which he occupies today than any other organizations. It has fought its way along under all kinds of adversity, and while it has been fighting its way along,

their fight has not been against their employers altogether. They have fought to better the condition of the industry as well. The operators, on the other hand, have had to fight against the encroachment of other fuels, such as oil and gas. Instead of working under some harmonious agreement they have cut each other's throats, they have undermined each other, and have conducted their business in such a way that they now have no business. They are now on the verge of bankruptcy, and what will this bill do? It is intended to stabilize the coal business so that all interested parties will benefit thereby without any marked increase in the price of coal. The miners' union is not clamoring for this bill in order that wages may be increased. This is not much of an item with them now. What they want is some consistency and regularity of employment. Neither will an increase of price of the coal at the mine be much of an item to the operator. He is not seeking to take advantage of the consumer. What he wants is to feel an easiness in his business. He is willing to stand honest competition. He is willing to fight to improve his business, but he cannot carry the uncertainties that come from a cutthroat competition, that comes from a disorganized and unorganized business. The coal business is a great business. It is an honest business. It deserves the best consideration of the statesmen of the Nation.

I repeat that there need be no fear of any considerable increase in price.

For instance, suppose the price of coal is $2 a ton, and suppose this bill will give the mine owners an increase of 25 cents a ton, and suppose that will be passed down to the miners and day men and the employees generally. This is as much as they would expect, because this will stabilize this industry as to price; and if there is an increase of 25 cents a ton this is a 12½-percent increase, which is a large increase. But how will 25 cents a ton affect coal selling for $9 or $12 a ton? It would be only a 2½-percent increase. This increase in price to the consumer would be practically nothing. This bill, if it works well, will be a greater benefit to the consumer than to the producer. It will provide a constant, even flow of coal on the railroads and will supply the dealer with a ready, constant supply of coal, thereby making it unnecessary for him to keep a large stock for emergencies, such as strikes, and so forth.

I want to disabuse the minds of those of you who live in far-away sections about this matter of increase in price. It is the judgment of the producers of coal, it is the judgment of the transporters of coal, and of the coal experts everywhere that the price will not be increased greatly. This is not a price-increasing bill—it is a stabilizing bill.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. GREEVER. I would like to ask the gentleman this question: Have the constitutional objections raised by the Supreme Court decision been met in this bill in the gentleman's opinion?

Mr. JENKINS of Ohio. The gentleman has asked a very appropriate question at an appropriate time, for I was coming to that point now.

There are only two points in this bill, as I see it, that the average citizen will worry about, and they are two very important ones. One is what is going to be the additional cost, which is a practical, economic question, and which I have just discussed. And the next question is the one which the gentleman asked, Is this bill constitutional? There may be some doubt as to the constitutionality of this bill as it is now written, but it must be said that this bill has been drawn in an honest effort to meet the objections to the old bill as found by the majority of the Supreme Court and at the same time to meet the suggestions in the minority opinion of the Supreme Court.

In the first place it must be admitted that the principal objections to the first bill were found on the fact that it assumed to fix the wages of those engaged in the coal industry. This bill under consideration omits all consideration of the question of wages unless it can be held that since about 80 percent of the cost of the production of coal is made up of wages that no fair and complete consideration can be given by the price-fixing boards for the fixing of the price of coal that will not directly deal with the question of wages.

If we can divorce this bill entirely from any connection with the control of wages, then we have only one other question. That is: Can Congress in an effort to stabilize the coal industry for the benefit of the industry, the miners, the consumer, and the public generally, so control the passage of coal in interstate commerce as to establish a code of fair prices and lay a charge on all coal produced with a draw-back to those who produce according to regulations of the code? The answer is that Congress has full power to control the passage of coal through interstate commerce, and if it is necessary to fix the prices in order to prevent an interference with the steady flow of coal in interstate commerce, Congress may fix prices.

Justice Hughes, in his minority opinion in the Guffey case, says:

> The marketing provisions (part II) of the code naturally form a separate category. The interdependence of wages and prices is no clearer in the coal business than in transportation. But the broad regulation of rates in order to stabilize transportation conditions has not carried with it the necessity of fixing wages. Again, the requirement, in paragraph (a) of part II that district boards shall establish prices so as to yield a prescribed "return per net ton" for each district in a minimum price area, in order "to sustain the stabilization of wages, working conditions, and maximum hours of labor", does not link the market provisions to the labor provisions by an unbreakable bond. Congress evidently desired stabilization through both the provisions relating to marketing and those relating to labor; but the setting up of the two sorts of requirements did not make the one dependent upon the validity of the other. It is apparent that they are not so interwoven that they cannot have separate operation and effect. The marketing provisions in relation to interstate commerce can be carried out as provided in part II without regard to the labor provisions contained in part III. That fact, in the light of the congressional declaration of separability, should be considered of controlling importance."

The majority opinion is careful not to say that it renders any final decision with reference to the power of Congress to fix prices. In one of its concluding paragraphs the majority of the Court say in their opinion:

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter nor anything we have said is to be taken as indicating that the Court is of opinion that these provisions, if separately enacted, could be sustained.

Further in that same opinion the following paragraph appears:

> This seems plain enough; for Congress must have been conscious of the fact that elimination of the labor provisions from the act would seriously impair, if not destroy, the force and usefulness of the price provisions. The interdependence of wages and prices is manifest. Approximately two-thirds of the cost of producing a ton of coal is represented by wages. Fair prices necessarily depend upon the cost of production; and since wages constitute so large a proportion of the cost, prices cannot be fixed with any proper relation to cost without taking into consideration this major element. If one of them becomes uncertain, uncertainty with respect to the other necessarily ensues.

Also:

> One who produces or manufactures a commodity, subsequently sold and shipped by him in interstate commerce, whether such sale and shipment were originally intended or not, has engaged in two distinct and separate activities. So far as he produces or manufactures a commodity, his business is purely local. So far as he sells and ships, or contracts to sell and ship, the commodity to customers in another State, he engages in interstate commerce. In respect of the former, he is subject only to regulation by the State; in respect of the latter, to regulation only by the Federal Government.

Congress has on many occasions assumed to fix freight rates and other transportation rates without assuming in any way to fix the wages of the employees engaged in the transportation of those articles upon which the rates are fixed.

Justice Cardozo says in his dissenting opinion:

> Reasonable prices can as easily be ascertained for coal as for the carriage of passengers or property under the Interstate Commerce Act, or for services of brokers in the stockyards, or for the use of dwellings under the emergency rent laws. The standards established by this act are quite as definite as others that have the approval of this Court.

Is coal in itself subject exclusively to control of Congress as interstate commerce? No; it is not exclusively subject to the control of Congress as interstate commerce, but probably 90 percent of the coal that gets into the competitive market is moved in interstate commerce or has a direct influence on interstate commerce. There are many who think that if an article is sold in the same State where it has been produced, that that article cannot be controlled as in interstate commerce, and that it is strictly intrastate commerce. This is a very common error. The rule is that if the sale of the article directly affects interstate commerce it is subject to the laws controlling interstate commerce. To illustrate: Suppose I have a coal mine 10 miles outside of Columbus, Ohio, and produce 200 tons of coal daily, and put this coal on the Columbus market by trucks. I thereby sell this coal directly in competition with coal that is moved in interstate commerce, and if the quantity I sell is sufficient to have any direct affect on the market of coal in that community, my coal is subject to any regulations that would regulate coal in interstate commerce.

From the old case of Gibbons against Ogden in Ninth Wheaton, page 196, to the present time, there are many cases holding that Congress, under the Constitution, is given the full authority to control interstate commerce. The Court in that case says:

It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to the utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

It might be well to bear in mind that the Constitution says:

Congress shall have power to regulate commerce with foreign nations and among the several States and with Indian tribes.

Justice Roberts, in the *Nebbia case* (291 U. S. 502), says:

Times without number we have said that the legislature is primarily the judge of the necessity of such an enactment and every possible presumption is in favor of its validity, and that though the Court may hold views inconsistent with the provisions of the law it may not be annulled unless palpably in excess of the legislative power.

Justice Hughes, in his opinion in the Guffey coal case, says:

But that is not the whole case. The act also provides for the regulation of the prices of bituminous coal sold in interstate commerce and prohibits unfair methods of competition in interstate commerce. Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce, and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power, as the Interstate Commerce Act, the Packers and Stockyards Act, and the antitrust acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary (*Minnesota Rate Case*, 230 U. S. 352, 398). It is "complete in itself and may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution" (*Gibbons* v. *Ogden*, 9 Wheat. 1, 196). We are not at liberty to deny to the Congress with respect to interstate commerce a power commensurate with that enjoyed by the States in the regulation of their internal commerce. See *Nebbia* v. *New York* (291 U. S. 502).

Whether the policy of fixing prices of commodities sold in interstate commerce is sound policy is not for our consideration. The question of that policy and of its particular applications is for Congress. The exercise of the power of regulation is subject to the constitutional restriction of the due-process clause, and if in fixing rates, prices, or conditions of competition that requirement is transgressed, the judicial power may be invoked to the end that the constitutional limitation may be maintained (*Interstate Commerce Commission* v. *Union Pacific R. R. Co.*, 222 U. S. 541, 547; *St. Joseph Stock Yards Co.* v. *United States*, decided Apr. 27, 1936).

One of the leading cases on this subject is the case of *Houston & Texas Railway* v. *United States* (234 U. S. 342). The Court in that case says:

The object of the commerce clause was to prevent interstate trade from being destroyed or impeded by the rivalries of local governments, and it is the essence of the complete and paramount power confided to Congress to regulate interstate commerce that wherever it exists it dominates.

Wherever the interstate and intrastate transactions of carriers are so related that the government of the one involves the control of the other it is Congress, and not the State, that is entitled to prescribe the final and dominant rule; otherwise the Nation would not be supreme within the national field.

By section 3 of the Act to Regulate Commerce (24 Stat. 379, 380) Congress has delegated to the Interstate Commerce Commission power to prevent all discriminations against interstate commerce by interstate carriers subject to the act which it is within the power of Congress to condemn.

Also *Swift* v. *United States* (196 U. S. 375) says:

When cattle are sent for sale from a place in one State, with the expectation they will end their transit, after purchase, in another State, and when in effect they do so, with only the interruption necessary to find a purchaser at the stockyards, and when this is a constantly recurring course, it constitutes interstate commerce, and the purchase of the cattle is an incident of such commerce.

Also see *Stafford* v. *Wallace* (258 U. S. 495):

2. It is for Congress to decide from its general information and from the special evidence brought before it, the nature of evils, present or threatening, and to enact such legislation within its power as it deems necessary to remedy them; and this environment should be considered by the courts in interpreting the scope and effect of the act in order to determine its validity (p. 513).

5. Such a current interstate commerce is found in the uninterrupted movement of livestock from the West and Southwest into the great stockyards at Chicago and elsewhere, where it is sold by the consignee commission merchants to packers and livestock dealers at the stockyards, and in the movement thence into other States of the meat and other products of the animals slaughtered at the packing establishments and the live animals which are resold at the yards by the dealers for further feeding and fattening (p. 514).

9. It is primarily for Congress to consider and decide the danger of such acts or practices, and to meet it, and it is not for this Court to substitute its judgment in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent (p. 521).

Judge Cardozo, in his dissenting opinion, says:

With reference to the first objection, the obvious and sufficient answer is, so far as the act is directed to interstate transactions, that sales made in such conditions constitute interstate commerce, and do not merely "affect" it.

This bill under discussion has anticipated this question of the right of Congress to fix prices and contains a paragraph the sole purpose of which is to fix the rights of any person who might find himself aggrieved. The law specifically provides that the aggrieved individual may contest his case before the proper authorities set up in the bill, and further on page 7 of the bill the following language appears:

For the purpose of carrying out the declared policy of this act, the code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal.

And further on page 25, the following language appears:

SEC. 4–A. Without in any way limiting the scope or application of section 4, whenever prices in intrastate commerce in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, such prices in such locality shall be subject to the provisions of section 4 hereof.

These two sections are to my notion the heart of the bill from the standpoint of its constitutionality. The first indicates that the bill assumes to deal with interstate commerce. The second sets out fully the rule by which it is determined whether a shipment or a transaction is within interstate commerce and what interference with interstate commerce means.

From all the above, it appears to me that this bill is constitutional as it is written. If in its application, hardships are worked on producers which amount to confiscation or oppression, then the remedy will be to work themselves out from the application of the law. The law as to them will still stand but the application will not affect them. Of course, if it should appear when the law is applied that any great number of coal producers can free themselves from its regulations, then the proper course will be to amend or repeal it. If on the other hand this bill operates as it is anticipated it will be greatly to the advantage of the employer, the employee, the consumer, and the public generally. The consumer will be satisfied because he will have a constant supply of coal moving quietly through interstate commerce. The dealer will not be required to pile up high supplies for fear of strikes and other contingencies. The transportation agencies will be able to move the coal with

greater facility and at a cheaper rate. From my knowledge of the coal industry I conscientiously believe that such stabilization as intended to be provided in this bill will be for the best interests of all parties concerned in the coal industry.

The story of the sad plight in which the coal industry now finds itself has been written in many a document and treatise, but none of these have spoken so eloquently as do the sad countenances of the women and children in coal-mining districts, or the disappointed look of the miner who would work if he could get it, or the red figures on the ledgers of the operators. They are at least entitled to justice. Let us deal justly by them. [Applause.]

Mr. DOUGHTON. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, the gentlemen who have just spoken in favor of this legislation from the majority and the minority sides have told you of the demoralization in the bituminous-coal industry. I do not have time at my disposal to go into the provisions of the legislation, but, bringing this unhealthy condition forcibly to your attention, I shall read the following three or four telegrams which I have received from operators in my district:

FAIRMONT, W. VA., *June 10, 1936.*

Hon. JENNINGS RANDOLPH,
House of Representatives Office Building:
On account of the present deplorable conditions in the bituminous-coal industry, we feel it an urgent necessity that the coal bill be passed by Congress at this session, and I sincerely hope that you will lend your aid and encouragement for prompt and favorable action on this matter.

T. E. JOHNSON,
Vice President, Hutchinson Coal Co.

FAIRMONT, W. VA., *May 25, 1936.*

The PRESIDENT OF THE UNITED STATES,
The White House, Washington, D. C.:
Hon. JENNINGS RANDOLPH,
Member of Congress, House Office Building,
Washington, D. C.:
We respectfully urge you to insist on immediate passage of the Bituminous Coal Act of 1936 in order to prevent widespread unemployment, destructive wage cutting, and bankruptcy of coal-producing companies in northern West Virginia.

CONTINENTAL COAL CO.,
By D. J. CARROLL, *President.*

FAIRMONT, W. VA., *May 25, 1936.*

Hon. JENNINGS RANDOLPH,
Washington, D. C.:
During the past 40 days three coal companies in Monongalia County have gone into receiver's hands. Unless there is immediate passage of some legislation establishing the price of coal the industry will be completely demoralized. We look for your help.

HICKMAN MILLER COAL CO.

FAIRMONT, W. VA., *May 25, 1936.*

Hon. JENNINGS RANDOLPH,
House of Representatives Office Building:
On account of the present demoralized condition of the bituminous coal industry we feel it a grave necessity that the Bituminous Coal Act of 1936, which was introduced in the Senate and House on May 20 last, should be passed at this session of Congress, and trust that you will lend your influence and support for the immediate and favorable action of Congress on this bill.

M. L. HUTCHINSON,
President, Hutchinson Coal Co.

These pleas come from active operators who are faced with a situation with which they are unable to cope and they come to us asking for help. Certainly we cannot deny to them the aid which this Federal Government can and should extend to an industry which was on its back at the time the provisions of the N. R. A. lifted it up and breathed new life into its body. No one familiar with bituminous coal mining can say truthfully that the industry did not make advancement under that act. The code of fair practice, the increased pay to the miners, and profit to the operators resulted. When that aid ceased, the industry returned to its old cut-throat competition and inadequate pay to the worker. With the first coal-stabilization bill, hope was again revived and the operator and miner joined in a successful effort. That ill-fated attempt was outlawed, and today the industry flounders. We must face the facts and know that we cannot escape our obligation.

West Virginia is the largest bituminous coal producing State in the Union, as I have stated before on this floor when the previous coal legislation was being considered. Nine of my 15 congressional counties produce bituminous coal. I know the problems of this business, and I appeal to every Member here today to assist us of the coal-producing States in this honest effort to enact in the closing days of this session the Guffey-Vinson coal bill.

To the members of this committee let me say that this chaotic condition in the bituminous coal mining industry today is deplorable. It is heart-tugging. It is a problem which this Congress must meet by some type of legislation.

I believe that this measure we are now considering is effective and will help us in our time of need. [Applause.]

Mr. VINSON of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER of Pennsylvania. Mr. Chairman, when the N. R. A. was declared unconstitutional, practically 100 percent of all of the coal operators came here to Washington and asked that it be reenacted to take care of the coal industry as it was taken care of in the N. R. A. When the coal bill of last year, 10 months ago today, the Guffey-Snyder coal bill, was under consideration, about 70 percent of the tonnage-output operators were here in favor of it, and about 30 percent were against it. I might say that 30 percent was made up of some of the bigger interests, the larger interests.

Down at the Coal Commission today you will find that about 81 or 82 percent of the tonnage-output operators, operating under the Guffey-Snyder Act just declared unconstitutional, were signed up and going along happily, and of course practically 100 percent of labor. The gentleman from West Virginia [Mr. RANDOLPH] talked to you of the chaotic condition of the coal industry in West Virginia. My district happens to be a coal district which can turn out not 500 cars a day, but can turn out 1,000 cars of coal per day every day in the year. The conditions there were deplorable, but I am happy to report that under the N. R. A. and under the Guffey-Snyder Coal Act, and now under the Guffey-Vinson bill, we can look forward to conditions much better than the bituminous-coal industry has ever seen. The price of coal, as we will be shown by the table which the gentleman from Kentucky [Mr. VINSON] will insert in the RECORD, throughout the Nation has been and will be from 1 to 10 cents greater per ton than it was under cutthroat competition.

At this point, I take a moment to say that we should express our appreciation to the Committee on Ways and Means, and to the chairman of the subcommittee last year and this year having charge of the coal bill.

The gentleman from Kentucky [Mr. VINSON] had most to do in bringing the Guffey-Snyder coal-stabilization bill to the floor of the House last year. The able manner in which he fought off the opponents of the bill last year had much to do with the passage of the act at that time. It passed by a vote of 196 to 168. It was only appropriate after the Supreme Court made it necessary to put through another bituminous coal bill that Mr. VINSON should be the House author of it, because of the unlimited energy and good spirit he displayed in helping me last year.

The application of the Guffey-Snyder Coal Act, in operation in the bituminous-coal industry for 9 months, educated millions of people to the fact that we must have some sort of regulation and stabilization in the bituminous-coal industry to keep the coal companies from going into bankruptcy and afford employment for miners to keep them off relief.

As I said last year when the coal bill was under consideration, I know the small operator as well as I know the United Mine Workers. I know of many small operators that went into bankruptcy because of the cutthroat practices that existed prior to the N. R. A. I know the attitude and spirit of the United Mine Workers of America. They, through their leaders, desire cooperation at all times with the operators and with the general public. I found since the N. R. A. went into effect that there is more happiness and contentment and hope among the miners than at any

time in the 25 years that I have closely followed their activity.

Mr. Chairman, those of us who took an active part in putting the Guffey-Snyder Coal Act through last year feel doubly rewarded here today for having done so. The very fact that there is practically no opposition to the bill before us today is evidence that most Members of Congress realize that social legislation must have consideration.

Mr. BACHARACH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I have no bituminous-coal mines in my district. I was away when the last Guffey coal bill was voted upon in the House. I presume I would have voted against it on constitutional grounds, but it seems to me that we are faced with a condition with which the pending bill offers a partial solution. The soft-coal industry is stricken, stricken almost to death. Operators and miners have issued a Macedonian cry to us to come over and help. There are Members of Congress who now say that we cannot do anything, that we are powerless, that we are unable to help the third greatest industry in the United States, employing 400,000 people. But I say to you that I am prepared to vote for this bill because I believe it is sound, meritorious, and helpful to a great industry that needs to be stabilized in the interest of the operators, the miners, and the public. [Applause.] A lot of Republicans voted for the N. R. A. We voted for it as a temporary proposition. I wish the N. R. A. originally had been applied only to natural resources, to coal, oil, lumber, and if it had been, I believe it would have been held constitutional, but when you applied it to 800 different industries in America and then set up bureaucracies in Washington to regiment and control those 800 different industries, it broke down of its own weight. It had actually collapsed before the Supreme Court acted and held it unconstitutional. I would remind those on the Republican side that this is not the first time that the call has come for help from the soft-coal industry, either in our own country or in other nations of the world. In England a few years ago there was a general strike because of the deplorable and demoralized condition of the coal industry which produced poverty, squalor, and disease among the poverty-stricken miners due to overproduction and low standards of wages and living. Every country has been confronted with requests for protective legislation, and it comes naturally before us. We cannot evade it whether we are Republicans or Democrats. It is not a Republican or a Democratic measure. It is our duty as Members of Congress to face the facts and conditions, and if those conditions exist and this industry is demoralized and stricken to death, then we ought to help, regardless of politics or partisanship. I, for one, propose to vote for this measure, and state that I agree with the great Chief Justice Hughes, of the Supreme Court, who comes from the State of New York, that the Congress has the power to act in this instance, and that we have the power, if necessary, to fix prices in interstate commerce. I do not like to fix minimum prices on coal, but if it will stabilize the industry and stop the cutthroat competition and prevent strikes and bloodshed, it is in the public interest. I hope the bill will pass for the good of the coal industry and for the general welfare of the American people, as I believe it is a step toward social and industrial justice within the confines of the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, I would like to propound a question for the distinguished gentleman from Kentucky [Mr. VINSON]. I would like to ask if it is not a fact that the passage of this bill, the Vinson-Guffey bill, would be instrumental in preventing the exploitation of 400,000 miners, the bankruptcy of the operators, the demoralization of the entire coal industry, would have prevented thousands of strikes during the last generation, and would perfect the stabilization of the industry and be instrumental in supplementing the purchasing and consuming power of the coal miners for the benefit of the great industrial centers of the East.

Mr. VINSON of Kentucky. The statement has been made as it only could be made by my good friend and great humanitarian, the gentleman from New York, Dr. SIROVICH. [Applause.]

Mr. BACHARACH. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. VINSON of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I suppose the greatest economic trinity that ever occurred on this earth was back in 1781, when steam, coal, and iron came together. Industry exhausted the wood supply in England and had to resort to coal for its iron smelters. In order to get the coal out of the pits they had to pump the water out of them. Pumping was done by hand. It remained for Stephenson and Watt, who translated steam into terms of power by inventing the steam engine, to lift the water out of the coal mines so that coal could be used in the iron smelters of England. Coal, iron, and steam were the great trinity of the industrial revolution. From that day on for more than a hundred years coal was the principal and virtually only source of power and energy; and then something happened. The coal industry became sick. You can go through my district, for instance, and see the ghosts of what were once live and virile towns. They are only slatterns today. Once they were thriving mining towns. Today they are but feeble communities. The coal industry is sick in the United States and it is sick in the State of Illinois. We have 54 counties out of 103 that produce coal. At one time we hoisted 80,000,000 tons a year. Today we hoist less than 40,000,000 tons. We had 100,000 miners on duty in Illinois some 10 or 15 years ago, and today we have less than 40,000, which is an indication that the coal industry in our State is sick. Why? For two reasons: First, conditions within the industry; and, second, conditions without. So far as conditions within the industry are concerned, I might say it is largely due to overexpansion, to the desire to maintain markets at any price, to the desire to invade new markets, and to a disregard for our coal resources. If you know anything about the coal business, you might know that in many localities they go down into the bowels of the earth and take out the choicest coal, the thick seams, the coal that is most accessible, and leave the pillar coal for somebody in the future, or to be added to part of the waste of the Nation. The idea is to speed production, hold down production costs, hold down overhead, in order to meet an insane competition.

The gentleman from Ohio [Mr. JENKINS] knows about that. That is one of the conditions within the industry that has made it sick. This intensely competitive condition is one reason why 125,000 miners were on strike in 1933 and lost nearly 4,000,000 man-days of labor.

Then there are conditions without. What are they? First of all, competition. Electrical energy today supplies about 11 percent of the total energy consumed in this country. This Congress, this administration, and this Government are annually subsidizing the production of electrical industry of the country, which is a persistent competitor with coal.

In my brief career in this body we have authorized the expenditure of hundreds of millions of dollars for the production of electrical energy at Muscle Shoals, at the Grand Coulee Dam on the Columbia River, at the Bonneville Dam, at Boulder Dam, and others. The end is not yet. Seldom a day that some Member does not suggest the construction of an electrical authority back in his district, with funds to be derived from the Federal Government. As an indication of the enormity of this competition it will be possible to generate 8,000,000,000 kilowatts of firm energy on the Grand Coulee upon completion and over 4,000,000,000 kilowatts of secondary power annually. At Boulder Dam the annual capacity of firm power will be about four and one-third billion kilowatts and about one and one-half billion kilowatts of secondary power.

At no time have I ever heard a voice raised in behalf of the miners of this Nation, some of whom will be displaced in their jobs by this vast increment of electrical energy, made possible out of the Federal Treasury at the expense of the taxpayers. And the miner is one of the taxpayers who must contribute to destroy his own job.

Secondly, there is the competition from natural gas. Today natural gas is produced in 24 States and consumed in 35 States. There are 8,000,000 gas users today. Fifty thousand miles of gas lines honeycomb this Nation, and the annual revenues from natural gas, including transportation charges, mounted to $394,000,000 in 1934.

Third, the competition of petroleum. In 1900 we produced less than 200,000,000 barrels, while last year we produced almost a billion barrels. These great superlocomotives that will haul people to the centennial at Dallas, Tex., and San Francisco, the diesel engines which drive the pumps of the country, the diesel engines that send the steamships across the water, are oil-burning engines today instead of coal-burning. That is the reason the coal industry is sick. It has been there as a kind of static development, and here are the inroads from without and instability and disorganization from within. So they come to Congress in the hour of chaos and say, "Do something for us." What are we going to do? We have some choices. We can abandon them. We can say to the four or five hundred thousand miners, "You work out your own salvation." That is, simply abandon them to their own devices. I say to you that you cannot abandon an entire industry. You cannot abandon an industry which employs more men than any single given industry in this country. Such a course is unthinkable. The output of this industry slipped from $2,000,000,000 in 1920 to less than $500,000,000 in 1932. With relentless competition from without and instability from within, something must be done as a matter of national welfare.

We might insist to this industry that it seek to work out its salvation under the old Appalachian plan. That would be all right if you did not have such a diversity of conditions, wages, hours, and varieties of coal with which to contend. That would be all right if some of the absentee operators were more concerned about the conservation of our coal resources and the conditions in the industry than about the production of volume and the invasion of new markets without a single restriction.

We can take over the coal industry and make it a nationalized industry. We do not want to do that. We can hand it over to the State, but I say to you that the $5 miner in the State of Illinois is no match for the $2 miner in Kentucky, and the State of Illinois with all its instrumentalities has nothing to say about what kind of wage they shall pay in the mines of Kentucky, nor have we anything to say about what wages they shall pay across the line in the State of Indiana. So what shall we do? Shall we continue to fight miner against miner, operator against operator, to destroy this great natural industry, to waste this natural resource? Certainly not. Something must be done and there is only one thing to do. If the States cannot handle it, if we do not want to nationalize, if we do not want to socialize the coal industry and take it over, then there is but one thing we can do and that is to have the lawmaking power of the Federal Government take charge, and insofar as commerce is affected, insofar as it goes into interstate commerce, we shall step in with the hope of stabilizing prices so that fair and equitable conditions might prevail and a stable and steady supply of coal maintained at all times. Out of fair and equitable conditions which look to the preservation of the industry, stability can be restored and fair wages and living conditions effected through collective bargaining. The industry does not ask the intervention of the Government in respect to the matter of wages.

Let me point out the fact that the livelihood and the welfare of over 400,000 miners are involved. I think everybody in this Congress has a sincere desire to do something for an industry of this kind. I have often reflected on the sincerity and the earnestness with which the Members of Congress have sought to find some solution and remedy. We are like the plant set in the cellar in the winter time. Those tender green tendrils somehow reach up to the light that comes in through the little window, and that is what we are all doing—we are reaching up for a little light and trying to find a solution to this problem. Considering the historical background and the factors involved and motivated by human, Christian impulses, the Federal Government is going to have to step in and stabilize this industry and give assurance once more to 400,000 miners and their families that we have a decent and real regard for their welfare and are going to make some kind of contribution instead of abandoning them to the vagaries of the industry and seeing them go back to what Kipling once called the law of the jungle. I, for one, am going to vote for this bill. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Chairman, as one who has actually been engaged in the coal industry for more than 15 years, and who, by reason of drastic and unfair competitive practices, was bankrupted and driven out of it, I come today to undertake to reveal to my colleagues in this House some of the reasons why I think this character of legislation should be enacted. I can remember the time when the State of my colleague the gentleman from Michigan [Mr. MAPES] was one of the best markets for southern coal. When I was in the coal business I sold coal delivered f. o. b. mines at prices ranging from 80 cents per ton to $12.50 per ton to people consuming it in the State of Michigan.

I know that unless we can maintain some system of regulation that will control not only the production but the marketing of coal, this industry as a whole is doomed to disaster and destruction. I think not only of the 450,000 men who are engaged in the industry in the production of coal, but also of the numerous thousands of defenseless women and children wholly dependent upon the toil of the men who mine the coal. In my congressional district of eight counties hugged up between the borders of three States are produced annually 20,000,000 tons of coal. This 20,000,000 tons of coal returns to the people of the district—to the merchants, the doctors, and the other businessmen—about $45,000,000. When this industry is destroyed in this field we shall have nothing left but Oliver Goldsmith's deserted villages, one after the other, on every creek and in every valley.

I say, therefore, to you of the North and the East, that you need not fear the question of price regulation as being destructive, because it is the only thing in the world that will protect you against exorbitant prices.

When I was in the coal business, the man across the ravine from me, in order to get an order for coal, would sell his slack coal at 20 cents a ton, and sometimes they would ship it on shipper's order or consignment, to be paid for at destination, without a destination; and when it reached the docks at the Lakes, which was the market place for the consumers of the Northwest, it was immediately dumped out by the railroads and used as fills for railroad tracks. That is what competition did to the coal industry following the exorbitant prices we experienced for 2 years after the World War. The enactment of the pending bill will enable the industry to regulate itself and protect the public from unreasonable prices.

I can remember a little coal mine that loaded 10 gondola cars of coal a day, which sold 1 day's production for more than $9,000 in cash, or $18.50 per ton f. o. b. the mines. That meant that when it went yonder to the northern markets for consumption the people could not consume it, and the coal operators and the coal producers were standing still day in and day out, month in and month out, year in and year out, face to face with three great competitive fuels—crude oil, natural gas, and electricity. Crude oil is a clean fuel. Natural gas is easily handled and consumed. Electricity, whether produced by a private utility or subsidized by the Federal Government, is annually taking millions of dollars from the coal producers and thereby driving out of employment thousands and hundreds of thousands of men.

As one who has suffered the penalty of drastic competition, I would like to see stabilized an industry that will feed men,

women, and children, prevent starvation, and keep the camp-house doors from being nailed up as a result of unfair competition. These three fuels, commonly known as laborless fuel, meaning, of course, that when installation is once made the hundreds of thousands of men usually employed in the development work are eliminated by the law of necessity, and, therefore, the gas pumped by hundreds of millions of cubic feet by one pumping plant operated by a very few men is a natural comparison between the number of men required to produce coal necessary to afford the same number of heat units. Electricity, of course, is even more striking as a laborless fuel. Two men at a power-house, and four or five at the outside, will operate a plant that will produce electricity enough to heat and light a great city, while the number of men required to produce coal enough to perform the same service will run into the thousands and wages paid for the production of the coal will feed, clothe, and school thousands of children. Likewise, with hydroelectricity, where one huge dam that costs millions of dollars will produce and distribute by falling water enough electricity to heat and light many great cities, and by an integrated system of transmission lines can be transmitted to and consumed by millions of people; while, on the other hand, the daily output of bituminous coal in the United States is sufficient to load a train of cars reaching from Pittsburgh, Pa., to New York City, a distance of 352 miles, loading 37,267 average railway cars holding 50 tons per car; and if the coal industry is not permitted to protect itself against the competition of these three competing fuels—natural gas, electricity, and fuel oil—thousands and thousands of railroad men employed in the transportation and marketing of this coal and other thousands engaged in its distribution will be deprived of employment.

The coal industry comes to the Congress with this legislation asking not for a dole or appropriation but the mere privilege of using the machinery of the Federal Government to impose upon itself a tax for the administration of the law which it seeks. The truth of the matter is that the Congress has always discriminated against the mineral industry and in favor of agriculture in the matter of appropriations. For instance, for the fiscal years 1936–37 there has been appropriated to the entire mineral industry and to the Bureau of Mines for its activities less than $4,000,000, while there has been appropriated for the same 2 years, as of July 2, 1936, for the Department of Agriculture, covering the fiscal years 1936–37, a total of $1,702,850,759. This is shown in a table furnished to me by the Appropriations Committee of the House and the Department of Agriculture, which I include in my remarks at this point:

Department of Agriculture appropriations, fiscal years 1936 and 1937, as of June 2, 1936

Appropriations	Fiscal year 1936			Fiscal year 1937		
	Other than roads	Road funds	Total	Other than roads	Road funds	Total
General agricultural budget	$98,090,432	$58,141,856	$156,232,288	$109,515,202	$68,000,000	$177,515,202
Emergency Relief Appropriation Act of 1935 (allocations)	70,042,577		70,042,577			
National Industrial Recovery Act		50,000	50,000			
Agricultural Adjustment Administration:						
Advances to A. A. A. for rental and benefit payments and administrative expenses	161,745,593		161,745,593			
Advances under Tobacco Act of June 28, 1934	296,287		296,287			
Payments for agricultural adjustment	295,731,900		295,731,900			
Exportation and domestic consumption of agricultural commodities (sec. 32, act of Aug. 24, 1935)	92,111,741		92,111,741	109,125,171		109,125,171
Conservation and use of agricultural land resources (Soil Conservation and Domestic Allotment Act of Feb. 29, 1936)				440,000,000		440,000,000
Total, Agricultural Adjustment Administration	549,885,521		549,885,521	549,125,171		549,125,171
Total, Department of Agriculture	718,018,530	58,191,856	776,210,386	658,640,373	68,000,000	726,640,373

Without coal, iron, steel, and other minerals, agriculture could not function, and yet the very basic industries upon which the life of the Nation depends are not only discriminated against but the taxes paid by the two industries is a striking illustration of how unfair the Congress has been to the mining industries, and I speak of this not in condemnation of agriculture, for I have voted for everything agriculture has asked ever since I have been in Congress. The mining industry is valued by Government statistics at twelve to fifteen billions of dollars, and for the years 1924 to 1928 the mineral industry paid in taxes to the Federal Government the sum of $800,064,024, while agriculture paid only the sum of $151,261,405. Coal mining is one of the largest employing industries, and more than 27,000 men in the 8 counties of my congressional district are engaged in the mining and production of coal, and the industry is actively engaged in 28 of the American States and in 2,024 of the 3,071 counties of the United States. I favor the enactment of this bill and shall vote for it when it comes up for passage. [Applause.]

Mr. BACHARACH. Mr. Chairman, I yield the gentleman from Tennessee [Mr. TAYLOR] such time as he may desire.

Mr. TAYLOR of Tennessee. Mr. Chairman, representing a district consisting of 11 counties, 5 of which produce bituminous coal in considerable quantity, I am naturally very greatly interested in this legislation. I do not think there is any industry that has suffered more in recent years than the coal industry. As a matter of fact, it has suffered to the point of prostration. I remember a few years ago the coal industry was prosperous. The coal workers were commanding good wages and living bountifully. The mines were running full tilt, coal was commanding a fair price, and the miner and his family were happy and contented.

Mr. Chairman, I have lived in a coal-mining town for 35 years, and I personally know something of the situation that formerly obtained, as well as the situation which now prevails in the average Tennessee and Kentucky coal-mining community. A few years ago, as I stated before, coal mining was a profitable occupation. No one in the community in those days was better clothed than the coal miner, and no family enjoyed more of the comforts and luxuries than did his family. But during the past few years the coal industry has been hard hit. Today it presents a most dismal and pathetic picture. Both the operator and the miner have been the victims of these adverse and evil days. With work only 2 or 3 days per week and with wages reduced to an almost irreducible minimum, the miner has been also reduced to a condition approaching poverty.

Suppose, Mr. Chairman, this bill may add a few pennies to the price of coal. The purchaser will have his compensation in seeing the miner, his wife, and children enjoy some of the necessaries and comforts that come from a decent and living wage.

As I understand it, this legislation is not directed so much to the increase in the price of coal as it is to the principle of stabilizing the coal industry and eliminating from it some of the degrading cutthroat practices that have proved so disastrous.

Mr. BACHARACH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, it is admitted on all sides that the bituminous-coal industry is not only a sick industry, but is recognized by economic doctors to be a dying industry. The solution which is now offered is the solution of price fixing. It seems to me that price fixing is artificial respiration to keep a dying industry alive for a short while. In the long run we must seek an ultimate solution, and whether or not we like the term, whether or not you like to do it, the inevitable solution of the problems of the bituminous-coal industry will have to be nationalization. The sooner we realize it the more realistically will we deal with this problem. However, I fully appreciate that neither this Congress nor perhaps the next Congress will deal with this problem from the standpoint of nationalization; therefore, appreciating the chaos and the emergency which might arise if this legislation is not passed, I am going to vote for this bill, for the only reason that we are dealing with an emergency and with the hope that during the temporary respite gained by this bill we will work out a plan of nationalization for this industry which will be of benefit to consumers and miners.

I regret exceedingly that the bill does not contain any labor legislation. It is tragic indeed that the legislative body again bows to the will of the Supreme Court on the question of labor legislation, but there is one saving phase in connection with this situation. While there is no labor legislation in this bill, very fortunately there exists in this industry a powerful and a progressive workers' organization—the United Mine Workers of America—which will enforce the economic demands of the miners in the bituminous industry despite the lack of labor legislation in this particular bill. In other words, they are so well organized and their leadership is progressive and militant enough to write in labor provisions with the pen of economic strength.

As to the constitutionality feature, no one can prophesy what will be held constitutional or unconstitutional. Experience has taught us that all social-welfare and labor legislation is ever under the threat of the Damascus sword of the Supreme Court of the United States. No social-welfare legislation, no labor legislation, no legislation for the benefit of the American people, can be deemed safe until the Congress of the United States will have the courage to curb the power of the United States Supreme Court. These problems, however, will not be solved by this Congress. They will not be legislated upon at this time by this Congress. Therefore, having in mind the emergency and the chaos that may arise if this legislation is not enacted into law, and having in mind that there exists a powerful union—the United Mine Workers of America—to protect the mine workers of this Nation by fighting it out on the economic battle front if it becomes necessary, I shall vote in favor of this bill.

Mr. VINSON of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. EDMISTON].

Mr. EDMISTON. Mr. Chairman, there has been something said by a few opponents of this measure about the increased cost of coal. May I call the attention of Members of the House to the fact that the cost in practically every industrial district of the United States per ton for coal is not increased by the few cents that this bill will increase the cost per ton at the mine. About 10 percent of the cost in most of the industrial areas is the actual cost of a ton of coal at the mine in West Virginia, Kentucky, or Pennsylvania. The coalyards of this country have never passed that extra cost on to the consumer. When coal in West Virginia was selling for 65 cents a ton f. o. b. the mines, and when the miners were working for starvation wages and the coal operators were going broke, you were still paying the same price for coal then as you are now in the consuming centers of the East and West.

Another thing, this bill will stabilize the price of coal and put the industry on a fair basis under all conditions, regardless of weather or anything else. They cannot take advantage of you who live in Michigan during a cold, severe winter. There never has been a coal shortage in this country. It is the shortage of transportation facilities to take the coal to the consumer. We can mine in West Virginia all the coal that this country can use in the next 100 years. It is simply a question of getting it to the consumer, and that is the thing which makes the cost of coal high to the consumer.

The coal industry has been regulated since the N. R. A. Act was passed. Since 1933 the price of coal has been regulated by a governmental agency, either the N. R. A. or the Bituminous Coal Commission, and you have not had an increase in the cost of coal during 1933, 1934, 1935, or 1936, during which time the coal industry has been regulated by a governmental agency. Nor will you have after this bill is passed.

I checked the vote on the passage of this bill in the last session, and I noted there were numerous Southern States that voted unanimously against this measure. I call attention of the Members of the South that we voted for the tobacco bill, the cotton bill, the potato, hog, and corn bills. If you are going to play that sort of ball when it comes to the coal industry, we will remember it.

[Here the gavel fell.]

Mr. BACHARACH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. VINSON of Kentucky. Mr. Chairman, I also yield 2 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, the enormity of this question has become a very impressive fact, especially when it is realized that there are vast deposits of bituminous coal in practically every township west of the Susquehanna River out to Montana and through Canada to Alaska. Therefore this is a grave question.

My first contact with the coal question came in the anthracite region when I was a member of the State senate and when we had strikes, lock-outs, and all kinds of labor difficulties, until President Roosevelt sent a commission to that section to solve the problem, which they did. I have always felt there was some genius of direction in the United Mine Workers of America to accomplish this result. They have now undertaken to do the same thing with respect to the soft-coal situation, and I come not from a soft-coal section entirely, but in one county that I represent, according to the geological reports, there are now there 1,000,000,000 tons of coal which they have tried to mine for many years, with more or less success. There are stretching parallel over this great region two railroads, one of standard gage and one of narrow gage. One is now in the hands of a receiver and the other is not any too strong financially.

This is the reason I am for this bill. It has nothing to do with politics. It certainly is an economic question, and one that appeals to me, because I know all about it. I am a good deal like the gentleman who said he knew the world is round because he had been around it. I know about this coal situation because I have traversed this section, and I may say to you that the misery and the woe and the destitution I saw throughout that region certainly appealed to my heart and encouraged me to do anything that I possibly could to bring happiness and prosperity back to this region, so they may get out this vast deposit of coal.

Now, I voted for the bill the other time, but the trouble with most legislation is that we are in too much of a hurry, and that measure was put through with too much speed. There was not an opportunity to consider the constitutional aspect of the bill, and therefore they made a little mistake, and they do this with almost every piece of legislation of wide application, and the measure invariably comes back to Congress for correction, and the fathers have made provision for such corrections to be made.

You have now made the correction in this bill, and I may say to you that since this law was passed and put into operation and before it was thrown out by the Supreme Court I was through this same territory up in Huntingdon and Bedford Counties, in the heart of Pennsylvania, and the mine workers and the mine leaders told me that there had been a great revival in the mining industry and that the men who worked at the mines and the men who operate them and the bankers

and the people generally are much happier, not that they get any great amount of increase in wages, but instead of 2 days a week they get 5 days a week to work, and I call this progress, and I want to further this condition all I can. [Applause.]

Mr. BACHARACH. Mr. Chairman, I yield the balance of the time to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman, it seems to be customary during the last year or two to have in the preamble of a legislative act a stump speech, and the stump speech in the Guffey bill no. 1 was a masterpiece. The one in the bill before us is much shorter and less convincing. There is an evident determination here that this act shall be constitutional by declaration.

I listened with interest to my colleague the gentleman from Illinois [Mr. DIRKSEN], and really, Mr. Chairman, I am not unconscious of the deplorable conditions in the mining industry and the miners engaged therein, as well as their families, in these various sections of the country. Sixteen years ago I heard that story on the floor here in a wonderful word picture painted by former Representative Casey, of Pennsylvania, and the memory of it is still with me. I know something about it, at least by hearsay. I have had no personal contacts. The people in my section of the country are consumers. They are not miners, and there is no coal there of any description. However, there is something more involved here than the Guffey coal bill. The first bill was declared unconstitutional.

Mr. KELLER. By what vote?

Mr. CROWTHER. Five to four, I understand, and there have been many other important 4-to-5 decisions, and let me say that from the State where the gentleman, who interrupted me without addressing the Speaker, resides—and I forgive him because he is a very intellectual and kindly gentleman and I realize he would not so offend knowingly—there are several thousand miners who have never approved of this legislation from the beginning. Some of the strongest protests I have received have been from their organizations. Now, it may be this is due entirely to a feud or bad feeling between the independent miners and the United Miners' organization.

I am not well enough informed to know whether that is the reason, but as a matter of fact the miners of this country are not by any means unanimously in favor of this legislation. Do not forget that. We have a price-fixing section in this bill and I think what the Supreme Court said is rather significant, with respect to these provisions. I quote from what the Court said:

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter, nor anything we have said, is to be taken as indicating that the Court is of the opinion that these provsions, if separaely enacted, could be sustained.

To me that is particularly significant, in view of the fact that the labor provisions are out, and the price-fixing provisions are still in this bill. And while some Members say that it will be a great help to the mining industry, I say to you I think it will be very keenly disappointing in respect to the measure of improvement that it will bring to the living conditions and wages of the miners in the bituminous fields. I am satisfied of that.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. The gentleman will pardon me. The enactment of this legislation means that we are going back to regimentation of industry, to a reenactment of the codes which have been thrown into the discard by the Supreme Court. Here you have a provision that even those most interested and in favor of the bill are willing to acknowledge is a penalty of 15 percent, disguised as an excise tax, 90 percent of it to be refunded if the operator signs the code on the dotted line. It seems to me, as in the child-labor case, that the tax loses its identity as a tax, and has become purely and definitely a penalty, and I feel sure that will be given some consideration if this proposed law again comes before the Court for a decision.

If we enact this particular legislation, we can reasonably expect, regardless of who controls the next Congress, more legislation of the same character. Already we have—and I am not sure whether it has been reported, though I think it has—a so-called Ellenbogen bill providing a hook-up of this character for the textile industry, with a commission, with a code, with a whole host of regulatory provisions. You must expect one in the near future for the electrical industry, one for the automobile industry, one for the wool-textile industry, one for the silk industry, one for the jewelry industry. If for one, why not for all of the others? In the other bill we had a special labor board. Of course, it was stricken out of this bill. During the course of the hearings I asked one of the witnesses why the necessity for a special board in the bituminous-coal industry. I suggested to him that we have the National Labor Relations Board, that we have Mr. McGrady, and the Secretary of Labor, Miss Perkins, and several mediation boards, so why a special board in this industry? This witness said it was because these others did not speak the coal miners' language. He wanted a special board, and that is what we are coming to. Of course, it will probably develop the inclusion of labor boards and other codes, when these bills are brought in for other industries, for we will be faced with that proposition sooner or later.

I quote from the minority report:

> We think it is unwholesome and not in accord with democratic government to give special interests the monopolistic power to fix their own minimum prices—

Oh, I know there is a quarrel as to whether the coal industry itself or the commission determines the price, but the coal industry will have a powerful influence nevertheless—

> which the public will be required to pay.

You have a Commission of seven, three not to be connected with the business in a financial or in any other way, two from the United Mine Workers—through it does not expressly so state, yet that is what it means—and two from the operators, and we have one member to sit with the seven others who is to represent the dear people of the country, the consumers. His title is legislative counsel, and what a fine chance he will have with those other seven! What chance has Mr. John Q. Public under those circumstances?

Mr. Chairman, this bill was originally a "must" bill, "must" legislation, and I presume it is "must" legislation now. This is the bill regarding which the President wrote a letter to our subcommittee, telling us that we "were not to allow any doubts as to its constitutionality, however reasonable, to block the enactment of the proposed legislation." I think it is peculiarly significant that up to this good hour no letter has been received from the Chief Executive, but even so I presume that the bill will pass without the least trouble. If I thought the bill would help to restore to something like normal the deplorable conditions that exist among the wives and children of these desolate miners, I should be tempted to vote for it, but I do not believe there is anything here that will bring about any better conditions. They could have done it in the intervening years. They did not have to wait for this bill to better the deplorable existing conditions in the mining centers of the country.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. MAY. Does the gentleman understand that about 80 percent of the traffic of the A–1 railroads in the eastern section of the United States is bituminous coal, and that that gives employment to thousands and thousands of railroad men that otherwise would not be employed?

Mr. CROWTHER. Yes; and I also realize that this administration during the last 2 or 3 years has completely lost its sense of proportion in the development of "white coal," or the development of hydroelectric power, which means a reduction in the necessity for bituminous coal in this country. [Applause.] The bituminous-coal industry is being gradually destroyed. Every new hydroelectric project

but adds to the destitution of the miner's family by reducing the demand for the product of his labor.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. I yield.

Mr. ANDRESEN. The passage of this legislation will establish a precedent. Would there be any reason why we should not then pass legislation to fix farm prices and industrial prices?

Mr. CROWTHER. Certainly not. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman, during the past 2 years, by voluntary agreement and by governmental regulations, coal production in the State of Ohio has greatly increased, wages have been almost doubled, and working conditions have been improved. Hours have been shortened and the operators for the first time in many years now see an opportunity for fair profits. Unless something can be done to continue the regulations that have been in effect, these gains that were made for the benefit of operators, consumers, and miners alike will most certainly be lost.

I want to read a telegram from the officials of the United Mine Workers in Ohio, to which every coal miner in Ohio now belongs. It is dated June 2, 1936:

> Thirty thousand Ohio miners respectfully petition you to support and pass at this session of Congress the Guffey-Vinson coal-stabilization bill. It is very important that this be done to protect the coal industry of our State. We trust that we will have favorable action on your part in the support of this bill, as many distressed miners and mine communities now are looking to Congress for relief of this character.

This is signed by John Owens, president, and G. W. Savage, secretary-treasurer, of the Ohio miners.

I likewise have a communication signed by 36 of the largest producing operators in the State of Ohio, 3 of which—the Cambridge Collieries Co., the Akron Coal Co., and the Muskingum Coal Co.—are operating in my district. This telegram reads:

> The undersigned coal operators in Ohio, who in 1935 produced more than twelve and one-half millions tons, which is 80 percent of all the coal produced by rail shippers in Ohio in 1935, desire to voice their entire approval of the bill designed to regulate and stabilize the bituminous-coal industry. We respectfully ask that you do all in your power to secure the enactment of this much-needed legislation at this present session of the Congress. Prompt enactment will permit the industry to function in an orderly and successful manner and will prevent labor troubles and a general break-down of the industry, which, without such control, is inevitable.

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN of Pennsylvania. Mr. Chairman, I am for this bill because I believe if it is enacted into law the people who are employed in the coal mines will be benefited. It seems to me when any legislation is presented in this House that is going to benefit the coal miners, farmers, and all others who labor for a livelihood, someone takes exception to it because they maintain that it is unconstitutional. We Members of Congress have to depend upon the coal miners, farmers, ditch diggers, mill workers, the women who scrub for a living, and all other classes of laboring people for our jobs, therefore we should not hesitate to enact into law legislation from which the laboring people will derive benefit. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. IMHOFF].

Mr. IMHOFF. Mr. Chairman, I, too, wish to add my endorsement to this Vinson bill in behalf of the coal-mining industry. I might state that I represent the Eighteenth Congressional District of Ohio, one of the greatest coal-mining districts not only in Ohio but throughout the United States.

During the time the Guffey bill has been in effect the coal-mining industry throughout my section of the State has had a brisk upturn, and a vast majority of the operators, as well as the miners, are in favor of this particular bill.

In my section of the State those loading coal received 25 cents per ton before the N. R. A. came into effect. After that came into effect the coal-mining industry rapidly advanced and wages for loading were raised to 60 cents per ton. Then the Supreme Court decision came along setting aside the N. R. A. After the N. R. A. was set aside, in my district cutthroat competition began once again.

Wages started to drop and the coal-mining industry seemed to be rapidly decreasing. Then the Guffey bill was passed and it has rapidly increased the amount of production. Wages have been maintained, and it has been noticeable that the farmers throughout my section, as well as other lines of industry, have benefited greatly, due to the fact that this bill has been in effect, increasing the purchasing power of the miners, constituting, in normal times, 14,000 in my home county and 20,000 throughout the entire district.

Therefore I would like to see this Vinson bill passed. I feel that not only would the coal-mining industry benefit, but the agricultural and other lines of industry would also benefit through the increased purchasing power that would be sure to follow and be maintained through the enactment of this legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio [Mr. IMHOFF] has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.*, That regulation of the sale and distribution in interstate commerce of bituminous coal is imperative for the protection of such commerce; that there exist practices and methods of distribution and marketing of such coal that waste the coal resources of the Nation and disorganize, burden, and obstruct interstate commerce in bituminous coal, with the result that regulation of the prices thereof and of unfair methods of competition therein is necessary to promote interstate commerce in bituminous coal and to remove burdens and obstructions therefrom.

Mr. DIRKSEN. Mr. Chairman, I would say a word or two about the theory and substance of price-fixing as outlined by my good friend the gentleman from New York [Mr. CROWTHER]. Particularly to those who live in what he calls the white coal areas let me say this: If you will go back and examine the Tennessee Valley Authority Act, which was passed in the celebrated 100 days of the Seventy-third Congress, you will find that we conferred upon the Tennessee Valley Authority the right to determine prices and the conditions under which the power generated at Muscle Shoals shall be carried across State lines. That is the first incident of regulation.

Secondly, when that power goes from Muscle Shoals and into Kentucky or into the State of Illinois, the utilities commission of the respective States assume jurisdiction. The distribution plant in my town, or in any other city of Illinois, or Kentucky, or any other State, can go before their utilities commission and exhibit the figures to show what their investment in the distributing system is. Their investment may be figured on the prudent investment theory or on the reproduction value theory, but it does not make any difference. They come in and show they have a certain amount of money invested in the distribution plant. They are entitled to 7 percent on the investment, we will say, plus 1¼ percent for depreciation. Through the instrumentalities of the State and Federal Governments, we absolutely guarantee a return and guarantee a price upon electrical energy as it is distributed in the different States. This is too elementary to require further amplification.

In respect to natural gas, 50,000 miles of natural-gas lines spread under this country. Huge pipe lines run from Amarillo to Detroit, St. Louis, Chicago, and elsewhere, bringing this gas to some 8,000,000 consumers. When it traverses a State line, not only the Federal Power Commission takes jurisdiction but the Federal Trade Commission can determine what the thermal efficiency of the gas shall be; and then when it goes into the distribution lines in my town in Illinois, or any other town, the public-utilities commission determines what the price per cubic foot shall be to the consumer. So, once more we guarantee the price and thereby, by implication at least, establish the theory of price fixing to ultimate

consumers of electricity and gas and at the same time guarantee an adequate return to the producers on their investment. The coal producers and miners ask similar preferment today, and it seems to me not only in the spirit of fairness, but, Mr. Chairman, I may say, in the interest of the welfare of 400,000 miners and of a $2,000,000,000 industry, we should give them the same kind of consideration we have accorded the electrical industry, subsidized by millions of Federal funds, and the gas industry. Only recently the gas industry applied to the P. W. A. for a $60,000,000 loan to build a pipe line from Amarillo, Tex., to Detroit, Mich., and St. Louis, Mo., to be 8 inches in diameter and to have a capacity to discharge, perhaps, 250,000,000 cubic feet of gas per day. In the face of this kind of competition the least we can do is to say to coal that since we are guaranteeing prices to their competitors we will at least give them a show for their money.

With respect to the consumer, I am not alarmed. I am just as much interested as anybody in protecting the rights of the consumers. The consumers will be protected by the persistent and relentless competition of electrical energy, petroleum energy, and natural-gas energy with coal. Coal producers would not dare raise the price so high as to alienate their market. This is the best guaranty the consumers of this country have. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. One feature of the Tennessee Valley Authority Act is the authorization for three directors, agents of the Federal Government, to fix the price.

Mr. DIRKSEN. The gentleman is right. All the coal industry is asking in this hour of chaos is as fair and decent treatment as is now accorded its competitors. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

SEC. 4. The provisions of this section shall be promulgated by the Commission as the Bituminous Coal Code, and are herein referred to as the code. Producers accepting and operating under its provisions are herein referred to as code members.

For the purpose of carrying out the declared policy of this act, the code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal.

Mr. GRAY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is interesting to note that some of those people who are very much exercised over the question of entering into price fixing are unaware of the fact that many years ago the States of the Union entered into the realm of price fixing. I can cite you an example in the case of interest rates on lending money. At the time the interest rates were fixed at a certain amount for the use of money all the money lenders and usury sharks in the country raised a great hullabaloo against the States entering into price fixing in the matter of the amount to be paid for the use of money.

The history of the world indicates conclusively that many times in the past, prices have been fixed on commodities by governments. So it is not an entirely new proposition; and those people who desire to see the workers of the country prosper, who desire to see a great industry, a basic industry in these United States reform itself to the point where it can pay a reasonable wage to the man who works and return a reasonable profit on the capital invested, will not hesitate to aline themselves with this kind of legislation.

Now, we legislate through the public-service commissions of the States and fix the price which the consumer shall pay for electric current, and, as the gentleman from Illinois mentioned a few minutes ago, that certainly is a precedent. There are those who are very much wrought up about the Government entering into price fixing, but they are not really showing their true spirit. Their idea is to oppose, under cover of a smoke screen, legislation which the common people and the workers of this country realize is being enacted for their particular benefit.

I call attention to the fact that this bill will not increase the price of coal to the consumer. The fluctuation in the price of coal to the consumer without some such regulation is so great that the consumer pays a great deal more in the course of a year for coal than he would pay if there was a stabilized condition existing in the coal field. Furthermore, under the provisions of this bill, organized labor in the coal fields have a chance to work with the mine operators and those who produce the coal and have their money invested in its production.

Mr. Chairman, it is important for the country that we enact legislation rehabilitating those portions of the country which have been affected most by the depression or the so-called Hoover prosperity. This applies not only to the farmers but to nearly all industry and particularly does it apply to the coal industry.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 4-A. Without in any way limiting the scope or application of section 4, whenever prices in intrastate commerce in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, such prices in such locality shall be subject to the provisions of section 4 hereof.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think every lawyer in this Congress should give strict attention to section 4, page 25, of this bill, for the reason he will be asked the question, no doubt, whether or not this bill applies to all coal produced. This bill might not apply to all coal produced. In other words, over on page 7 is a very important section which specifically declares the policy that this bill shall not apply to any coal except interstate coal. What is interstate coal? What is intrastate coal?

Many people have the idea that any coal produced in a State and consumed in the same State is intrastate coal. That may not be true. Much coal might be produced and consumed in a State and still be interstate, because it has a direct connection with the regular flow of coal, so that it comes within the definition as given by the court decisions fixing what is interstate commerce.

Section 4, page 25, specifically states what is interstate and what is intrastate. I am not going to attempt to tell you what it is, but you will find that this bill applies to practically all coal mined. Here is about the only exception I can think of. If a man has a coal mine in a community, and if he furnishes the full output of his coal mine to his immediate community, and if the output of his mine does not come in competition with any interstate coal, then his coal is strictly intrastate and will not come within the purview of this law. If you are a lawyer you will be asked by some of your constituents whether or not their coal will come within the purview of this law. You should direct your attention to section 4, page 25, in order to answer his question.

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the language on page 7 which precedes the organization and production section of the bill is substantially the same language as appeared in the former act. It reads as follows:

For the purpose of carrying out the declared policy of this act, the code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal.

You will note that the coal sought to be regulated hereunder is interstate coal. We seek to regulate interstate commerce in bituminous coal, and this bill shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal.

To further spell out the purpose of this act and its embracing effect, section 4 A was inserted. That is new language. This language is taken from the Interstate Commerce Commission Act. It is also found in the Shreveport case, which is a celebrated rate case in which the Supreme Court of the United States held that intrastate shipments, where they directly affected the interstate commerce and thereby came within the purview of the act, it was within the power of the Commission to fix rates upon such shipments.

I think that section 4 A goes no further than the other act. It simply clarifies the situation and shows it is only such intrastate shipments as directly affects interstate commerce in coal that will be affected by this bill.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. VINSON of Kentucky. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. Does the gentleman from Kentucky agree with the statement made by the gentleman from Ohio as to the line of differentiation between interstate and intrastate coal?

Mr. VINSON of Kentucky. Rather than to make a statement of my own, I would prefer to say that my idea of the intrastate coal that will fall under this act is substantially as follows: "Whenever prices in intrastate commerce in any locality causes any undue or unreasonable advantage, preference, or prejudice between persons and localities in such commerce on the one hand, and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, such prices in such locality shall be subject to the provisions of section 4 hereof."

That is the language the Supreme Court has already considered. It is language that is contained in the Interstate Commerce Commission Act, and it is language found in the Shreveport decision.

Mr. CHRISTIANSON. I was trying to reconcile the gentleman's statement of principle with the holding of the Supreme Court in the Schechter dead-chicken case.

Mr. VINSON of Kentucky. The Schechter case dealt with labor conditions and working conditions; and with transactions indirect in their effect. The labor section in the former bill has been stricken from this bill.

Mr. CHRISTIANSON. The gentleman will concede that a low price for chickens in the city of New York may indirectly and to some extent affect the price outside the city of New York?

Mr. VINSON of Kentucky. I would say to my friend it has to be more than an indirect effect; it has to be a direct effect to come under the Federal power.

Mr. CHRISTIANSON. Then I would proceed by asking the difference between a direct and an indirect effect. Is there any judicial interpretation of those words that would enable the gentleman to draw a line of distinction between direct and indirect effect?

Mr. VINSON of Kentucky. I think the Supreme Court either stated or intimated in the Schechter case that every tub stood upon its own bottom.

The Clerk read as follows:

SEC. 6. (a) All rules, regulations, determinations, and promulgations of any district board shall be subject to review by the Commission upon appeal by any producer, and upon just cause shown shall be amenable to the order of the Commission; and appeal to the Commission shall be a matter of right in all cases to every producer and to all parties in interest. The Commission may also provide rules for the determination of controversies arising under this act by voluntary submission thereof to arbitration, which determination shall be final and conclusive.

(b) Any person aggrieved by an order issued by the Commission in a proceeding to which such person is a party may obtain a review of such order in the Circuit Court of Appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, and enforce or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged below. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, and enforcing or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

The commencement of proceedings under this subsection shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(c) If any code member fails or neglects to obey any order of the Commission while the same is in effect, the Commission in its discretion may apply to the Circuit Court of Appeals of the United States within any circuit where such code member resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the Commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such code member and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission. The findings of the Commission as to facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. In any proceeding brought under this subsection, and under subsection (b) immediately preceding, any code member shall be entitled to raise all issues of constitutional power or right and particularly to show that the matters or transactions with reference to which an order of the Commission was issued are not in or do not directly affect interstate commerce.

With the following committee amendment:

Page 27, line 20, after the word "interest" insert "including any State or any political subdivision thereof."

The committee amendment was agreed to.

Mr. HOBBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: Page 27 between lines 13 and 14 insert:

"SEC. 2½. Upon approval of the National Bituminous Coal Commission, the Secretary of the Interior is authorized to purchase, in the several States, coal mines, coal properties, coal lands, mining rights, leaseholds, royalties, and any interest in coal and lands containing bituminous-coal deposits withdrawn from production solely because of the operation and effect of this act, such acquisitions to be held and administered under the authority of the Secretary of the Interior, as other public lands are held and administered, subject, however, to the provisions of this act. The owners of such property so acquired shall be entitled to just compensation according to law.

"Any owner desiring to sell properties to the United States Government shall submit to the Commission his offer to sell, in writing, together with abstract of title, surveys, maps, and such other information respecting such properties and in such form as the Commission may, under its rules and regulations, require.

"For the purposes of this title there is hereby appropriated the sum of $300,000,000. To provide said sum there is hereby authorized to be issued by the Secretary of the Treasury of the United States $300,000,000, par value 2½-percent 50-year tax-exempt United States Government bonds, redeemable at par at any interest date. Said bonds shall be disposed of as follows:

"The purchase price of all properties acquired by voluntary sale shall be paid in said bonds which shall be accepted at their face value. A sufficient amount of said bonds shall from time to time be sold at the best market price obtainable therefor to provide funds for the payment in lawful money of the United States for all properties and rights acquired by condemnation in accordance with the provisions of this title.

"To provide funds for the administration of this section, the relocation and rehabilitation and the support and maintenance ad interim of miners who have lost employment by reason of the withdrawal of coal lands from mining operations solely because of the operation and effect of this act, and for the creation of a sinking fund to provide for the payment of interest on the retirement of the bonds issued hereunder, there is hereby levied a tax on each ton of bituminous coal produced in the United States and sold or otherwise utilized of the following cents per ton for the calendar years specified, namely:

"For the year 1937, 4 cents per ton; for the year 1938, 7.3 cents per ton; for the year 1939, 8.7 cents per ton; for the year 1940, 6.9 cents per ton; and for the year 1941 and each year thereafter until the bonds issued hereunder, together with interest thereon, shall have been paid, or until sufficient moneys have accumulated in the sinking fund hereinafter provided to pay the same, a tax of 3.21 cents per ton. These taxes shall be collected as other Federal taxes are collected and in accordance with such regulations as shall be prescribed by law and by the Commissioner of Internal Revenue. The taxes collected for the years 1937 to 1940, inclusive, shall be segregated and used for the following purposes:

"(a) For the administration cost of acquisition of properties during said years.

"(b) For payment of interest due and payable in said years on bonds issued hereunder.

"(c) For payment into a fund to be created and administered under the direction of the President of the United States and to be known as the 'miners' rehabilitation fund', providing for the rehabilitation and relocation of bituminous mine workers who have lost employment by reason of the withdrawal of coal properties from mining operations as provided under the provisions of this act.

"The amount of money to be paid into said rehabilitation fund from time to time shall be equal to 25 percent of the face amount of the bonds issued hereunder.

"The balance of any moneys remaining from the taxes collected in said years and after the provisions of (a), (b), and (c) above have been satisfied, shall be paid into a sinking fund for the retirement of bonds issued hereunder.

"All the proceeds of the tax collected for the year 1941, and each year thereafter, shall be used—

"(a) For the payments of administrative costs of acquisition of properties during the years 1941 and each year thereafter.

"(b) For payment into a sinking fund to pay the interest on and for the retirement of bonds issued hereunder."

Mr. VINSON of Kentucky. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HOBBS. Mr. Chairman, without this amendment or a similar one, the constitutionality of this act is, to say the least, more doubtful. I do not contend nor do I think that even if so amended the act will be constitutional. But I am of the opinion that this amendment is a beneficial one from a constitutional standpoint, as well as of practical benefit both to the coal producers and miners.

To my mind it is perfectly apparent that the gentlemen who drew this bill are confusing the right of Congress to regulate interstate commerce in coal with the asserted but nonexistent right to regulate the price of the subject matter of the commerce. These two matters are entirely separate and distinct. The Supreme Court has never held that because pistols are sometimes used to interfere with interstate commerce Congress has the right to fix the price of fire arms. The confusion, I respectfully submit, may grow out of a misconception of the decisions in the grain pit, stockyards, and brokers' cases. These cases involve acts of Congress regulating the grain pit—not the raising of grain; the packer, not the whole business of production and distribution. If all bituminous coal was shipped to some central point and there washed, as a mere incident in its movement or consumption, in interstate commerce, then beyond question, the washery could be regulated by Congress if its practices or charges interfered with this stream of interstate commerce in coal. But no such practice could give Congress the right to regulate the whole coal business.

The indisputable right of Congress to regulate interstate commerce does not and cannot give the right to fix the price to be paid for the product which moves in interstate commerce. We may regulate the transitus and everything directly and materially affecting it. But not the practices at the place of production where transitus begins nor of the place to which the product moves and comes to rest after the transitus has ended.

Neither in the majority nor minority opinion of the Supreme Court in the recent Guffey Coal Act decision is it held that the so-called tax in the first Guffey bill was a tax. It is virtually conceded that it is not a tax but a penalty. Therefore that part of this bill which purports to levy the tax is not within the power of Congress to levy taxes.

The two powers to regulate commerce and to levy taxes are the only two pertinent in the consideration of the constitutionality of this bill. So if neither of such powers is broad enough to authorize such legislation as is here attempted, there is no escape from the conclusion that the pending bill is unconstitutional and void.

Under our oaths we are required to uphold and maintain the Constitution of the United States. The Nation is safe only if we do.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Gladly.

Mr. VINSON of Kentucky. Does the gentleman seriously think his amendment, which seeks to rehabilitate miners forced from work, strengthens the constitutionality of the bill?

Mr. HOBBS. It certainly does eliminate the question which would otherwise inevitably arise under the due-process clauses of the fifth and fourteenth amendments. The properties of coal producers should no more be taken without due process of law and without just compensation than any other kind of property. Neither should we by legislation deprive the miners of their work by closing the mines in which they are employed. This amendment would provide the funds necessary to rehabilitate the miners thrown out of employment by the operation of this act and compensate the operators for their property thus taken. It is fair. It places no undue burden upon the consumer. It simply would do justice to those who are to be inevitably adversely affected by the operation of this bill when it becomes a law.

The provision which I offer as an amendment here today, and which I offered to the original Guffey coal bill last year, was written, as I am informed, by Mr. John L. Lewis. It recognizes the fact that inevitably such fields as those in Alabama will be forced out of business by the operation of this kind of legislation. It provides for such eventuality honestly.

Alabama produces about 2 percent of the national soft-coal tonnage. More than 80 percent of the coal mined in Alabama is sold and consumed in Alabama. Less than 20 percent of it finds its way into interstate commerce. So it is inconceivable that Alabama can seriously affect the national picture.

Yet the devastating effect of such a piece of legislation as this is equally manifest. Alabama is one of the fields in which the cost of mining coal is excessively high. The thinness of our seams renders the use of the modern machinery impossible. For this reason the average production per man a day in Alabama is less than 3 tons, as compared with a production per man per day in some other fields as high as 8 tons. We have to wash 74 percent of all the coal mined in Alabama in order to make it marketable. Although our total production is only 2 percent of that of the Nation, yet we wash in Alabama one-third of the coal that is washed in the whole United States. These things mean higher cost than obtains in the more favored fields.

Not only is Alabama production cost higher, but our coal is faced with the keenest competition known to the business. Our coal has to compete with natural gas, coke-oven gas, crude oil, and low-cost industrial electricity. We cannot, therefore, increase the price of coal in Alabama without decreasing almost to the vanishing point the volume of sales. Our competing laborless fuel will get the customers who are now buying coal if the price of coal goes up at all. Not even the proponents of this bill deny that its effect will be to raise the price of coal. Hence this bill means shutting down of the coal-mining industry in Alabama.

Hence I beg of you that you consider the plight of the 15,000 men who dig coal in Alabama. They will inevitably be forced into the ranks of the unemployed if this bill is put into operation for even 1 year. I beg of you also to consider the plight of the mine owners and the equity asserted by this amendment that they be paid the fair price for their property of which they will be deprived by the operation of this act.

This bill may benefit some sections. It will crucify Alabama! I earnestly plead that you consult your consciences and not help drive the nail. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I make the point of order that the section to which the amendment is offered has been passed, that it carries an appropriation on a legislative bill, and that it is not germane to the section offered or to the bill.

The CHAIRMAN. The gentleman from Kentucky makes the point of order against the amendment offered by the gentleman from Alabama. Does the gentleman from Alabama desire to say anything on the point of order?

Mr. HOBBS. Mr. Chairman, having gone into that at length with the Chair upon a former occasion, I do not feel that the ruling will be swayed by anything that I might say.

The CHAIRMAN. The Chair has had occasion to study a similar point of order. When the original Guffey bill came before the House on August 17, 1935, the gentleman from Alabama [Mr. HOBBS] offered an identical amendment. The point of order was raised against the amendment at that time that it was not germane. That point of order was sustained by the Chairman who presided on that occasion. Therefore, this amendment being identical with the amendment submitted by the gentleman on a previous occasion, and not being germane, and carrying an appropriation, it is held out of order by the Chair. The point of order is sustained.

The Clerk read as follows:

SEC. 12. No coal may be delivered on or after April 1, 1937, upon a contract made prior to the effective date of this act at a price below the minimum price at the time of delivery upon such contract, as established pursuant to part II of section 4 of this act, and such contract shall be invalid and unenforceable.

With the following committee amendment:

Beginning on line 13, page 35, strike out all after "Sec. 12" and insert in lieu thereof the following:

"No coal may be delivered upon a contract made prior to the effective date of this act at a price below the minimum price at the time of delivery upon such contract, as established pursuant to part II of section 4 of this act, and such contract shall be invalid and unenforceable: *Provided*, That this prohibition shall not apply (a) to a lawful and bona-fide written contract entered into prior to October 2, 1933; nor (b) to a lawful and bona-fide written contract entered into subsequent to that date and prior to May 27, 1935, at not less than the minimum price current as published under the Code of Fair Competition for the Bituminous Coal Industry, pursuant to the National Industrial Recovery Act, at the time of making of such contract; nor (c) to a lawful and bona-fide written contract entered into on or after May 27, 1935, and prior to the date of the approval of this act, at not less than the minimum price for current sale as published under said code of fair competition, as at May 27, 1935."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 19. The term "bituminous coal", as used in this act, shall include all bituminous, semibituminous and subbituminous coal, and lignite. The term "producer" shall include all persons, firms, associations, corporations, trustees, and receivers engaged in mining bituminous coal. The term "captive coal" shall include all coal produced at a mine for consumption by the producer or by a subsidiary or affiliate thereof, or for use in the production of coke or other forms of manufactured fuel by such producer or subsidiary or affiliate.

Mr. CHRISTIANSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHRISTIANSON: Page 39, line 20, strike out the word "lignite" and insert in lieu thereof the following: "Shall exclude lignite which is defined as a lignite coal having a calorific value in British thermal units of less than 7,600 per pound and having a natural moisture content in place in the mine of 30 percent or more."

Mr. CHRISTIANSON. Mr. Chairman, as will be noted from a reading of the amendment, the clear effect of it is to change the definition of bituminous coal so as not to include lignite, which is a product of the Northwest. I understand the Senate has adopted a similar amendment and that the amendment is acceptable to those in charge of the bill here.

Mr. VINSON of Kentucky. Mr. Chairman, I am happy to confirm the statement of the gentleman from Minnesota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. This act shall cease to be in effect and any agencies established thereunder shall cease to exist on and after 4 years from the date of the approval of this act.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Add to section 21, on page 40 at the end of line 11, the following: "This act shall not apply to any of the bituminous coal produced in any States in which more than 80 percent of the coal mined in such State during the year 1935 was consumed within said State."

Mr. HUDDLESTON. Mr. Chairman, the purpose of this amendment is to take the States of Alabama, Iowa, Kansas, Missouri, New Mexico, Texas, Washington, Oklahoma, and Colorado out of this bill. Each of those States consumes within its borders 80 percent or more of the coal which is produced within them.

The mines in these States are all high-cost mines. The coal fields are lean fields. Speaking for my own State, we are suffering not so much from prices as from lack of demand. What we most need is to sell more coal. If we could run anything like normal, at present prices and wages we would enjoy a very considerable degree of prosperity.

Our coal industry is suffering not only from the depression, but in these lean fields with high-cost mines we are suffering greatly from competition from oil, gas, and hydroelectric energy. The industry in my State is indeed a dying industry. With all these elements of competition, production has been reduced from a high of about 22,000,000 tons per annum to a bottom of about 8,000,000 tons per annum.

In offering this amendment I speak in behalf of the industry in my district and of the thousands of suffering miners who are working from 1 to 2 and 3 days a week; though the rate of wages is fairly satisfactory, the demand for the product is so low, due to these elements of competition, that no decent living can be made and no mines can be operated at a decent profit.

The tendency of this bill will be to oppress the high-cost mines and to shut them down, and to oppress the lean fields. The tendency will be to shut all of the lean coal fields out of competition with the rich central territory. I do not wonder that gentlemen representing coal fields which are more fortunately situated than those in my State should be enthusiastically in favor of this bill. Its real purpose is to put such coal fields as those in my county, where there are 15,000 mine operatives, out of business and out of competition with themselves.

We want to continue in business. Perhaps, as a matter of economic philosophy, it would be better to have fewer mines and fewer miners, but I would be unfaithful to the humble workers whom I represent if I cooperated in an effort which means their extinction as far as may be brought about by this legislation.

[Here the gavel fell.]

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HUDDLESTON. Without the adoption of this amendment, the passage of this bill means that coal production in my district is to be reduced to meeting purely local demands by captive mines and other local demands. It means a still further reduction of the output of our mines. We consume in our State more than 80 percent of the coal that we produce there. Why should we be burdened with a bill such as this? Why should our suffering people have saddled upon their backs a piece of legislation which is deliberately drawn and which is being passed to strangle them.

I appeal to the sense of fairness of the House. I waive the questions of constitutionality, sound government, and economics in its broader aspects, and appeal to the Members of the House, if you have abandoned your regard for the constitutionality, if you have indeed abandoned your desire for sound economics, at least do not abandon your ideal of fairness and square dealing for my people who are now suffering. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

I want to say to the House, while I am very much interested in this legislation, I do not represent a coal-producing district. However, I live close enough to coal-producing districts to know their problems and to have seen the misery existent, and to know that legislation of this character is needed.

The gentleman from Alabama [Mr. HUDDLESTON] speaks of a district where the cost of production is very high. That fact is recognized in this bill. Alabama, with a few counties in Georgia, as I recall it, is put in area no. 2, minimum price area no. 2.

Mr. HUDDLESTON. That also includes quite a number of counties in Tennessee.

Mr. VINSON of Kentucky. There are three counties in Tennessee that have been excepted.

On page 12 we find the minimum price area no. 2 to include southeastern district no. 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

The southeastern district is composed of all producing counties in Alabama and the following counties in Georgia: Dade, Walker; and the following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, and Rhea. Van Buren, Warren, and McMinn Counties were excepted. That is found on page 12 of the bill.

In other words, the high cost of production of coal in area no. 2 is taken into consideration.

What is a minimum-price area? A minimum-price area is a locality or area where you take the average weighted cost of the coal produced in that area. In other words, under this bill you do not take into consideration the low cost of production in other fields to which the gentleman referred. It is his own coal that fixes the average weighted cost.

But we do not stop with average weighted cost. The district boards of the gentleman's own coal-producing section meet and they fix the minimum price on their own coal. We do not stop there. We provide that the commission may coordinate prices in this area no. 2, separate and apart from the other minimum areas, in order that the coal may move as heretofore.

I grant that low-cost coals which compete with the coal of the gentleman from Alabama have an advantage. They have it under this bill, and they have it if no legislation is enacted at all, but I submit that we have been very careful to see to it that the coal produced in area no. 2 and all the areas of this country will move as it has moved heretofore.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. HUDDLESTON. How are we going to compete with oil and gas and hydroelectric energy with the price of coal boosted as proposed by this bill?

Mr. VINSON of Kentucky. How can it be done if there is no legislation? Mr. Chairman, that is an economic condition which exists, legislation or no legislation. I am saying that the coal in this area, as well as the other area, is segregated, and it is competing coal that goes into the make-up of the average weighted cost in an area. Now I read from page 13 of the bill:

> The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public.

Further on the same page occurs this language:

> *Provided*, That all minimum prices established for kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable as between producers within the district: *And provided further*, That no minimum price shall be established that permits dumping.

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. VINSON of Kentucky. That is the minimum price; but, as I said a moment ago, we do not stop with this minimum price, we coordinate the prices of the coal in area no. 2. We say that—

> Such coordination among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal and transportation charges upon coal. All minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts.

Listen to this language, my friends. I had something to do with writing this because I am interested in protecting the coal areas of this country and because I want to see coal move as it moved heretofore. I wrote this language into the old bill. This coordinated price now—

> Shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts; to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed.

Mr. Chairman, I want to say to the House in connection with the reference of the gentleman from Alabama to Oklahoma, and possibly Arkansas, that not only are the workers, the miners in these States interested in this bill, H. R. 12800, but the operators, though opposing the old bill, seeing the advantages that come through coordinated prices, have solemnly endorsed this legislation.

Mr. CUMMINGS. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. CUMMINGS. What effect will this have on the production of lignite coal in northern Colorado?

Mr. VINSON of Kentucky. Lignite has been excluded under an amendment offered by the gentleman from Minnesota, and adopted by the committee.

Mr. REECE. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. REECE. In reference to the effect of this proposed legislation upon the price of coal, does it not in effect impose a 1½ percent sales tax? It is referred to here, of course, as an excise tax.

Mr. VINSON of Kentucky. That is not in this bill.

Mr. REECE. It is in section 3. It imposes an excise tax of 15 percent upon all the coal that is sold, and then provides for a refund of 90 percent in the case of the code signers. Does not this in effect levy a sales tax of 1½ percent on all the coal that is mined, and likewise on captive coal?

Mr. VINSON of Kentucky. It would be 1½ percent upon coal that is subject to the provisions of the bill.

Mr. REECE. It is a sales tax in effect, is it not, and to that extent would it not increase the price of coal and have the same effect any other sales tax would have?

Mr. VINSON of Kentucky. The gentleman can call it a sales tax if he wants to.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. JENKINS of Ohio. If the amendment of the gentleman from Alabama were adopted, would it not practically nullify the whole effect of the pending bill?

Mr. VINSON of Kentucky. That is my theory, that it would practically destroy the effectiveness of the bill. I ask that the amendment be rejected.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 53, noes 86.

So the amendment was rejected.

The Clerk read as follows:

SEC. 22. The Bituminous Coal Conservation Act of 1935 is hereby repealed to be effective from and after the approval of this act. There is hereby authorized to be appropriated from time to time such sums as may be necessary for the administration of this act. All sums appropriated or made available to the National Bituminous Coal Commission and to the consumers' counsel of the National Bituminous Coal Commission created under the Bituminous Coal Conservation Act of 1935 are hereby transferred to and made available for the administration of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Page 40, lines 13 and 14, strike out "to be effective from and after the approval of this act."

Page 40, line 16, after the word "sums", insert "heretofore or hereafter."

Page 40, line 21, strike out "transferred to and made available for" and insert "authorized to be reappropriated for use in."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. KELLER. Mr. Chairman, I want to call attention to a few facts in reference to a matter which seems to be badly mixed in the minds of many Members. This information was furnished me by the Bureau of Standards.

The amount of current generated by water power at the present time is about 7 percent of the current now in use. The amount of additional water power that may be developed economically will not exceed 3 percent additional, or a total of 10 percent of the amount of current now being produced. At the present time, 6 percent of the current in use is produced from natural gas or petroleum products. That will be entirely out within a period of 15 years. We have therefore the statement that there is not exceeding 7 percent of the present current produced by water power and not exceeding 6 percent by oil and gas; therefore, 87 percent of the production is by soft coal.

The next thing is this. If we go ahead with our expansion of production and distribution of electric current, the estimates of the Department are that no less than four times the present amount of electric current will be produced during the next few years. So that with water power producing 10 percent of our present current or one-fourth that proportion when we are producing four times as much as at present, with gas and oil out, 2½ percent of the amount of current then in use will be produced from water power, and 97½ percent will be from soft coal. This will require an additional production of 84,000,000 tons of soft coal per year, in addition to what we are now producing. This will put to work about 100,000 miners all over the country. There is an abundance of coal now in sight in the United States for all purposes to last at least 5,000 years, and that is too far off to justify worrying about just now.

With this bill, we are leading toward jobs that will come naturally as a part of the industrial development of the country. That is what we ought to be driving toward all the time—a job for every man and woman who wants to work.

Those who believe it is all wrong to fix prices for coal ought to consider these facts: The price for freight and passenger service is fixed by the Interstate Commerce Commission; the price for gas and electric current is fixed by the various State commissions; every tariff law is a price-fixing law. Most of the articles used by us have the price fixed to a greater or less extent by tariff rates or regulations. The prices of all our manufactured drinks and smokes are largely fixed by our internal-revenue laws. The whole system of collective bargaining is for the purpose of fixing wages.

Our agricultural products require fixing, and where one method fails the Congress promptly steps in and provides some other method for achieving the same object.

Most of our laws and customs tend to or do in fact result in price fixing of some kind or other. Just why coal should be denied a price that will relieve poverty is beyond my understanding.

My colleagues, who lean so heavily on the possible nullification of this bill when it becomes a law, ought not to fail in discussing the matter to point out that this is just another case in which five members of the Supreme Court voted to nullify the act of Congress and four voted to sustain the act of Congress. Just one man of that court assumes that he has the power to overrule the whole Congress and President of the United States. Though the Constitution, which he assumes to interpret, makes no such provision, grants no such power to the Supreme Court, much less to the one man who actually decides the case in all these five-four nullifications. These presumptuous justices ought to awaken to the fact that an insistence on such a power can lead but to one thing—that is, to a curtailment of such a course. A change of one man in the personnel of the present Supreme Court could completely reverse the several nullifications which have recently been insisted upon by five members against four. Their sense of proportion ought to teach them better than that.

Now, finally, I want to put a question to those of my colleagues whose heart goes out to the poverty-stricken coal miners who want to help these unfortunates but who refuse to vote for this bill: What remedy have you for all this suffering and misfortune? Have you a right to resist any remedy proposed in behalf of humanity without yourself proposing a remedy? Are you justified in preventing any honest attempt at relieving such palpable misery?

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

SEC. 23. This act may be cited as the Bituminous Coal Act of 1936.

ANNEX TO ACT—SCHEDULE OF DISTRICTS

EASTERN PENNSYLVANIA

District 1. The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the P. & S. R. R. on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore & Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

WESTERN PENNSYLVANIA

District 2. The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore & Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

NORTHERN WEST VIRGINIA

District 3. The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County, including mines served by the Baltimore & Ohio Railroad and north.

OHIO

District 4. All coal-producing counties in Ohio.

MICHIGAN

District 5. All coal-producing counties in Michigan.

PANHANDLE

District 6. The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

SOUTHERN NO. 1

District 7. The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake & Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk & Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake & Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railroad.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk & Western Railroad and Richlands-Jewell Ridge branch of the Norfolk & Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk & Western Railroad and that portion of said county on the headwaters of Dismal Creek east of Lynn Camp Creek (a tributary of Dismal Creek).

SOUTHERN NO. 2

District 8. The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putman, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake & Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk & Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake & Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore & Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County except that portion on the headwaters of Dismal Creek east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk & Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk & Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk & Western Railroad and Richlands-Jewell Ridge branch of the Norfolk & Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floys, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Letcher, Leslie, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

WEST KENTUCKY

District 9. The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

ILLINOIS

District 10. All coal-producing counties in Illinois.

INDIANA

District 11. All coal-producing counties in Indiana.

IOWA

District 12. All coal-producing counties in Iowa.

SOUTHEASTERN

District 13. All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

ARKANSAS-OKLAHOMA

District 14. The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

SOUTHWESTERN

District 15. All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

NORTHERN COLORADO

District 16. The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

SOUTHERN COLORADO

District 17. The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

NEW MEXICO

District 18. The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

WYOMING

District 19. All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, Bear Lake.

UTAH

District 20. All coal-producing counties in Utah.

NORTH DAKOTA-SOUTH DAKOTA

District 21. All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

MONTANA

District 22. All coal-producing counties in Montana.

WASHINGTON

District 23. All coal-producing counties in Washington. All coal-producing counties in Oregon.

The Territory of Alaska.

Mr. LEWIS of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, perhaps my invasion of your time is uncalled for, that opinions have been sufficiently formed, and that withal I have no testimony which would be of value in forming an opinion. I must confess to being a very partial witness on this subject. As far as I can trace the Lewis name on this continent and on the continent of Europe, it has been associated with the mining of coal and with incidents in the history of the romance and tragedy of coal mining which the collier does not read in this day with any feeling of satisfaction.

Mr. Chairman, in all my experience with legislation I have never known legislation that worked so much good to a given industry and its workers and owners as did the application of our N. R. A. legislation to the bituminous coal mining industry of the United States. [Applause.]

Had I, the son of a miner and a miner myself, been told in earlier years: "LEWIS, the day will come when your heart will go out to the coal operator", I should have thanked him and said, "Well, sir, you are simply overestimating my powers of magnanimity as a coal digger." But, Mr. Chairman, that time came in the history of bituminous coal mining. It came in 1926 and succeeding years. I have known mining conditions in my own State and in States where I had worked in my boyhood when the plight of the operator was, if possible, more deplorable than that of the miner who dug the coal. Chronic bankruptcy for the operator and his life's savings gone. You can understand what that means. And the miner's wages, well, they compared with 33-cent wheat. You can also understand what that means. Why such failure, such misery in a leading industry, you ask? Charge it up to the superior efficiency and the breakdown of the rule of laissez faire in the coal-mining industry.

Mr. Chairman, you are not being asked today to carry a cripple or to revive an invalid economic institution. The coal-mining organization of the United States is one of the most efficient and effective in all the world's role of industries. The coal miner of the United States produces four times as much coal per man employed per year as does the rival industry in Germany, Great Britain, and elsewhere. Indeed, if it were not for this superefficiency we should have no such problem as we are facing today. If by some mandate of nature or higher power the efficiency of the American coal miner were reduced to one-half, the price of coal would lead skyward within 24 hours. The American miner produces about 1,000 tons to the European's 250 per year. It is this superior efficiency, coupled with the break-down of competition as a conservative regulator in bituminous-coal mining, Mr. Chairman, that has produced this problem, which has brought nearly all the operators, and all the miners to the House of Representatives of the United States, asking that their day in the land may be one of reasonable protection and justice.

[Here the gavel fell.]

Mr. PETTENGILL. Mr. Chairman, I ask unanimous consent that the distinguished gentleman from Maryland may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LEWIS of Maryland. You may be prone to ascribe my judgment in this matter to personal bias and to local interest. I have no complaint to make if, indeed, that be your tendency of thought but allow me to urge this consideration upon you. All the other great coal-mining nations of the world have found it necessary to take the step that is being proposed to you this afternoon, and when I say other great coal-mining nations I refer particularly to German mining and mining in Great Britain.

For 40 years past the Germans have found it necessary to take control of the bituminous-coal industry and regulate the marketing and the price making of coal. In 1930 the British people, surely no less devoted to the principle of laissez faire and Adam Smith than any Member of this body, have found it necessary to take the same step, and so have organized a coal cartel in Great Britain patterned somewhat after that of the German Empire. It has been my duty to study closely the operation of these cartels in both Germany and Great Britain. No one has ever suggested a resulting evil under these cartels to be the presence of excessive prices. No complaint has been raised in Germany, none has been raised in Great Britain that the coal cartel has meant the infliction of unjust prices upon the consuming public. We have, then, the examples of these two countries to guide us in the constructive work we are considering here today.

Mr. Chairman, I thank you for the patience you have shown me thus late in the debate. I wish also, indeed, to thank the greatly esteemed author of this bill, the gentleman from Kentucky [Mr. VINSON], for the energy, for the acumen, and for the wisdom he has supplied in the construction of this measure. Perhaps his children or his children's children will live to a day, as my grandfather's children have lived, to find the name of FRED M. VINSON coupled with another great name in the history of beneficent coal-mining legislation on the other side of the Atlantic Ocean, the name of a noble lord. Oh, yes; there have been noble lords. I remember my father telling me in the mines of a Lord Ashley, who, stooping down from his lordly position, lifted the women from the coal mines of Wales. I congratulate the miners of America that they have such a Representative in this body and I thank my brother from Kentucky for the noble work he has done. [Applause.]

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, like the distinguished gentleman from Maryland, I have also been raised in a mine. My father has been a miner for over 50 years. Incidentally, not a coal miner, but a hard-rock miner in the lead and zinc mines of the Joplin district and in the gold and silver fields of the mountains of Colorado, and as a youngster, starting at about 9 years of age, I began my apprenticeship on the end of a double jack and I have swung a pick for many an 8-hour shift and have pushed a wheelbarrow farther than my mother ever pushed me in a baby buggy. So I know something about the problems of the miners. I have worked for day wages many a weary day, month in and month out, underground, and Mr. Chairman, it is not an easy way to make a living.

I have just returned from my district in Oklahoma, wherein is located a great coal-mining industry. I left there yesterday by airplane and flew back here for the sole purpose of being able to be present to support the passage of this legislation. I left there in the middle of a campaign for reelection because I know of how much importance this bill is to the coal digger.

When the Guffey coal bill was up for consideration last year in this body I found that the coal operators of my district were bitterly opposed to its passage. I stood on the floor of this House then and worked for its passage, because I knew of the miners' needs, despite the opposition of the operators. Practically every Member of this House knows that the death of Will Rogers and an earlier consideration of the bill than was anticipated prevented me from being in the House to record my vote at that time. But you all remember my work and vote for adoption of the conference report on the bill when it came back here from the Senate.

The need for this legislation now is just as urgent as it was then.

The miners of my district and the operators also, in fact the entire coal industry there, are suffering near unto death; surely no one of you will object to furnishing them this little medicine, which this bill offers, that before it is too late we might administer to them and save their very lives. Give them this bit of protection and we will hope that the Supreme Court will not again blast their hopes of a fighting chance for their white alley.

Therefore, I sincerely hope that no amendment will be adopted to the bill which will cripple it, and I sincerely trust that this House in a few minutes now will, by an overwhelming vote, adopt the measure in exactly the form in which it came from the committee. [Applause.]

Mr. MURDOCK. Mr. Chairman, I move to strike out the last three words. Most sections of the United States in which the production of bituminous coal is an important industry have been heard from in connection with H. R. 12800, introduced by Hon. FRED VINSON, of Kentucky, and commonly known as the Guffey-Vinson coal bill, except the Rocky Mountain section. After listening to the debate on this bill in the House today, there is no question of its ultimate passage. I am deeply interested in this legislation due to the fact that numbered among my constituents are many hundreds of coal miners whose social and economic welfare depends largely on the prosperity of the coal-mining industry. There are no people in my district in whom I am more interested or prouder to represent than these coal miners. So, notwithstanding the lateness of the hour or the fact that there is little need for further debate on this bill, I cannot refrain from taking sufficient time to advise the House that I am wholeheartedly behind this bill and trust that it will be passed without any amendments which would tend to impair it or its administration. It is a substitute for the Guffey-Snyder coal bill, which was held unconstitutional by the Supreme Court.

In his inaugural address Franklin D. Roosevelt pledged himself to action in behalf of the American people, the great majority of whom he found in dire distress, economically and socially, by reason of inaction on the part of a Republican administration. In this inaugural address he promised and pledged himself to do something to alleviate the suffering of the American people. He also promised that if what he did failed for any reason he would not stop but would try something else and continue trying, profiting by past experience, until prosperity had been restored to America. There is no greater evidence of the President's good faith, nor the good faith of this Democratic Congress, than the very admirable action taken in connection with this coal-industry legislation. There was no industry in the United States more sorely afflicted by economic chaos than was the bituminous-coal industry of the United States. Appreciating this fact, and being anxious to aid the people engaged in this very important industry, it, in connection with all other industries of the United States, was first given relief through the N. I. R. A., which act, as you all know, was declared unconstitutional.

The easy thing to do at that time would have been for the administration to quit and for us to say, "It is impossible for us to aid industry by reason of the Supreme Court decision." But such inaction and excuses were in direct conflict with the principles of President Roosevelt and the Democratic Congress. Under the N. I. R. A. the bituminous-coal industry, along with all other industries, began to flourish and prosper. Happiness was substituted for misery and

want, coal miners went back to work, coal operators made a profit. But by its decision the Supreme Court struck down this beneficial legislation with one fell stroke, regardless of what it had demonstrated and regardless of what it held in the future for industry.

Having in mind the pledges of the Democratic administration, and sensing the chaos which would result to the bituminous-coal industry by reason of the Supreme Court decision, we enacted the Guffey-Snyder Coal Act, not for the purpose of getting around the Supreme Court's decision but in good faith determined insofar as possible to restore the benefits of the N. I. R. A. within the Constitution. Under the Guffey-Snyder Act the bituminous-coal industry continued to flourish. Confidence was restored, and this great industry was again moving ahead; but once again the Supreme Court announced that this bill was also unconstitutional, and regardless of its great benefit to the industry it was also stricken down. In referring to the Supreme Court decisions, I do not want my statements construed as at all critical. I realize the importance to our constitutional form of Government of the Supreme Court, but I refer to them for the purpose of showing the courage and initiative of the Democratic administration in its efforts in behalf of the coal industry.

We could have again quit after the decision on the Guffey coal bill, and we could have very gracefully referred to the Supreme Court decision as a barrier to further legislation in behalf of the coal miners and coal operators. But once again, under the authorship in the House of the Honorable FRED VINSON, of Kentucky, legislation was again introduced in behalf of the bituminous-coal industry and the millions of miners and thousands of operators engaged therein and wholly dependent thereon, not in an effort, as has been indicated by Republican Members who have spoken on this bill, to get around the Supreme Court decision, but in the best of faith endeavoring to conform to that decision and at the same time to alleviate suffering and to prevent chaos which must ensue if legislative remedy were not provided.

I was interested and amused at the argument against this bill made by the gentleman from New York on the Republican side, Hon. FRANK CROWTHER. The substance of his argument against the bill was simply this: That he realized the deplorable condition of the bituminous-coal industry; that the people engaged therein, especially the miners, had his heartfelt sympathy; and that, if he knew the pending bill would remedy the situation, he would vote for it; but that he was not sure that it would do the job and for that reason he was unwilling to support it. He is willing to follow the course of the Republican administration under ex-President Herbert Hoover, fully appreciating the dire distress of the people, intensely deploring their poverty, want, misery, and suffering, but still willing to sit idly by and do nothing, except to tell the sufferers that prosperity was just around the corner. Happily this is not the philosophy of the Democratic Party, which, under the leadership of President Roosevelt and men such as FRED VINSON, of Kentucky, will continue our offensive against economic depression and social injustice, knowing that by action and not inaction these maladies can be cured.

The magnanimity, fair-mindedness, and generosity of the coal miners of the United States have been emphatically demonstrated by their attitude on this legislation, in this, that notwithstanding the fact that the labor provisions of the Guffey Act were held unconstitutional, they are still willing to join hands with the operators on other features of the legislation in the hope that permanent prosperity will be restored to the industry for all engaged therein.

In conclusion I urge my Democratic colleagues to support this legislation and I am satisfied it will pass by an overwhelming vote.

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the pro-forma amendment. During the course of debate we heard fear expressed as to an increase in the price of coal. I was very much interested in listening to the reading of the memorial from the great Commonwealth of Massachusetts in opposition to this bill, and for the edification of the House I will read a few excerpts from a very splendid statement.

A steady supply of coal is a public necessity since it is a necessity of life to the people of all the States of the United States for use in homes, offices, schools, hospitals, and public buildings, for the operation of their public utilities, and of the mills and factories on which they depend for occupation; the stoppage or serious interference with the supply of this necessity has caused in the past and will cause in the future widespread suffering by the lack of coal to heat the homes, schools, hospitals, and work places of the people with resultant serious consequences to their health, by the break-down of public service of transportation, light, heat, and power. Experience has shown that a labor disturbance in the coal industry is accustomed to spread to all mines or to such a large proportion of them as to seriously hamper, if not to completely cut off, the supply of coal to widely spread communities in many or all the States of the Union, thus causing a Nation-wide emergency and the possibility of great disaster.

SEC. 3. Whenever in the opinion of the President, there is immediate danger of cessation of production of coal to such extent as to create a national emergency, or when such cessation of production has taken place, the President shall issue a proclamation declaring such national emergency, and may thereafter requisition and take over the plant, business, and all appurtenances used in the production and preparation for and marketing of coal and used by the operator in connection with any mine in which operation has ceased or cessation is threatened, and may operate or cause to be operated during the continuance of such national emergency any property so requisitioned and taken over, in such manner and through such agency as he may direct.

SEC. 4. (a) Any operator whose plant, business, and appurtenances shall have been requisitioned and taken over by the President shall be paid a just compensation for the use thereof during the period that the same may be requisitioned and taken over as aforesaid, which compensation the President shall fix or cause to be fixed.

(b) Such compensation shall be paid annually or more frequently, as the President may provide, and shall be paid pro rata for any part of a year of his operation.

(c) Any operator not satisfied with the compensation fixed by the President or under his authority may file a petition with the Court of Claims for the purpose of determining the amount of such just annual compensation. Proceedings in the Court of Claims under this section shall be given precedence and expedition in every possible way.

SEC. 5. (a) The President may fix prices for which and conditions under which coal shall be sold at wholesale or retail, and may require all dealers to whom coal is sold to agree to sell at prices and under conditions so fixed or to be so fixed, and may refuse to sell coal to dealers not so agreeing or who fail to keep such agreement.

Mr. Chairman, I have been reading the answer to the memorial of the great Commonwealth of Massachusetts, one of the three Commonwealths of the Union, which a distinguished leader of the minority, the gentleman from Massachusetts [Mr. TREADWAY], wrote into a bill—H. R. 5263—which he introduced in the House January 11, 1924. One criticism is made that this is a price-fixing bill. The Treadway bill was a price-fixing bill. And remember, my friends, that in the bill under discussion here there is no such nationalization scheme as is set forth in the bill of my distinguished friend from Massachusetts. Now it is improper to regulate the coal industry; then it was not only an urgent need but a duty.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired. Under the rule the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MEAD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 12800, and pursuant to House Resolution 535 he reported the bill back to the House with sundry amendments adopted by the Committee.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The question is on agreeing to the amendments.

The amendments were agreed to.

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

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

The SPEAKER. The question is on the passage of the bill.

Mr. VINSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-one Members are present, a quorum.

The question is on the passage of the bill.

Mr. TABER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. As many as favor taking the vote by yeas and nays will stand and remain standing until counted. [After counting.] Thirty-nine Members have arisen; not a sufficient number. The yeas and nays are denied.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 161, and noes 90.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN B. H. WARING—VETO MESSAGE (H. DOC. NO. 507)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without approval, H. R. 10785, entitled "An act for the relief of John B. H. Waring."

This bill provides that in the administration of any laws conferring rights, privileges, or benefits upon officers retired from active service in the United States Army for physical disabilities incurred in the line of duty, John B. H. Waring, formerly captain in the Medical Corps, shall be held and considered to have been retired from active service with the rank of captain on May 5, 1917, for physical disability incurred in line of duty, and that he shall be entitled to receive retired pay from such date.

I have been informed by the War Department that Dr. Waring was on active duty as a first lieutenant, Medical Reserve Corps, from October 1, 1908, to July 5, 1909, when he entered the Regular Army as a first lieutenant in the Medical Corps, and was promoted to captain on June 25, 1912. He was wholly retired (discharged) from the military service with 1 year's pay, May 5, 1917, under the provisions of sections 1252 and 1275, Revised Statutes.

It appears that Dr. Waring's separation from the military service was the culmination of a series of incidents extending over a period of several years. While serving in the Philippine Islands in 1911, he contracted an eye injury from exposure to sun glare, following which he was under medical treatment and care for a considerable portion of his remaining service. During this period his medical records include notations of hypochondriasis, and neurasthenia, and long after the medical officers concluded that his eye condition was cured, he refused to accept their findings. His opposition to the views of the medical officers led to complications which resulted in his trial and conviction by general court-martial in 1916 for insubordination and failure to comply with orders, he being reduced 25 files on the lineal list of captains in the Medical Corps.

He was subsequently brought before a retiring board in January 1917, which found in substance that he was incapacitated for active service by reason of a neurosis affecting the function of the eyes; that the exciting cause of the incapacity was an illness in the Philippines in 1911; that the underlying or fundamental cause was a defective nervous system; that said incapacity was not incident to the service; and that it was not permanent. Before acting on the retiring board's report the War Department had Dr. Waring especially observed and examined at Letterman General Hospital, San Francisco, Calif., by eye and nerve specialists who had not previously been associated with the case. The authorities at that hospital found that he was suffering from asthenopia, hysteroneurasthenic form, due to an inherent unstable nervous organization which existed prior to commission, and therefore not in line of duty; and expressed the opinion that such disability was permanent. Thereupon he was wholly retired as authorized by law.

It further appears that special legislation has previously been enacted authorizing the placing of Dr. Waring on the retired list of the Army. I refer to an act of Congress approved May 6, 1922 (Public, No. 210, 67th Cong., S. 667), which authorizes the President to appoint Dr. Waring in the Medical Corps with such rank as he would have attained had he not been discharged, and then to place him on the retired list of the Army.

From my study of the facts in this case, as presented to me, I do not feel justified in signing H. R. 10785. This bill is further objectionable in that it authorizes the payment to Dr. Waring of a sum amounting to approximately $34,000, representing retired pay as a captain for the 19 years that have elapsed since he was returned to civil life, and during which he has in no way been connected with the military service.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 16, 1936.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. McSWAIN. Mr. Speaker, I move that the message be printed, and that the message, together with the bill to which it refers, be referred to the Committee on Military Affairs.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks on the bill H. R. 12800 and include certain excerpts from court decisions, letters, reports, and so forth.

The SPEAKER. Is there objection?

There was no objection.

MEN AND MONEY

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a very short address by the president of Bucknell University.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Arnaud C. Marts, acting president, Bucknell University, at the Thirty-ninth Annual Meeting of Group IV, Pennsylvania Bankers Association, at Bucknell University, April 18, 1936:

An interesting definition of a college president was recently given by Dr. W. M. Lewis, president of Lafayette College. "A college president," he said, "is a pillar of brass by day and a cloud of gas by night."

The mayor of Chicago recently addressed a gathering on the subject of money and he eulogized his subject in the following language: "Money is a useless commodity and a baffling subject. Time and again it has been proved to be a nonessential to human happiness. It does not buy love; it never purchases position or prestige or pleasure; men care nothing for it; it fails to assure its owner a place in society, and has no part in the thoughts of any of us." He paused, looked about at his mystified audience, and added, "I refer, of course, to Confederate money."

As to real money, most men have a hunger for it and their lives are built around their efforts to obtain it. Many men feel toward money as did Jock McTavish, the Scotsman whose 4-year-old son swallowed a guinea gold piece. The mother rushed out to her neighbor crying, "My little boy has swallowed a gold guinea!" "Gracious," said the sympathetic neighbor, "is he in danger?" "No," replied Mrs. McTavish, "thank goodness, his father is out of town."

There are three things we can do with money and there are three sorts of people, who can be categoried with respect to which one of these three uses of money gives them the greatest satisfaction.

The American people, as a whole, use their income each year for these three uses in the following approximate ratios:

We spend 85 percent of our income.

We save 12 percent of our income.

We give away 3 percent of our income to building up and maintaining our churches, colleges, hospitals, and other cultural agencies.

You gentlemen here tonight represent the 12 percent—the attitude of thrift and prudence. I represent the 3 percent—the need of ploughing under enough of our income each year to maintain the agencies which create character and health and education and the other refinements of life.

During the past few years you 12 percenters and we 3 percenters have been losing some ground, while the advocates of the 85 percent, the spenders, have been gaining ground. It has become a bit unfashionable in recent years to advocate saving and thrift. Spending is the fashion of today. The modern

developments in scientific merchandising and advertising lure us and drive us to spend and to spend and, again, to spend. Every known human motive has been studied by the merchandisers with scientific precision, and a barrage of advertising is assaulting us during every waking hour, aimed accurately at our vanity, our credulity, our social and our personal ambitions, and breaking down all our remaining sales resistance. If we have no more money to spend, well, never mind, spend anyway—a dollar down and the rest later. "One more payment", said the proud young parents as they fondled their 2-year-old daughter, "and she's ours."

Is it not time for you 12 percenters and for us 3 percenters to defend our uses of money against the too aggressive onslaught of the 85 percenters? After all, spending alone does not lead to human happiness. The gadgets we buy may make life look finest on the surface, but they bring little permanent happiness to the human heart.

Should not you 12 percenters be saying that, after all, no individual can live a happy life who continues to spend more than he earns; that no society can be a happy society which is profligate in its spending; that no nation can endure indefinitely on deficits.

We must learn again the old-fashioned doctrine of the old-fashioned bankers—that the wise man accumulates first and spends afterward, out of what he has rather than out of what he hopes he will get in the future.

The 12-percent policy—that is, the policy of thrift and prudence—is essential to personal and social well-being, and I hope you can make it popular with the American people again.

The 3 percent is of supreme importance, also, for it is out of this 3 percent which we give away voluntarily to the Nation's cultural agencies that we draw our richest satisfactions.

With this 3 percent we maintain our 220,000 churches which, if placed side by side, would form one continuous belt from New York to Los Angeles. Here in these churches, which are maintained entirely by the voluntary gifts of those who care, is generated moral character, without which our banking laws and even our bank vaults would not be worth a straw. Here in these churches these voluntary institutions, are generated the love of God and the love of humanity, two loves which make life worth the living.

Out of this 3 percent we also maintain America's 832 voluntary colleges and universities, of which our own beloved Bucknell is one. Every brick in this building where we now meet, and in every one of the 28 other buildings on this beautiful campus, is a token of the unselfishness of a fine-grained man or woman who gave some of his or her money to the service of youth. And when one sees these splendid young ladies who are serving this dinner as a way of earning a portion of their own education here at Bucknell, and the equally fine group of young college men who are beyond those swinging doors working in the kitchen for their college education, one realizes that gifts made to the education of youth are appreciated and eternally worth while. Those who deny themselves the satisfaction of a selfish pleasure in order to make gifts to our voluntary colleges provide the means by which 550,000 of our choice young people each year widen the horizon of their lives and grow in capacity to serve their fellow men.

Then, out of the 3 percent we also maintain 2,700 voluntary hospitals in America, with beds enough in them in which to hospitalize at one time all the inhabitants of Harrisburg, Reading, Wilkes-Barre, and Williamsport.

Out of this 3 percent we train our 1,000,000 Boy Scouts, our 350,000 Girl Scouts, and hundreds of thousands of boys and girls who are enrolled in other character-forming groups such as the Y. M. and Y. W. C. A., the Y. M. and Y. W. H. A., and the Catholic Youth Clubs.

It is for this 3 percent I plead, and it is for your 12 percent I speak. May they hold their own in these difficult days of sales appeal! May they, indeed, increase their pull on the pocketbooks of the sane people of the land.

For the happiness of our Nation is not to be found, in the last analysis, in pretty faces, nor in snappy suits, nor in shiny cars, nor in showy homes, nor in any of the numerous manifestations of luxurious spending.

True happiness will be found in the future, as in the past, in the possession of reserves against the rainy day—in your 12 percent—and in the deep satisfaction of soul which comes from sacrificing selfish desires in order to serve God and to uplift humanity to higher levels of character, intelligence, and refinement. "This thing of giving," said George F. Burba, "I do not understand it, any more than you do, but there is something about it that blesses us. * * * Those who give most have most left. * * * I believe that everyone who dries a tear will be spared the shedding of a thousand tears. * * * I believe that every sacrifice we make will so enrich us in the future that our regret will be we did not sacrifice the more. * * *

"Give—and somewhere, from out the clouds, or from the sacred depths of human hearts, a melody divine will reach your ears and gladden all your days upon the earth."

EMERGENCY FARM MORTGAGE ACT OF 1933

Mr. PIERCE. Mr. Speaker, I call up the conference report on the bill (H. R. 9484) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9484) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "That the terms of this Act shall not permit additional or new land to be brought into production outside of the present boundaries of any established or reorganized irrigation district"; and the Senate agree to the same.

R. M. KLEBERG,
AUG. H. ANDRESEN,
FRED C. GILCHRIST,
E. M. OWEN,
WALTER M. PIERCE,
Managers on the part of the House.

CARTER GLASS,
FREDERICK STEIWER,
W. G. MCADOO,
ROBERT D. CAREY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9484) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to such amendment:

The House bill provided in a proviso at the end of section 1 that the terms of the act should not permit additional or new land to be brought into production. The Senate amendment struck out this proviso and substituted therefor the provision that "it is not intended that additional lands will thereby be brought into production." This would have restored the language of the existing law which is amended by the act. The House recedes with an amendment substituting for the Senate language the following: "The terms of this act shall not permit additional or new land to be brought into production outside of the present boundaries of any established or reorganized irrigation district."

R. M. KLEBERG,
WALTER M. PIERCE,
E. M. OWEN,
FRED C. GILCHRIST,
AUG. H. ANDRESEN,
Managers on the part of the House.

Mr. SNELL. Does the gentleman intend to make some explanation of this bill?

Mr. PIERCE. Yes. There is only a slight difference between the House bill and the Senate bill. They mean practically the same thing. However, there was a difference, so a conference was asked for; and a conference was held between the House and Senate, and the words agreed upon are as they appear in the statement.

Mr. SNELL. There is no material increase of land?

Mr. PIERCE. No. That was the bone of contention. That was the question, and it was agreed there would be no increase.

Mr. SNELL. Of course, there could be a material increase if we took in all the land in regularly established or organized districts. The language of the Senate is much broader than the language of the House bill.

Mr. PIERCE. Yes; but the gentleman will notice that the language agreed upon was the language that was considered.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. ANDRESEN. The Senate bill provided that under the provisions of their bill it was not intended that new land would be brought into cultivation, while the agreement reached by the conferees was that the terms of this act shall not permit any additional lands. Also that there shall be no intent that any new land shall be put into cultivation. This makes it definite that no new land shall be put into cultivation.

Mr. CHRISTIANSON. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. CHRISTIANSON. Then the purpose of this bill will be to provide funds for the refinancing of existing projects?

Mr. PIERCE. A very few districts that could not come in under the old law. For instance, a district that was not organized at the time the original law was passed was cut off. This allows them to present their claims to the Reconstruction Finance Corporation. It only affects about a dozen districts in the United States.

Mr. CHRISTIANSON. But most of the money will be used for refinancing of projects which have already been undertaken and not for the purpose of financing new projects. Am I right?

Mr. PIERCE. Absolutely.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. RICH. We understand that in the Emergency Farm Mortgage Act that is not the case—that they are going to try to bring in more land. Through the construction of the Bonneville Dam and other dams in Western States we are going to bring into cultivation hundreds of thousands of acres of land. Is not this bringing in additional land?

Mr. PIERCE. Not under the terms of the bill.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WELFARE OF AMERICAN SEAMEN

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8597) entitled "An act to amend section 13 of the act of March 4, 1915, entitled 'An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea'; to maintain discipline on shipboard; and for other purposes", with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BLAND, SIROVICH, RAMSPECK, LEHLBACH, and WELCH.

AMENDMENT OF COASTWISE LOAD-LINE ACT

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (H. R. 11915) to amend the Coastwise Load-Line Act, 1935, and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11915) to amend the Coastwise Load Line Act, 1935, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

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: Before the word "tugs" in said amendment insert "steam colliers" and a comma; and the Senate agree to the same.

S. O. BLAND,
WM. I. SIROVICH,
ROBERT RAMSPECK,
FREDERICK R. LEHLBACH,
RICHARD J. WELCH,
Managers on the part of the House.

ROYAL S. COPELAND,
MORRIS SHEPPARD,
WALLACE H. WHITE, JR.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11915) to amend the Coastwise Load Line Act, 1935, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Senate amendments nos. 1, 2, and 3: The House bill provided that in the establishment of load-water lines on passenger vessels due consideration shall be given to, and differential shall be made for (among other things) the stability of the vessel in a damaged condition. The said amendments modified this provision by substituting for "stability of the vessel in a damaged condition" the provision "probable stability of the vessel if damaged." The House recedes from its disagreement to the said amendments.

On Senate amendment no. 4: The House bill provided that, in respect of discretion vested in the Secretary of Commerce to vary from load-line marks established by treaty, such discretion applied (in addition to vessels on the Great Lakes) to vessels engaged in special services on interisland voyages and on coastwise voyages from port to port in the continental United States. The Senate amendment struck out the term "vessels" and inserted in lieu thereof "tugs, barges, and self-propelled barges." The House recedes with an amendment adding "steam colliers" to the Senate insertion.

S. O. BLAND,
WM. I. SIROVICH,
ROBERT RAMSPECK,
FREDERICK R. LEHLBACH,
RICHARD J. WELCH,
Managers on the part of the House.

Mr. BLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DISTRIBUTION OF CONGRESSIONAL RECORD

Mr. LAMBETH submitted the following conference report and statement on the bill (S. 3440) to amend certain acts relating to public printing and binding and the distribution of public documents and acts amendatory thereof:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3440) to amend certain Acts relating to public printing and binding and the distribution of public documents and Acts amendatory thereof, 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 disagreement to the amendment of the House numbered 7, and agree to the same.

Amendment numbered 12: That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment, as follows: In lieu of the number proposed by the House insert: "one hundred"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment, as follows: In lieu of the number proposed by the House insert: "sixty eight"; and the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the House insert the following:

"To each joint committee and joint commission in Congress, as may be designated by the Joint Committee on Printing, two copies of the daily, one semi-monthly copy, and one bound copy.

"To the Secretary and the Sergeant at Arms of the Senate, for office use, each, six semi-monthly copies.

"To the Clerk, Sergeant at Arms, and Doorkeeper of the House, for office use, each, six semi-monthly copies.

"To the Joint Committee on Printing, ten semi-monthly copies."

And on page 6, line 15, of the engrossed bill, after the word "To" insert: "the Vice President and"; and the House agree to the same.

Amendment numbered 44: That the Senate recede from its disagreement to the amendment of the House numbered 44, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out insert:

"To the office of the Parliamentarian of the House of Representatives, two copies."

And on page 9, line 22, of the engrossed bill, after the word "many" insert: "daily and"; and the House agree to the same.

J. WALTER LAMBETH,
WILLIAM B. BARRY,
ROBERT F. RICH,
Managers on the part of the House.

CARL HAYDEN,
DUNCAN U. FLETCHER,
A. H. VANDENBERG,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3440) to amend certain acts relating to public printing and binding and the distribution of public documents and acts amendatory thereof submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the conference report submitted herewith:

On amendment no. 7: This amendment relates to the procedure necessary in order to have an illustration published in the CONGRESSIONAL RECORD.

On amendment no. 12: The Senate provided for 105 copies of the daily RECORD to be furnished to each Senator. The House changed this number to 88 copies. The conferees compromised by making it 100 copies for each Senator.

On amendment no. 14: The Senate provided 75 copies of the daily CONGRESSIONAL RECORD for each Representative, but the House changed this number to 60 copies. The conferees compromised by making it 68 copies for each Representative.

On amendment no. 16: This amendment provided for three copies of the daily RECORD for each joint committee and joint commission in Congress. The conferees compromised by authorizing two copies of the daily RECORD for each joint committee and joint commission, and added a provision that the Secretary and Sergeant at Arms of the Senate, and the Clerk, Sergeant at Arms, and Doorkeeper of the House, should each be furnished for office use with six semimonthly copies and that the Vice President also should receive one semimonthly copy.

On amendment no. 44: This amendment authorized the delivery of one copy of the Statutes at Large to the Chief Justice and each Associate Justice of the Supreme Court. The House struck out this language and provided that the entire edition should be supplied to the library of the Supreme Court for distribution to the personnel of the Court. The Senate conferees accepted this amendment and in addition provided that the Parliamentarian of the House of Representatives should be furnished two copies of the statutes and that the depository libraries should each receive one copy of the daily CONGRESSIONAL RECORD.

J. WALTER LAMBETH,
WILLIAM B. BARRY,
ROBERT F. RICH,
Managers on the part of the House.

Mr. LAMBETH. Mr. Speaker, I call up the conference report on the bill (S. 3440) to amend certain acts relating to public printing and binding and the distribution of public documents and acts amendatory thereof and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

Mr. SNELL. Mr. Speaker, will the gentleman from North Carolina explain what changes have been made in the number of CONGRESSIONAL RECORDS available to Members, and so forth?

Mr. LAMBETH. Since 1903 it has been the law that each Member of the House is entitled to 60 copies of the daily RECORD and each Senator 88, the provision being that those Members who do not take all of their daily RECORDS are entitled to the difference in bound RECORDS. One of the chief purposes of this bill is to provide a definite quota of bound RECORDS. The bill provides three bound RECORDS for each Representative and five for each Senator. This will result in a considerable saving, because the cost of a bound RECORD is about $17.75, as against $7.60 for the daily RECORD. In addition, it operates to delay the publication of the bound RECORD until it is known at the conclusion of the session just how many daily RECORDS have not been used.

The Senate increased the number of daily RECORDS to 105 for each Senator and to 75 for each Representative. The House left the number of daily RECORDS the same as heretofore. In the conference it was agreed that the increase would be in the same ratio as that in force heretofore, which would give each Member of the House 8 additional daily RECORDS and each Senator 12, making a total to each Senator of 100 and to each Member of the House 68. This will offset the saving on the bound RECORDS, so there is no additional cost in this bill.

Mr. SNELL. These are the principal changes in the bill?

Mr. LAMBETH. Yes.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. LAMBETH. I yield.

Mr. KVALE. If the experience of other Members is similar to mine I may say that the number of daily CONGRESSIONAL RECORDS at the disposal of Members of Congress is wholly insufficient.

I have been hoping that the conferees would see fit to increase the number on the House side as well as on the Senate side.

Mr. LAMBETH. We have increased the number, I may say to the gentleman. There is an increase of eight for each Member of the House.

Mr. KVALE. That is not sufficient. The libraries, the colleges, and the high schools of our various districts cannot be accommodated, much less the individuals who want to be served.

Mr. LAMBETH. Probably an unlimited number of RECORDS could be distributed gratuitously if we had them, but the committee did not feel it wanted to add any additional cost, and that is the effect of this conference report.

Mr. BLANTON. Will the gentleman yield?

Mr. LAMBETH. I yield to the gentleman from Texas.

Mr. BLANTON. The country newspapers of our districts are the mouthpiece of the people they serve. The only way they can gather correct information about what goes on in the Congress is through the daily CONGRESSIONAL RECORD which they receive. These copies not only serve the schools, colleges, and public libraries, but the editors themselves ask for the RECORD. What disproportionate increase is allowed the Senate? I know there is always a disproportion in favor of the Senate. What is the disproportion now?

Mr. LAMBETH. The proportion is the same as it has been all the time since 1895.

Mr. BLANTON. Is it the same?

Mr. LAMBETH. It is the same. I will repeat that under the present law each Senator receives 88 and each Representative 60. Under the conference report each Senator will receive 100 to 68 for each Member of the House, exactly the same ratio as previously existing.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF RETIREMENT PRIVILEGE TO THE DIRECTOR, ASSISTANT DIRECTORS, AND SPECIAL AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4552) to extend the retirement privilege to the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. RAMSPECK. The Senate passed this bill yesterday. Last night the House passed an identical House bill, the Senate bill not having come over. If this bill is passed I am going to vote to vacate the proceedings in reference to the House bill passed last night.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (b) of section 3 of the act approved July 3, 1926, chapter 801, as amended (U. S. C., title 5, sec. 693, subdivision (b)), be, and it is hereby, amended to read as follows:

"(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, of the United States Soldiers' Home, of the National Home for Disabled Volunteer Soldiers, of the State Department without the continental limits of the United States who are United States citizens and not within the Foreign Service as defined in the act of May 24, 1924, and amendments thereof, of the Indian Service at large

whose tenure of employment is not intermittent nor of uncertain duration, and the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation of the Department of Justice."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the proceedings by which the House passed the bill H. R. 11152 be vacated, and that the bill be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SHOREWOOD POST OFFICE

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with a branch post office to be erected in my district and to include therein copies of correspondence I have had with the Post Office Department as well as copies of letters received from the Department.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. O'MALLEY. Mr. Speaker, because of some confusion of opinion relative to the proposed erection of a branch post office in the village of Shorewood in my district, I am taking this opportunity to clarify the history of this much-needed project upon which bids are about to be let by the Government.

When the project was originally brought to the attention of the Post Office Department and the Public Works Administration, the Government proceeded to advertise for offers of land upon which to erect a building. On the opening of bids a site was finally selected and a purchase of land was agreed upon. The original proposal was to expend some $35,000 upon the construction of a building and transfer was contemplated by the postal authorities of all the facilities of station H, now within the confines of the city of Milwaukee, to the new proposed branch. When the purchase of land was agreed upon, as a Representative from that district, I was invited to appear before the joint Treasury-Post Office committee to discuss with them the proposed plans for erection of the Shorewood branch and the abandonment of station H. At that time I stated to the committee that while I was entirely in accord with the erection of a branch post office in the village of Shorewood in my district, I was also of the opinion that while the citizens of that village were entitled to the very best postal service possible I did not wish to see any section of my district discriminated against and deprived of adequate service, which might very likely happen if station H was entirely abandoned.

In keeping with those representations before the committee as well as with the knowledge that I had submitted to the Joint Treasury-Post Office Committee all the information that had come to me in my capacity as a Representative of that district, I approved the beginning of work on plans, specifications, and other details in connection with the building's erection in January 1936. This approval was contingent upon the agreement of the Post Office Department to continue facilities in the vicinity of station H so that the citizens of that section might continue to enjoy the same post-office service and facilities that they have had during the operation of station H.

Subsequent to my appearance before the Treasury-Post Office Committee I addressed a letter to the Honorable W. W. Howes, First Assistant Postmaster General, the purpose of which was to obtain a commitment of record that if and when the Shorewood branch post office was built, facilities would be continued in the vicinity of station H, from which I quote:

MY DEAR MR. HOWES: I am in receipt of your letter of March 23 relative to the proposal to abolish station H of the Milwaukee post office and create a new branch to be known as the Shorewood branch.

As I outlined to you, I have no objection to the creation of a Shorewood branch if the people now being served by station H are not to be discriminated against by the removal of this station and the substitution of the Shorewood branch, which is so much farther away from the citizens of Milwaukee.

I believe that the village of Shorewood is entitled to good service in connection with the receipt and delivery of its mails, but I do not believe this village is entitled to better service than the city of Milwaukee, which would be the case if the Shorewood branch is completed and operated according to present plans and station H is abandoned. I must again point out that I shall have to object most strenuously to the creation of a new branch post office in a village and the abandonment of a station in the city of Milwaukee which has served that area most satisfactorily for a good many years.

I am sure that a proposed plan can be worked out by the Milwaukee authorities whereby both Shorewood and the sections of Milwaukee in the area of station H will be given equal consideration and service, and I look forward to having submitted to me a concrete proposal by the postal authorities in Milwaukee and here at Washington which I will be able to use to assure my constituents in the city that they are not being discriminated against in the contemplated creation of a Shorewood branch.

THOMAS O'MALLEY,
Member of Congress.

Following a long and continued investigation by the Post Office Department I was greatly pleased to find that my efforts had resulted at last in not only bringing about a satisfactory adjustment and agreement for the erection of a post-office building in Shorewood, but the Department had finally agreed to the continuance of certain postal facilities in the vicinity of station H. On April 7, 1936, the following letter was received by me from the Post Office Department acknowledging that an agreement concerning the building of this branch office had been reached and that station H facilities would be continued for the benefit of residents of that portion of the city of Milwaukee lying within my district. With the receipt of these assurances from the Post Office Department I addressed my letter of approval for construction to the Treasury Department, Admiral C. J. Peoples, Director of Procurement, which is reproduced herewith:

I am in receipt of your letter of April 13, in which you advised me that the Joint Treasury-Post Office Committee has decided to issue instructions whereby the architectural division will proceed with the preparation of plans for construction of a postal station at Shorewood, Milwaukee County, Wis.

Quite some time ago I appeared before the joint committee, giving them the benefit of the information laid before me, first, concerning the opposition of constituents of mine in the city of Milwaukee against the abolishment of station H and the proposed transfer of the facilities for money order, stamp purchase, and other postal service from station H to the Shorewood branch, some 3 or more miles distant. After months of protracted correspondence and discussions with the Post Office Department, that Department has agreed to continue service from station H or some similar station in the city of Milwaukee. This decision upon the part of the Post Office Department removes, of course, any service reason which might hold the building of the Shorewood station in further abeyance.

At the time, however, of my appearance before your committee I requested that the said committee make an investigation concerning the incidents surrounding the bids and the subsequent purchase of land for this station, but have heard no more from the committee as to whether or not such investigation has been made. If the committee has thoroughly inquired into the details of the offers of land on the bids and the final purchase, I would appreciate very much being advised by letter as to whether or not the committee is satisfied that the sale of this land to the Government was accomplished strictly in accordance with governmental regulations.

THOMAS O'MALLEY, M. C.

On April 23 I received a confirmation of my approval of the beginning of the construction of this needed project from the Acting Director of Procurement. This letter is appended herewith:

MY DEAR MR. O'MALLEY: Reference is made to your letter of April 15, bearing upon the Federal building project at Shorewood station, Milwaukee, and particularly inquiring as to whether the Joint Treasury-Post Office Committee is satisfied with the procedure incident to the acquisition of the site for the proposed building.

Your interest in this case is appreciated, and you may be assured that the committee, in giving careful consideration to the details in connection with this site acquisition, has taken steps whereby the Government will be fully protected.

W. E. REYNOLDS,
Acting Director of Procurement.

I am taking this opportunity to report the success of these negotiations with both the Post Office and Treasury Departments and a complete and satisfactory solution of the erection of a branch post office in my district, and in particular a

solution and an agreement which will work out for the benefit and advantage of both the citizens of Shorewood and Milwaukee.

While the negotiations, as is so often true of governmental activities, caused some short delay, the resultant effects have been of direct beneficial results. We have now obtained for the populace of an important section of the Fifth District, not only a new branch post-office building which will be larger and capable of providing greater service than originally planned, but we have been able, through these negotiations, to continue important facilities of station H for the benefit of those citizens of the Fifth District living in and around the original location of that station. The old adage that proceeding cautiously in the providing of additional Government facilities usually results in a more thorough study and more efficient decision has admirably applied to this important project. The aid and information submitted both myself and the committee by citizens and public-spirited leaders of both Milwaukee and Shorewood has been of invaluable assistance in hastening a completion of the agreement between my office and the postal authorities on this station.

The citizens of Shorewood will now enjoy postal services and postal facilities equal to any metropolitan area of its size in the United States and the citizens of the areas surrounding station H will not be deprived of the facilities and service to which they, as citizens of the metropolitan section of Milwaukee, are entitled and which they have enjoyed for years. It gives me a great deal of pleasure to bring the major facts and correspondence incident to the conclusion of these negotiations to the attention of my constituency and to point out that bids for the construcion of this new governmental building are about to be advertised for by the Treasury Department.

In spite of the fact that petitions are on record with the Post Office Department that groups of citizens of Shorewood desired a separate post office, the Department has also on record the communications of the Village Board of Shorewood in which a branch post office is requested. Since the Department has no option but to favorably consider the recommendations of the authorities and leaders of any community in the provision of postal service, I have not presumed to advise the postal authorities on what appears to be entirely a matter of local opinion, feeling confident that whatever policy is decided upon in relation to the Shorewood post-office building will be solely for the provision of the best service possible under the laws and regulations governing the postal division of the Government.

FEDERAL FARM LOAN ACT

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10101) to amend the Federal Farm Loan Act and the Farm Credit Act of 1935, and for other purposes, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 12, strike out "three" and insert "two."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. STEFAN. Reserving the right to object, will the gentleman explain this bill?

Mr. JONES. This simply reduces the period of the reduction of the rate of interest from 2 to 1 year. Otherwise it is the same. It makes it only for 1 year and then goes back to the contract rate.

Mr. STEFAN. Is this a compromise on the 3½-percent Federal farm bank matter?

Mr. JONES. Yes.

Mr. STEFAN. Originally we expected to have it run 2 years?

Mr. JONES. Yes; but the Senate reduced it to 1 year, and in order to get a bill we agreed to that amendment. In this connection I wish to say that the entire Agriculture Committee has favored this bill. But I want to pay special tribute to WALL DOXEY, FRED BIERMANN, and FRED GILCHRIST, all of whom have taken special interest in getting a low interest rate for farmers. The farmers owe much to them and to all the members of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was agreed to.

ADEQUATE FACILITIES FOR PARKS, PARKWAY, AND RECREATIONAL AREA PURPOSES

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10104), "An act to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof", with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior (hereinafter referred to as the 'Secretary') is authorized and directed to cause the National Park Service to make a comprehensive study, other than on lands under the jurisdiction of the Department of Agriculture, of the public park, parkway, and recreational programs of the United States, and of the several States and political subdivisions thereof, and of the lands throughout the United States which are or may be chiefly valuable as such areas, but no such study shall be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over such lands and park areas. The said study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States. In making the said study and in accomplishing any of the purposes of this act, the Secretary is authorized and directed, through the National Park Service, to seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of lands belonging to the United States, and may cooperate and make agreements with and seek and accept the assistance of other Federl agencies and instrumentalities, and of States and political subdivisions thereof and the agencies and instrumentalities of either of them.

"SEC. 2. For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary is authorized to aid the several States and political subdivisions thereof in planning such areas therein, and in cooperating with one another to accomplish these ends. Such aid shall be made available through the National Park Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary deems best.

"SEC. 3. The consent of Congress is hereby given to any two or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No such compact or agreement shall be effective until approved by the legislatures of the several States which are parties thereto and by the Congress of the United States.

"SEC. 4. As used in sections 1 and 2 of this act the term 'State' shall be deemed to include Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the District of Columbia."

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think the gentleman should explain what this bill means.

Mr. ROBINSON of Utah. There is no change from the bill as passed by the House, and, so far as the amendment is concerned, the Senate bill has struck out several items of the bill as it passed the House, but left in practically the same wording as the House had with reference to making a survey of parks and parkways.

Mr. SNELL. That is all there is to it?

Mr. ROBINSON of Utah. Yes.

Mr. RICH. It is not the intent and purpose of this bill to set up any other organization in order to do this survey work?

Mr. ROBINSON of Utah. No.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

The title was amended to read as follows:

An act to authorize a study of the park, parkway, and recreational-area programs in the United States, and for other purposes.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. ROBINSON of Utah. I am recommending to the House that they accept H. R. 10104 as amended and passed by the Senate.

I should like to call to the attention of the House, and make a matter of record, the fact that the last part of section 1 authorizes and directs the Secretary of the Interior, through the National Park Service, to seek and accept the cooperation and assistance of all Federal departments or agencies having jurisdiction over lands belonging to the United States, and that in so authorizing and directing the Secretary of the Interior to pursue this course, the intent of the bill is that the Federal departments and agencies shall furnish the information when requested.

With the above statement, I recommend that the House accept the Senate amendments to H. R. 10104.

D. E. WOODWARD

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6258) for the relief of D. E. Woodward, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

ROANOKE ISLAND, N. C.

Mr. WARREN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12799) to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of Sir Walter Raleigh's colony on Roanoke Island, N. C., known in history as the Lost Colony, and the birth of Virginia Dare, the first child of English parentage to be born on the American Continent, and her baptism, with Senate amendments, and concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out "and her baptism", and amend the title.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in, and a motion to reconsider was laid on the table.

PROTECTION TO WORKMEN ON UNITED STATES PROPERTY

Mr. WELCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12599) to provide more adequate protection to workmen and laborers on projects, buildings, constructions, improvements, and property wherever situated, belonging to the United States of America, by granting to the several States jurisdiction and authority to enter upon and enforce their State workmen's compensation, safety, and insurance laws on all property and premises belonging to the United States of America, with Senate amendments, and concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, lines 5 and 6, strike out ", safety, and insurance."

Page 2, line 2, strike out "enter into and upon" and insert "apply such laws to."

Page 2, line 5, strike out all after "State," down to and including "on" in line 10 and insert "and to."

Page 2, line 15, strike out all after "be" down to and including "thereunder" in line 24.

Page 3, line 5, strike out ", safety, and insurance."

Page 3, line 12, strike out ", safety, and insurance."

Page 3, line 13, after "designated", insert ": *Provided further*, That nothing in this act shall be construed to modify or amend the United States Employees' Compensation Act as amended from time to time (act of Sept. 7, 1916, 39 Stat. 742, U. S. C., title 5 and suppplement, sec. 751 et seq.)."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PORT NEWARK ARMY BASE

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4737) to provide for the sale of the Port Newark Army Base to the city of Newark, N. J., and for other purposes, and agree to the same.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, I think the gentleman from South Carolina should tell us something about this bill. This is similar to the bill which passed the other day. I believe there has been a change in the price and I think the gentleman should explain the measure to the House.

Mr. McSWAIN. Mr. Speaker, this bill, or at least a bill to sell the same property, passed the House unanimously. There was a veto, but the terms upon which the payment may be made have been modified so as to meet the objections that the Budget raised; and I have here a letter from the Secretary of War to the effect that the terms of the new bill have been submitted to the Budget and have been found to be in accord with the financial program.

Mr. SNELL. As I understand, the new bill raises the price from $1,000,000 to $2,000,000?

Mr. McSWAIN. No. The original price was $2,000,000. The original bill provided for the payment of $100,000 per year each year for 20 years. The present bill provides for a payment of $100,000 a year for 5 years and $200,000 a year thereafter.

Mr. SNELL. And the price is $2,000,000?

Mr. McSWAIN. Yes; and that was about the appraised value.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DEPOSIT AND INVESTMENT OF INDIAN FUNDS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8588) to authorize the deposit and investment of Indian funds, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill H. R. 8588, with Senate amendments thereto. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. COCHRAN. Mr. Speaker, I reserve the right to object. Please explain what the bill is.

Mr. ROGERS of Oklahoma. Mr. Speaker, this is a House bill passed some time ago authorizing the deposit and investment of Indian funds. That bill went to the Senate and the Senate amended the bill and passed it with the amendment. They have added the bill which passed last night on the Consent Calendar known as the Oklahoma Indian bill.

Mr. COCHRAN. Mr. Speaker, I think the House ought to know something about the amendments in this bill. This is a bill to which Saturday a week ago the Senate added two amendments, not one. The Senator from Oklahoma simply told the Senate that the only reason he was adding the amendments was on account of the parliamentary situation in the House, stating he could not secure favorable action on the bills here.

Mr. ROGERS of Oklahoma. I am not responsible for what the Senator said.

Mr. COCHRAN. One of those bills provided a direct appropriation of $2,000,000 from the Treasury without an authorization, and it is in this bill.

Mr. ROGERS of Oklahoma. That bill passed the House.

Mr. COCHRAN. Last night the doctor told me to go home, and half an hour after I left, the bill passed the House. I intended to object to it. The second bill the Senate added provides for an authorization of about $775,000.

Mr. ROGERS of Oklahoma. That bill also passed the House.

Mr. COCHRAN. To pay a claim. That is the Osage Tribe claim, is it not?

Mr. ROGERS of Oklahoma. Yes.

Mr. COCHRAN. When this bill was first considered, I brought out the fact that we have already paid the claim, and they are back here now, years after, asking us to pay about $775,000 more. I object to legislation of that kind.

The SPEAKER. Objection is heard.

Mr. DISNEY. Mr. Speaker, will the gentleman withhold his objection for just a moment?

Mr. COCHRAN. I withhold my objection.

Mr. DISNEY. Mr. Speaker, in view of the gentleman's statement I cannot permit his statement to go unanswered. The gentleman says that the money was paid to the Osage Indians years ago. I should correct that statement on the floor of the House. If the House will indulge me for 2 or 3 minutes, I think I can state the facts.

Mr. COCHRAN. I put a letter into the RECORD showing the gratuities that we have paid to these Indians and further showing that under the treaties we have already advanced them $22,000,000, and we paid $300,000 under the treaty agreement. I am not going to let this bill pass if I can prevent it. If the gentleman wants to have a roll call on the bill, a vote upon it, I am perfectly willing to have the House express its opinion.

Mr. DISNEY. There is no heat in my statement.

Mr. Speaker, I ask unanimous consent to proceed for 3 minutes, in view of statements made here which are incorrect and erroneous.

The SPEAKER. The gentleman from Missouri reserves the right to object for 3 minutes. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DISNEY. The item of $773,000 which is in the Senate amendment is as meritorious a claim as was ever presented to the Congress. I do not know anything about what happened in the Senate, as to how the amendment was inserted. I have not read the RECORD. These are the facts: In the early days the Government, under a treaty, took the land of the Osages and sold it for $773,000 and placed it in a so-called civilization fund and used the money, except $1.89, for other Indians, instead of its own money.

As I said, it then spent the money on what it called a "civilization fund" on other Indians and the Osage Indians received only $1.89 of the proceeds derived from the sale of their land by the Government. The Government profited by it because otherwise it would have had to spend this $773,000 out of the General Treasury on the other Indians. It took the money belonging to the Osage Indians, except $1.89, and the records of the Senate and the House prove that fact. The items in the $773,000, down to a penny, are set forth in the House and Senate reports. It all went to other Indians all over the Nation. This is shown in detail by items. The money should have been spent out of the general fund of the Treasury, and we are asking that money back now. The Court of Claims heard this, and anyone who will read the decision of the Court of Claims will find that it verifies my statement. That court decided that since the reformation of a treaty between the Government and the Indians was not a judicial function but a legislative matter, it did not have the power under its jurisdiction to award the money as a claim against the Government.

It has to be done legislatively. It may be said that the Osages are a rich tribe of Indians, and they are, because they used good judgment in keeping their oil lands in common instead of in severalty. However, outside of $1.89 of this $773,000, this money was spent by our Government on other purposes. The money belonged to the Osage Indians for the sale of their lands in Kansas, when they moved them down to what is now the Osage Reservation. Common justice demands that this claim be paid. This item has at times passed each House, but never at the same session.

[Here the gavel fell.]

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. There is no document under the sun that disproves any statement I have made. You may not feel it is good policy to pay this just claim at this time, but let us not be mistaken as to the facts and as to what is involved here. These are the facts, regardless of what anybody at any time may have ever put into the RECORD. The decision of the Court of Claims verifies what I have said.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, the official records on file in the General Accounting Office cannot be disputed. These records show a payment of $300,000, as agreed upon under the treaty of 1865. Further, from 1867 to 1884 interest at the rate of 5 percent per annum on the said $300,000 in the amount of $270,000 was appropriated and covered into the fund in the Treasury under the heading "Fulfilling treaties with Osages." Of this fund, $442,867.17 had been disbursed for the benefit of the Osage Indians prior to July 1, 1922.

Likewise pursuant to the above-quoted terms of the treaty, the proceeds of the sale of the involved land by the United States, after reimbursement to the United States of the said sum of $300,000 and the expense of survey and sale, were placed to the credit of a civilization fund during the period from January 22, 1873, to January 29, 1901, in the aggregate amount of $776,931.58. The records of the General Accounting Office show that, of the said sum so credited, $189.55 was disbursed for the benefit of the Osage Tribe of Indians, the remainder of the said sum, with the exception of $248.78 covered into the surplus fund of the Treasury pursuant to the act of March 3, 1911—Thirty-sixth Statutes, page 1062—being disbursed for the benefit of various other Indian tribes.

Following the actual creation of the civilization fund in 1873, the Osage Indians began to protest against the interpretation of the treaty which held that the fund was available for the benefit of other tribes of Indians, and to insist that they had never so understood or intended. By act of February 6, 1921—Forty-first Statutes, page 1097—it was provided that the claim of the Osage Tribe of Indians against the United States for moneys due, arising out of the sale of Osage lands under the said treaty, should be submitted to the Court of Claims for determination; also that the court should have jurisdiction to hear and determine any set-off or counterclaim, including gratuities, which the United States might present against the Osage Tribe of Indians. On May 28, 1928, the Court of Claims rendered its decision—Sixty-sixth Court of Claims, page 64—denying recovery by the plaintiff on the ground that the treaty was a part of the supreme law of the land and could neither be reformed nor treated as inoperative by the courts. The court said also:

> We conclude that the Osage Tribe of Indians, under the language and meaning of said treaty, have not established a claim or right in the fund or moneys arising from the sale of the Osage lands under said treaty, and that the United States has not wrongfully appropriated any part or parcel of the lands or the funds of said Osage Tribe of Indians under said treaty.

The court also denied recovery by the United States on the set-offs and counterclaims on the ground that the jurisdictional act—

> * * * Did not contemplate that the court should consider or make allowance for counterclaims where the conclusion of the court was against the claim of the Osage Tribe of Indians; and therefore, as the conclusion is against the claim, no further consideration should be given to the counterclaims.

The purpose of the bill S. 2375 is to authorize an appropriation to pay the Osage Tribe of Indians, without interest,

that part of the proceeds of sale of the involved lands not already expended for their benefit, recovery of such proceeds having been denied by the Court of Claims, as above stated.

July 1, 1922, the United States disbursed for the direct benefit of the Osage Indians funds amounting to $313,370.12 of a character heretofore considered as gratuities by the Court of Claims in the determination of suits brought under various jurisdictional acts authorizing the court to entertain claims of Indians and in such connection to consider gratuities received by the Indians from the Government and make equitable adjustment accordingly, and for the benefit of the Osage Indians jointly with other Indians funds of such character amounting to $104,454.34. No accounting has been made covering such disbursements subsequent to June 30, 1922. It may be added that during the period from January 1, 1811, to June 30, 1922, the United States disbursed for the benefit of the Osage Tribe of Indians, including the amounts above-mentioned, in excess of $22,000,000 from various appropriations made in fulfillment of treaty obligations and from funds and interest on funds belonging to the Osage Tribe.

The bill does not provide for set-off of gratuities against the amount proposed to be appropriated. If this bill is to be favorably considered for enactment, it should be amended by adding to section 2 of the bill the following proviso:

Provided, That the Comptroller General of the United States is hereby authorized and directed to ascertain the aggregate amount of the gratuities theretofore paid to such Indians of the character provided for set-off by section 2 of the Second Deficiency Appropriation Act for 1935 (49 Stat. 596), and the amount so ascertained shall be deducted from the amount otherwise for crediting under this section.

Mr. MAPES. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded. Objection is heard.

Mr. DISNEY. The gentleman from Missouri [Mr. COCHRAN] suggests he would be glad to have a roll call. I accept the challenge.

The SPEAKER. Unanimous consent was requested by the gentleman from Oklahoma [Mr. ROGERS], and there was objection.

Mr. COCHRAN. I would like to read one paragraph from the decision of the Court of Claims.

Mr. DISNEY. Oh, no; not one paragraph. Read it all.

The SPEAKER. Both gentlemen are out of order.

Mr. COCHRAN. Mr. Speaker, I object to the bill.

LAWS COVERING STEAM VESSELS AND VESSELS WITH INTERNAL-COMBUSTION ENGINES

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12419) to apply laws governing steam vessels to seagoing vessels of 300 gross tons and over propelled by internal-combustion engines, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 1, strike out "sea food" and insert "fishery or kelp or sponge."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EVELYN HARRIETT B. JOHNSTONE

Mrs. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9153) for the relief of Evelyn Harriett B. Johnstone, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$1,000" and insert "$500."

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

BRIDGES ACROSS TENNESSEE, TOMBIGBEE, WARRIOR, ALABAMA, AND COOSA RIVERS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4622) to amend section 2 of the act entitled "An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama", approved May 26, 1928.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. SNELL. Reserving the right to object just to ask a question: Is that a general bill for all kinds of bridges, or just one bridge?

Mr. HOBBS. The State of Alabama built 15 toll bridges, and because of the depression the volume of tolls has not been large enough to keep up the payments, and they desire to extend the time for which they can charge tolls. That is all.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers within the State of Alabama", approved May 26, 1928, is amended by striking out, wherever they appear therein, the words "eighteen years" and inserting in lieu thereof the words "twenty-eight years."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL-AID ROADS IN PUERTO RICO

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1392) to extend the provisions of certain laws to the island of Puerto Rico, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 4, strike out "island" and insert "Territory."

Line 11, strike out "island" and insert "Territory."

Line 13, after "funds", insert: : *Provided*, That the system of roads on which Federal-aid apportionments to the Territory of Puerto Rico shall be expended may be determined and agreed upon by the highway departments of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLCOTT. I ask the gentlewoman from New York whether Puerto Rico is a Territory?

Mrs. O'DAY. Puerto Rico is an insular possession; not a Territory.

Mr. WOLCOTT. It has not the same status as Alaska and Hawaii.

The SPEAKER. The question is on the Senate amendment.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ADMISSIBILITY IN EVIDENCE OF CERTAIN WRITINGS AND RECORDS

Mr. DUFFY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11690) relating to the admissibility in evidence of certain writings and records made in the regular course of business, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the reading of the Senate amendments be dispensed with, as they are quite lengthy, but that they be printed at this point in the RECORD.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I would like to have the last amendment read.

The SPEAKER. The Clerk will report the last amendment.

The Clerk read as follows:

Page 2, after line 6, insert "This act shall be prospective only, and not retroactive."

Mr. MICHENER. Mr. Speaker, further reserving the right to object, I want to call attention to the fact that this amendment was put in by the Senate. It is a companion piece to the section in legislation recently reported by a committee from the House which stated that the House reserved the right in the future to amend the law. I think it is perfectly ridiculous.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments are as follows:

Page 1, line 3, after "That", insert "in any court of the United States and in any court established by act of Congress."

Page 1, line 6, strike out "in evidence in proof" and insert "as evidence."

Page 2, after line 6, insert:

"SEC. 2. Any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States (hereinafter referred to as a foreign document) shall, when duly certified as hereinafter provided, be admissible in evidence in any criminal action or proceeding in any court of the United States if the court shall find, from all the testimony taken with respect to such foreign document pursuant to a commission executed under the provisions of this act, that such document (or the original thereof in case such document is a copy) satisfies the requirements of section 1 of this act, unless in the event that the genuineness of such document is denied, any party to such criminal action or proceeding making such denial shall establish to the satisfaction of the court that such document is not genuine. Nothing contained herein shall be deemed to require authentication under the provisions of this act of any foreign documents which may otherwise be properly authenticated by law."

Page 2, after line 6, insert:

"SEC. 3. (a) The testimony of any witness in a foreign country may be taken either on oral or written interrogatories, or on interrogatories partly oral and partly written, pursuant to a commission issued, as hereinafter provided, for the purpose of determining whether any foreign documents sought to be used in any criminal action or proceeding in any court of the United States are genuine, and whether the requirements of section 1 of this act are satisfied with respect to any such document (or the original thereof in case such document is a copy). Application for the issuance of a commission for such purpose may be made to the court in which such action or proceeding is pending by the United States or any other party thereto, after 5 days' notice in writing by the applicant party, or his attorney, to the opposite party, or his attorney of record, which notice shall state the names and addresses of witnesses whose testimony is to be taken and the time when it is desired to take such testimony. In granting such application the court shall issue a commission for the purpose of taking the testimony sought by the applicant, addressed to any consular officer of the United States conveniently located for the purpose. In cases of testimony taken on oral or partly oral interrogatories the court shall make provisions in the commission for the selection as hereinafter provided of foreign counsel to represent each party (except the United States) to the criminal action or proceeding in which the foreign documents in question are to be used, unless such party has, prior to the issuance of the commission, notified the court that he does not desire the selection of foreign counsel to represent him at the time of taking of such testimony. In cases of testimony taken on written interrogatories, such provision shall be made only upon the request of any such party prior to the issuance of such commission. Selection of foreign counsel shall be made by the party whom such foreign counsel is to represent within 10 days prior to the taking of testimony or by the court from which the commission issued, upon the request of such party made within such time.

"(b) Any consular officer to whom a commission is addressed to take testimony, who is interested in the outcome of the criminal action or proceeding in which the foreign documents in question are to be used or has participated in the prosecution of such action or proceeding, whether by investigations, preparation of evidence, or otherwise, may be disqualified on his own motion or on that of the United States or any other party to such criminal action or proceeding made to the court from which the commission issued at any time prior to the execution thereof. If, after notice and hearing, the court grants the motion, it shall instruct the consular officer thus disqualified to send the commission to any other consular officer of the United States named by the court, and such other officer shall execute the commission according to its terms and shall for all purposes be deemed the officer to whom the commission is addressed.

"(c) The provisions of this act applicable to consular officers shall be applicable to diplomatic officers pursuant to such regulations as may be prescribed by the President."

Page 2, after line 6, insert:

"SEC. 4. The consular officer to whom any commission authorized under this act is addressed shall take testimony in accordance with its terms. Every person whose testimony is taken shall be cautioned and sworn to testify the whole truth and carefully examined. His testimony shall be reduced to writing or typewriting by the consular officer taking the testimony, or by some person under his personal supervision, or by the witness himself, in the presence of the consular officer and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the witness. Every foreign document, with respect to which testimony is taken, shall be annexed to such testimony and subscribed by each witness who appears for the purpose of establishing the genuineness of such document. When counsel for all the parties attend the examination of any witness whose testimony is to be taken on written interrogatories, they may consent that oral interrogatories in addition to those accompanying the commission may be put to the witness. The consular officer taking any testimony shall require an interpreter to be present when his services are needed or are requested by any party or his attorney."

Page 2, after line 6, insert:

"SEC. 5. If the consular officer executing any commission authorized under this act shall be satisfied, upon all the testimony taken, that a foreign document is genuine, he shall certify such document to be genuine under the seal of his office. Such certification shall include a statement that he is not subject to disqualification under the provisions of section 3 (b) of this act. He shall thereupon transmit by mail such foreign documents, together with the record of all testimony taken and the commission which has been executed, to the clerk of the court from which such commission issued, in the manner in which his official dispatches are transmitted to the Government. The clerk receiving any executed commission shall open it and shall make any foreign documents and record of testimony, transmitted with such commission, available for inspection by the parties to the criminal action or proceeding in which such documents are to be used, and said parties shall be furnished copies of such documents free of charge."

Page 2, after line 6, insert:

"SEC. 6. A copy of any foreign document of record or on file in a public office of a foreign country, or political subdivision thereof, certified by the lawful custodian of such document, shall be admissible in evidence in any court of the United States when authenticated by a certificate of a consular officer of the United States resident in such foreign country, under the seal of his office, certifying that the copy of such foreign document has been certified by the lawful custodian thereof. Nothing contained in this section shall be deemed to alter, amend, or repeal section 907 of the Revised Statutes, as amended (U. S. C., title 28, sec. 689)."

Page 2, after line 6, insert:

"SEC. 7. (a) The consular fees prescribed under section 1745 of the Revised Statutes, as amended (U. S. C., title 22, sec. 127), for official services in connection with the taking of testimony under this act, and the fees of any witness whose testimony is taken shall be paid by the party who applied for the commission pursuant to which such testimony was taken. Every witness under this act shall be entitled to receive, for each day's attendance, fees prescribed under section 8 of this act. Every foreign counsel selected pursuant to a commission issued on application of the United States, and every interpreter whose services are required by a consular officer under the provisions of this act, shall be paid by the United States, such compensation, together with such personal and incidental expense upon verified statements filed with the consular officer, as he may allow. Compensation and expenses of foreign counsel selected pursuant to a commission issued on application of any party other than the United States shall be paid by the party whom such counsel represents and shall be allowed in the same manner.

"(b) Whenever any party makes affidavit, prior to the issuance of a commission for the purpose of taking testimony, that he is not possessed of sufficient means and is actually unable to pay any fees and costs incurred under this section, such fees and costs shall, upon order of the court, be paid in the same manner as fees and costs are paid which are chargeable to the United States.

"(c) Any appropriation available for the payment of fees and costs in the case of witnesses subpenaed in behalf of the United States in criminal cases shall be available for any fees or costs which the United States is required to pay under this section."

Page 2, after line 6, insert:

"SEC. 8. The President is authorized to prescribe regulations governing the manner of executing and returning commissions by consular officers under the provisions of this act and schedules of fees allowable to witnesses, foreign counsel, and interpreters under section 7 of this act."

Page 2, after line 6, insert:

"SEC. 9. This act shall be prospective only and not retroactive."

The SPEAKER. The question is on the Senate amendments.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

Mr. DUFFY of New York. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement explaining the amendments.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUFFY of New York. Mr. Speaker, when H. R. 11690 passed the House, it contained only section 1 which enlarges the exception to the hearsay rule relating to the admissibility of business records. That section removes the obsolete common-law requirement that business entries be identified by the persons who made them. The Senate has merely made several clarifying changes in the language of section 1.

Sections 2 to 8, inclusive, are amendments made by the Senate which deal with the admissibility of public and business records located outside the United States. I wish to state briefly an explanation of these provisions. The Government has been confronted with unnecessary, yet serious, difficulties in proving ordinary business transactions in criminal cases, when documents necessary for such proof are located outside the United States. Under existing law the Government is obliged first to obtain the documents from abroad, and then pursuade witnesses to come to the United States from foreign countries to testify at the trial, in order that such documents may be admitted into evidence. Obviously, in many cases the cost of bringing witnesses to this country may be prohibitive; then, too, the Government must rely on the willingness of foreign witnesses to come to this country. The result has been that the difficulty of securing documentary evidence for use in criminal cases has had a serious effect in enforcing our criminal laws, especially those involving frauds upon the revenue.

A method is prescribed under the bill whereby foreign business records may be admitted into evidence in criminal proceedings upon certification by American consular officers. Provision is made to safeguard the rights of a defendant in a criminal action in every way. He is to be represented by counsel before the consular officer, have a right to cross-examine witnesses, and may even challenge the certification of the consular officer before the trial judge, when the records are offered in evidence.

The bill also permits the admission of foreign public records when certified by consular officers. Existing law dealing with this subject is in a state of confusion and in the interest of clarity and simplicity of procedure, provision is made whereby foreign public records may be admitted into evidence, under a procedure analogous to that relating to the admissibility of domestic public records.

The amendments made by the Senate have received the careful consideration of the Department of Justice, the Treasury Department, and the State Department, and meet with their approval.

FEDERAL COMMUNICATIONS COMMISSION

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Speaker, I would have asked for more time, but I do not want to take much of the time of the House at this time, for I know how the Members feel this late in the day.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CONNERY. Mr. Speaker, I see my good friend, the Republican leader, smiling his good-natured smile at me, but this document which I now hand to the minority leader I think will take the smile off his face. This is a sample of the kind of obscene literature that is going over the radio systems of the United States. I cannot put this document in the RECORD, for it is not fit to go into the CONGRESSIONAL RECORD. I call the attention of my colleagues to the fact that for 16 weeks I have had a resolution pending before the Rules Committee for an investigation of the Federal Communications Commission. In view of the character of the matter I have just handed the minority leader and of the matter I hold in my hand and have on the desk, material that is not fit to go into the CONGRESSIONAL RECORD, this House will now be certain that an investigation is fully warranted. For 16 weeks I have been trying to get this investigation to protect little children in American homes from having to listen to filthy, obscene plays on the radio; and radio, please remember, comes under the jurisdiction of the Federal Communications Commission.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. SNELL. I think, perhaps, the gentleman from Massachusetts would do better to hand this matter to the majority leader, because he is the chairman of the Committee on Rules.

Mr. CONNERY. I will be glad to do so, and I will say for the majority leader that he has never seen this obscene material before.

One of the governmental agencies to which the Congress has delegated important powers and responsibilities is known as the Federal Communications Commission.

This body owes its existence to the Congress and, yet, I venture the prediction that there is no governmental agency which has so conducted itself as to indicate plainly the utter contempt which it seemingly has for the Congress.

Presumably, the Congress in the minds of the Federal Communications Commission exists principally as a vehicle necessary to appropriate the funds which make possible the clothing of this Commission with a legitimate standing and which permit the Commission to continue to function without someone asking questions which the Commission might find it hard to answer.

A year ago the attention of the Federal Communications Commission was directed to an obscene and indecent program broadcast into unsuspecting American homes by one of the larger networks.

This program was so indecent and so obscene that a prominent official of the network admitted that he had recommended that the program be canceled because of its indecency.

Sixteen Members of the House filed a written protest against the continuance of this type of program and asked the Commission for a public hearing.

The protest of these 16 Members of the House was virtually laughed at. No public hearing was held. No action was taken, so far as we have been able to learn, to penalize those who used this governmental grant—the license to broadcast—to broadcast into millions of unsuspecting American homes a program which was alleged to be indecent and obscene.

The Congress, in enacting the Communications Act of 1934, indicated plainly its desire to protect the American home from obscene, indecent, and profane utterances when, in section 326, it inserted the language I quote "no person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

Congress also applied a penalty which is found in section 501 of a $10,000 fine or imprisonment for not more than 2 years or both.

The Congress delegated to those comprising the Federal Communications Commission the protection of the American homes from obscene, profane, or indecent utterances by means of radio communication.

To indicate how indifferent those who control this governmental agency are and how derelict they have become in their responsibilities I direct the attention of the House to the fact that I hold in my hand copies of two radio broadcasts, copies of which have been in the possession of members of the Communications Commission for some weeks without action on their part, which broadcasts are

so obscene and so indecent that the insertion of them in the CONGRESSIONAL RECORD would violate the rules of the House and would violate the rules of common decency. Yet, these utterances have been broadcast over the radio and into the Lord alone knows how many unsuspecting American homes.

Imagine, if you can, this governmental agency, to whom the Congress has delegated the responsibility of protecting the American homes from profane, indecent, and obscene utterances by radio communication, standing nonchantly by and virtually condoning, to say the least, the continuances of utterances so indecent, so profane, and so obscene that the insertion of these utterances in the CONGRESSIONAL RECORD would offend public decency.

If there be any Member of the House or of the Congress who doubts the accuracy of the statements which I have just made or who might believe that my judgment is too strong, I have copies here for their inspection.

The Rules Committee has had before it for the past 16 weeks a resolution which I presented, calling for a congressional investigation of the Communications Commission. No action has been taken. Perhaps it will be necessary for Members of the House to take such drastic action to prevent a recurrence of such happenings that the House will see fit to order such an investigation.

When the Congress enacted the Communications Act of 1934, creating this Commission, we assumed that we were creating a governmental agency the records of which would be open to the public, or at least to the Members of the Congress.

Yet the records of this Commission, or at least most of the vital records, are withheld from the public and from Members of the Congress as well.

The hearings held by the House Appropriations Committee disclose the fact that this Commission is aware of the fact that the issuance of securities on the part of broadcasting stations has become a racket. The chairman of the Commission stated that they were investigating the possibility of such a racket when he stated—I quote—

> Just how much they can issue before they get into the value of a license given them by the Government, for which they pay nothing, is a question.

Yet, this Commission is weekly approving the sale or lease of radio facilities which facilities are of little value without the broadcast license, for sums which represent many time the value of the equipment purchased or leased. The franchise to operate, which represents the real value and without which the equipment is almost valueless, cost them nothing; and yet this arrogant Commission, which has failed to protect the American homes from profane, indecent, and obscene utterances by means of radio communication, is the sole authority for the continuance or discontinuance of these radio stations.

We are now close to adjournment. It is my intention at the beginning of the next session to demand again a thorough investigation of the Federal Communications Commission in order that we may protect the American people from the Radio Trust and American homes from profanation by indecent radio pragrams.

INAUGURATION OF PRESIDENT-ELECT ON JANUARY 20, 1937

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 38, Seventy-fourth Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January next the following Members of the House of Representatives: Mr. O'CONNOR, Mr. DOUGHTON, and Mr. SNELL.

The SPEAKER. The Chair asks permission to have read by the Clerk a letter from the President of the United States addressed to the gentleman from Georgia [Mr. DEEN] for the information of the House.

There being no objection, the Clerk read the letter, as follows:

THE WHITE HOUSE,
Washington, June 8, 1936.

Hon. BRASWELL DRUE DEEN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN DEEN: I have approved H. R. 12120, a bill to provide for the further development of vocational education in the several States and Territories, because of my deep interest in providing our young people with adequate opportunities for vocational training. So many criticisms have been directed at the bill in its present state, however, that it seems to me advisable, before the act goes into effect on July 1, 1937, that a disinterested group review its provisions in relation to the experience of the Government under the existing program of Federal aid for vocational education, and the relation of such training to general education and to prevailing economic and social conditions.

Accordingly I shall take steps in the immediate future for an appointment of such a group, with instructions to make studies and recommendations which will be available to the Congress and the Executive at the beginning of the next session.

Sincerely,

FRANKLIN D. ROOSEVELT.

CALENDAR WEDNESDAY

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that business in order on tomorrow, Calendar Wednesday, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CURLEY, for 1 day, on account of important business.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair appoints as Speaker pro tempore to preside at the session of the House this evening the gentleman from Pennsylvania [Mr. BOLAND].

Mr. BLANTON. Mr. Speaker, it is understood, of course, that this evening only bills on the Private Calendar will be considered?

Mr. O'CONNOR. That has been stated as the understanding several times today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 476. An act relating to promotions of civil-service employees; to the Committee on the Civil Service.

S. 2293. An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States; to the Committee on the Civil Service.

S. 4197. An act relating to the admissibility in evidence of certain writings and records made in the regular course of business; to the Committee on the Judiciary.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 11072. An act authorizing the appointment of an additional district judge for the eastern district of Pennsylvania.

RECESS

Mr. O'CONNOR. Mr. Speaker, I move that the House now stand in recess until 7:30 o'clock p. m. this evening.

The motion was agreed to; accordingly the House (at 5 o'clock and 14 minutes p. m.) stood in recess until 7:30 o'clock p. m.

EVENING SESSION

The recess having expired, the House was called to order at 7:30 o'clock p. m. by the Speaker pro tempore, Mr. BOLAND.

THE PRIVATE CALENDAR

The Clerk called the first omnibus bill on the Private Calendar, H. R. 11215, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 653. For the relief of George R. Brown.) By Mr. LUDLOW

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George R. Brown, a former second lieutenant in the National Guard in the service of the United States, the sum of $959.56 in full settlement of all claims against the Government of the United States for pay and for commutation of quarters, heat, and light from the date of his alleged discharge and last receipt of pay, August 9, 1917, to the alleged date of the receipt of notification of his discharge on January 7, 1918, and as gratuity on his discharge of 1 month's additional pay: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 9, strike out "$959.56" and insert "$698.90."

Page 2, line 2, strike out "and for commutation of quarters, heat, and light."

Page 2, line 6, after "1918", strike out "and as gratuity on his discharge of 1 month's additional pay."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, strike out "title I."

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of $698.90 to the claimant, George R. Brown, who was formerly a second lieutenant in the National Guard, and at the time he was serving he received a notice of discharge from the commanding officer which was effective as of August 9, 1917. He then retired to private life, opened up a real-estate office, and later received notice that he was still considered in the National Guard until such time as the President himself would issue a notice of the expiration of his commission. This notice of the expiration of his commission did not reach him until January 7, 1918, and as a result he contends he was in the service of the National Guard from August 9, 1917, until January 7, 1918, and this bill would provide payment for his services during this period of time.

As a matter of fact, during the period referred to he did not render any actual service as a National Guard officer; on the contrary, he remained in private life, although he did not continue the operation of his real-estate business. After he had received this second notice he was still considered a member of the National Guard.

The War Department is opposed to the passage of the bill, claiming that he was not actually in service during this period and therefore is not entitled to receive the pay that this bill would grant him.

I therefore recommend that my motion to strike out the title be adopted.

Mr. LUDLOW. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, every committee that has investigated this claim has decided it is a just claim and one that ought to be paid.

The beneficiary of the bill was a second lieutenant in the National Guard of the State of Indiana. On August 8, 1917, he received notice of his discharge. Subsequently, the Judge Advocate General of the Army decided that by virtue of the act of May 18, 1917, all officers who were discharged by department or divisional commanders subsequent to August 4, 1917, were still in the Federal service. The department adjutant, in consequence of this ruling, requested the adjutant general of Indiana to notify Mr. Brown, the beneficiary of this bill, and other officers of their status and have them furnish their post-office addresses; and from that time on, after having received this notice from the Federal Government, he held himself in the status of being ready to be called into the service at any time.

If a mistake was made it certainly was not his mistake. The mistake was the mistake of the Federal Government.

This man in a letter to me describes his status as follows:

I supposed I was in the service, having been advised to that effect by the Judge Advocate General of the Army. I had done everything I could to place myself in the service, having reported to Army headquarters in Chicago my address and that I was awaiting orders, and I was wearing a brand new military outfit which I had purchased on the strength of the orders I had received. My office was abandoned, my business completely disorganized, and I was humiliated in a way that words cannot express by the Government's mistake. None of this was my fault. If, technically, I had been legally discharged and had disregarded the orders I received from the Judge Advocate General, I would have been subject to court-martial, severe military punishment, and disgrace forever. I had no choice but to obey what I considered and what were authoritative Government orders.

Here was a man who was notified by Federal authorities that he was still in the service and he abandoned his business and could not discharge any business because he had to be ready to respond to call at any moment. He held himself ready and subject to orders until he was finally discharged. He contends he is entitled to this pay and I think this is a very just and equitable claim. Certainly, he ought to be paid when he was acting under orders from the Judge Advocate General. This is all there is to the case and I hope the House will pass the bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 21, noes 24.

So the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read the next title.

JAMES A. HENDERSON

The Clerk read as follows:

Title II—(H. R. 820. For the relief of James A. Henderson.) By Mr. TARVER

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $5,000 to James A. Henderson in full settlement of all claims against the Government on account of injuries sustained by the said James A. Henderson on June 10, 1931, while riding in a truck on a Government road in Cherokee National Forest because of negligent construction and maintenance of said road.

With the following committee amendment:

Page 2, line 5, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment to strike out title II.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Strike out all of title II.

Mr. HANCOCK of New York. Mr. Speaker, the claimant in this case states that he was injured through the negligent construction and operation of a road of the United States Government through a national forest. He and some friends had been fishing and they were returning in

a truck driven by a man named Wall, who certifies that he had driven over the road innumerable times and was familiar with it both before and after the accident. To quote briefly from the report of the Department of Agriculture:

The driver of the truck, J. P. Wall, in his affidavit of February 16, 1934, states that he "traveled said road practically every week during the year the accident occurred and while said road was being changed." By his own experience he had found the road practicable during extensive use and was thoroughly familiar with it; and, excepting the alleged unsafe outer margin, there is nothing in the conditions set out which would have prevented his safe use of the road, and it is evident that they did not prevent such safe use on his part over a substantial period of time.

There is a wide conflict of testimony between the witnesses of the Government and the witnesses of the claimant, but if gentlemen will take the trouble to read the report they will find that the truck driver was thoroughly familiar with the road, that it was passage not only for this particular truck on this particular occasion but by all trucks and heavy traffic which used it both before and after the accident. The road is said by some of the witnesses to have been 9 or 10 feet wide and by others 16 or 18 feet wide. There is no evidence of any fault or negligence on the part of the Government for which the Government should be liable in damages. The case rests solely on the claim that the road was too narrow.

It is perfectly obvious from the report that the driver of the truck either had no brakes or was careless and simply drove off the road. We have no right, as I view it, to make awards of claims against the Government simply because the Government is not defended.

The utmost that we should do in cases of this kind, where there is sharp conflict in the testimony, is to confer jurisdiction on the proper district court, to hear the evidence, examine the witnesses, and reach a just conclusion. I am not prejudiced in this matter, of course, and neither is anyone else, but I am convinced there is very sharp conflict in the testimony here, and the preponderance of evidence shows that if there is any negligence on anyone's part it is on the part of the driver of the car.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK of New York. Yes.

Mr. KENNEDY of Maryland. One matter the committee considered was that immediately after the accident the Government made repairs to this particular road.

Mr. HANCOCK of New York. I understand that the road was being repaired at the time and that it was subsequently improved.

Mr. KENNEDY of Maryland. It is my understanding that it was subsequently that the Government made the improvements to the road, immediately after the accident.

Mr. HANCOCK of New York. My understanding is that it was in process of improvement at the time of the accident.

Mr. KENNEDY of Maryland. That is not my understanding.

Mr. HANCOCK of New York. There is a sharp conflict of testimony as to how wide the road was.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK of New York. Yes.

Mr. COSTELLO. It seems that this road was laid out in 1930. Some time prior to the accident repairs on the road were made. The specifications call for a roadbed of at least 14 feet at this particular curve, and apparently the road was at least 14 feet wide or wider at the curve. If the repairs were made according to the specifications, and there is every reason to suppose they had been, that was done just prior to the accident.

Mr. HANCOCK of New York. I call attention to the testimony of J. D. Collins, a truck driver familiar with the road, who testified by affidavit—

That he drove a truck hauling stone on said road prior to and after the date of said accident; that at the time of the accident the road on each end of the curve was wide enough for the Defiance 3-ton trucks to pass; that he drove such a truck; that he had often passed a similar truck at either end of the curve; that the curve itself was at least 14 feet wide, and perhaps more.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. TARVER. Mr. Speaker, I rise in opposition to the amendment. I have never submitted a case to the House of Representatives where the evidence of negligence was more complete, according to the witnesses of claimant, than in the instant case.

I regret very much that the statement of the gentleman from New York [Mr. HANCOCK] seems to carry with it evidence of the fact that he has not had time to read the evidence which was submitted by claimant since this bill was heard before the Claims Committee, when he appeared and urged the same objections that he is urging now and I was able to point out to the committee conclusively from the evidence submitted by the claimant in the case that the contentions of the gentleman from New York were without foundation.

Of course, there is some conflict in the evidence. That is occasioned by the fact that when this claim was introduced the matter was referred to the Forest Service for investigation. Investigation by whom? By its own officials; those who had been charged with negligence in the construction of this road and in the opening of the road to the public in a defective and dangerous condition.

The evidence of claimant's witnesses, some of whom are among the best citizens of their section of Georgia, a merchant, a filling station operator, and others, is to the effect that this road had been newly worked and freshly graded—graded on a steep mountain side to the outward side of the curve instead of inward toward the bank, and that it was only about 8 feet wide; that on the outward side of the road next to a steep declivity 40 or 50 feet deep, the road had no chert but was made of loose shale and sand, and that when the driver of this man undertook to drive his car over it, the loose shale and sand gave way and these parties were precipitated over this declivity and this man sustained a broken back.

He is a helpless cripple and will be for the remainder of his life, bedfast for the remainder of his life. These facts are shown by the evidence which those who know the witnesses would not hesitate to believe. To say that the version of the witnesses who were found by those who were charged with negligence in this case ought to be accepted in preference to the larger number of witnesses of greater credibility who have testified for the claimant in the case is, to my mind, a position which is absolutely untenable. I cannot understand why it is continually advanced by the gentleman from New York, who first objected to the passage of the bill when it was called on the Private Calendar and then pursued his objection by appearing before the committee on the omnibus-bill hearing and presenting the same argument that he has presented here, and why, after the committee turned him down, he persists in attempting to prevent this helpless cripple, a man who was only 34 years of age when he sustained this terrible injury, from securing some small measure of compensation from the Government for the gross negligence of its officials.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. TARVER. No. I only have 5 minutes. I did not interrupt the gentleman.

Now, suppose the driver of the car was negligent. I insist that the evidence in the case does not disclose negligence on the part of the driver of the car, but it is a well-known rule of law, which prevails in most jurisdictions, familiar to every lawyer in this assembly, that the negligence of the driver of a vehicle on an occasion where injury is sustained by a passenger is not to be imputed to the passenger. He is not to blame if the driver had some undisclosed knowledge concerning the character of this road, which, as I have said, was not shown conclusively. The burden of proof is against such a contention; but if it were shown that the driver of the car was guilty of contributory negligence, bringing about an injury to his passenger, the passenger himself was not responsible. I sincerely hope that this amendment will be voted down.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were ayes 16 and noes 40.

So the amendment was rejected.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon.

The SPEAKER pro tempore. The gentleman has that privilege under the general rule.

Mr. COCHRAN. I refer to the remarks I made this afternoon.

The SPEAKER pro tempore. There is general permission for all Members to extend their own remarks.

The Clerk will read.

SIXTH OMNIBUS CLAIMS BILL

The Clerk read as follows:

Title III—(H. R. 1435. For the relief of Sarah L. Smith.) By Mr. ANDREWS

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Sarah L. Smith as payment in full for personal injuries sustained in a fall in the United States post office at Niagara Falls, N. Y., on July 18, 1933:

With the following committee amendments:

Page 3, line 22, strike out "$3,000" and insert in lieu thereof, "$2,000."

Page 3, line 23, strike out "as payment in full" and insert "in full settlement of all claims against the United States."

Page 4, line 1, after the figures, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 3, strike out title III.

Mr. COSTELLO. Mr. Speaker, the main purpose of taking this time to explain these objections is simply to give those on both sides of the aisle who are officially appointed as objectors an opportunity to explain to the Members their reasons for objecting to these bills. When a bill is first called on the Private Calendar it either passes immediately or must be objected to. When we consider the omnibus bills we are given a brief opportunity to explain our objections. In doing so we have no personal interest in the bills, but are simply trying to set forth the facts out of which these claims arise and give the Members an opportunity to decide for themselves whether they approve of the legislation and desire to pass it or defeat it. So far as our personal interest is concerned, we do not have any.

Regarding the claim in this particular bill, the claimant was injured while entering a temporary post-office building at Niagara Falls, N. Y. The lobby of the building was dark. The only windows were front windows and were covered with ivy. As a result there was not much light in this lobby. The claimant as she came into the building was reading a notice on the far side of the wall and in doing so did not observe the three or four steps that led down into the post office, and as a result she fell and was injured. This bill would pay her $2,000 for the injuries she sustained.

It seems to me that there is no negligence on the part of the Government. The fact she was apparently reading a notice on the wall is negligence on the part of the claimant, and for this reason I do not think she is entitled to recover. It is true the light in the lobby was of such nature as not to make the stairs particularly clear and distinct, but many people were going in and out of the building constantly, and no other cases of accident were brought to our attention. It is apparently simply a case of negligence on the part of the claimant.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. KENNEDY of Maryland. Is it not a fact that after this accident the light was immediately replaced?

Mr. COSTELLO. The gentleman means they put a new light in the building?

Mr. KENNEDY of Maryland. Yes; they put a light where this defect existed, to prevent a recurrence of similar accidents.

Furthermore, this woman was permanently injured. I have no particular interest in the bill.

Mr. COSTELLO. It is true the woman was permanently injured; and I believe the gentleman from Maryland is correct in his statement that a new light was put in the building; and they should have done so. One accident having taken place, it would have been negligence on the part of the Government had they not done so.

Mr. KENNEDY of Maryland. Is it not further true that the condition there was such that other accidents might be caused, that the place was very dark and people could not see?

Mr. COSTELLO. I admit the place was dark and that there was a possibility that an accident could take place.

Mr. KENNEDY of Maryland. The committee felt it was the duty of the Government to keep the building properly lighted.

Mr. COSTELLO. Is it not also a fact that the claimant was reading a notice on the opposite wall as she was entering the building?

Mr. KENNEDY of Maryland. That is quite true, and she was doing it for the purpose of trying to direct herself to the place she wanted to go, just like anybody in going into a post office would look around to find where the stamp window was, or the money-order window. Because of the dark condition of the lobby she fell and was permanently injured.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from California.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 26, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 2115. For the relief of First Lt. R. G. Cuno.) By Mr. BLAND

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to First Lt. R. G. Cuno, retired, formerly second lieutenant, Air Corps, Langley Field, Va., out of any money in the Treasury not otherwise appropriated, the sum of $1,419.35, such sum to be in full settlement of all claims against the United States on account of damage to and destruction of personal property of the said Lt. R. G. Cuno stored by the quartermaster in the quartermaster warehouse at Langley Field, Va., the said damage to and destruction of said property having resulted from the flooding of said warehouse during the storm of August 23, 1933, without fault or negligence on the part of the said Lt. R. G. Cuno and while he was a patient, sick in line of duty, at Walter Reed Hospital and unable to protect his interest in said property.

With the following committee amendments:

Page 4, line 20, strike out "$1,419.35" and insert "$851.61".

Page 5, line 6, after the word "property", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment to strike out all of title IV.

The Clerk read as follows:

Amendment by Mr. HANCOCK of New York: Page 4, strike out all of title IV.

Mr. HANCOCK of New York. Mr. Speaker, the substance of this claim is contained in one paragraph of the report of the War Department, which reads as follows:

The records of the War Department show that Second Lt. Roy G. Cuno, Air Corps, Langley Field, Va., was ordered to proceed to Washington, D. C., and report to the commanding general, Walter Reed General Hospital, for observation and treatment in January 1933; that while still in Walter Reed Hospital on May 5, 1933, his personal property was by order of the commanding officer removed from his quarters at Langley Field and placed in storage at the quartermaster warehouse, his quarters having been required for assignment to another officer; that on August 23, 1933, a storm of unusual severity occurred, flooding practically the entire post; that the claimant's property was partly submerged for a period of several hours, damaging same irreparably; and that the loss is not covered by insurance.

Mr. Speaker, the question involved in this bill is whether or not the United States Government is an insurer of all the personal property belonging to the officers of the United States Army. Obviously there was no fault or neglect on the part of any officer of the United States Government. A flood occurred which could not have been foreseen or prevented. It was what is known in law as an act of God.

If this man is entitled to reimbursement, every officer of the Army or Navy who loses his property through fire, flood, hurricane, or any other disaster is entitled to reimbursement. There was no misconduct or claim of misconduct on the part of any agent of the Federal Government which contributed to the losses of Lieutenant Cuno.

In connection with this claim I think the Members might be interested in looking at the bill of particulars as filed by this young officer. For instance, he lost two sets of draperies which he says cost $70. He asks for reimbursement to the extent of $70, although he had them for 3½ years. He lists some blankets for which he paid $30 and claims damages of $30. He had them 3½ years. He had two pairs of trousers, costing $10, 3 years ago. He says they are worth $6 today. He owned a lot of books.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. HANCOCK of New York. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. The committee took those items into consideration and cut the amount down to $851.61; also the items the gentleman has referred to were approved by a War Department inspector.

Mr. HANCOCK of New York. I do not think that should be binding on us. He lists some books here.

Mr. KENNEDY of Maryland. We did not think so either, and we cut the amount down.

Mr. HANCOCK of New York. He has a book called "Love Songs of the Portuguese", for which he paid $5 and states it is still worth $5. He had a book called "How to Fly" for which he paid $2. He wants $2. He had an album. I do not know what was in it. He paid $5 for it, and wants us to give him $5. He had another book called "Revolt in the Desert" for which he paid $2.50. He had a Bible, for which he paid $6, and he wants us to pay him $6.

Perhaps the committee by discounting his claim about 30 percent has corrected to some extent the exorbitance of this young man's demand. The question involved, however, is whether the United States Government is a guarantor or an insurer against the losses of all officers of the Army and Navy. If we are going to do that, let us extend the same principle to other agents of the Government, including Members of Congress.

[Here the gavel fell.]

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the facts in this case are that Lieutenant Cuno was stationed at Langley Field. He had his furniture and effects in his quarters there. By order of the War Department he was sent to the Walter Reed Hospital in Washington, D. C., in January 1933. They do not deny that he was in the hospital under orders of the War Department. He left his furniture and effects in the quarters that he had occupied at Langley Field. In May 1933, while he was still a patient at the Walter Reed Hospital, under orders of the War Department the commanding officer at Langley Field, because they needed the quarters, took the furniture and effects of Lieutenant Cuno out of these quarters and stored them in the warehouse.

In August 1933, while Lieutenant Cuno was still a patient at Walter Reed Hospital, there came this violent storm, which flooded the warehouse, damaging his furniture to the extent that is claimed in this bill. In other words, the Government, for its own convenience, moved the furniture from the place where Lieutenant Cuno had it to another place when he himself could not personally look after it, and therefore the Government assumed charge of it.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. KENNEDY of Maryland. Is it not true that he could not have insured the property if he had wanted to do so, because he did not have the opportunity?

Mr. BLAND. That is true.

General MacArthur, as Acting Secretary of War, reported that—

The records of the War Department show that Second Lt. Roy G. Cuno, Air Corps, Langley Field, Va., was ordered to proceed to Washington, D. C., and report to the commanding general, Walter Reed General Hospital—

And the facts which I have stated.

The Acting Secretary of War, General MacArthur, concludes his report with these words:

There is no authority of law under which settlement with the claimant can be made; however, in view of the unusual circumstances and the fact that the claimant's property was moved during his absence, presumably for the convenience of the Government, the War Department will interpose no objection to the enactment of the proposed legislation.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. BLAND. Yes.

Mr. PITTENGER. If this were a case where private individuals were involved, there would not be any question under the law about liability, would there?

Mr. BLAND. No; there would not.

Now, as to the damage, the matter went before a board of inquiry, and this board of the War Department heard all the evidence with respect to the damage. The board made the following recommendation:

Upon careful consideration of the findings above, the board recommends that—

1. In view of the length of time that the damaged goods had been in service and the depreciation thereof the claimant, Roy G. Cuno, second lieutenant, Air Corps, be awarded 60 percent of the total amount asked for in the claim, or $851.61.

In other words, the amount of this claim as it is reported by the committee, and as contained in this bill, is the recommendation of the board of inquiry that examined into all of these facts, and the then Acting Secretary of War has said that in view of the peculiar circumstances attending this claim, the War Department interposed no objection to the proposed legislation.

I therefore ask that the amendment be rejected.

The question was taken, and on a division, demanded by Mr. HANCOCK of New York, there were—ayes 31, noes 51.

So the amendment was rejected.

The Clerk read as follows:

Title V—(H. R. 2335. For the relief of Cora Akins.) By Mr. TARVER

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Cora Akins the sum of $5,000 in full settlement of all claims against the United States on account of injuries received in a collision with a Civilian Conservation Corps truck, near Dahlonega, Ga., on or about October 5, 1934.

With the following committee amendments:

Page 5, line 24, strike out "$5,000" and insert "$750."

Page 5, line 22, strike out "funds" and insert "money."

Page 6, line 2, insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid

or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 5, strike out Title V.

Mr. COSTELLO. Mr. Speaker, this bill also involves an automobile accident in which the claimant suffered injuries, and by the terms of the bill would recover $750 because of these injuries.

The accident occurred between a car in which the claimant was riding and a C. C. C. truck. At the time the cars were visible, one to the other, they were at a distance of approximately 130 feet; and as shown by the evidence in the report, the C. C. C. truck traveled 30 feet while the private car in which the claimant was riding traveled a distance of 100 feet.

Mr. TARVER. Mr. Speaker, will the gentleman yield at that point?

Mr. COSTELLO. I will be pleased to yield.

Mr. TARVER. Will the gentleman kindly point out the affidavit in the report of any person stating those facts? The gentleman is quoting from the report of the Secretary of War and I would like for him to point out the affidavit of any affiant who swore to those facts.

Mr. COSTELLO. The report I was reading from is the report of the Secretary of War, which is made from the records in the War Department following their investigation of the accident.

Mr. TARVER. But is the name of any witness mentioned who swore to those facts?

Mr. COSTELLO. Not in the War Department report; no.

Mr. TARVER. Whereas there are the names of several witnesses mentioned in the report of the committee who swore to contradictory facts.

Mr. COSTELLO. The report of the War Department was based upon their findings following the accident. The other evidence submitted here includes the affidavit of the driver of the car in which the claimant was riding, and other interested witnesses, also riding in the car. So that as far as the testimony is concerned on either side of this particular case, all of it, you might say, is biased, either for or against the claimant.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KENNEY. Does the gentleman say that what he now states is based on disinterested or interested witnesses?

Mr. COSTELLO. I state that the reports contained here, whether they come from the War Department or are affidavits of other persons, are biased either because of their interest on one side or the other of the particular case. The letter from the Secretary of War gives the viewpoint of the War Department as a result of their investigation of the accident. The other affidavits are those of the driver of the car or relatives of the claimant, so that if there is objection to the War Department report because it is claimed to be prejudiced, certainly the testimony submitted by those in the car or by those related to the claimant is equally prejudiced in her behalf.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. One moment. The Army board found that the C. C. C. truck at the point of the accident had pulled as far over to the right of the road as it possibly could, and that the accident was due to the negligence of the driver of the car in which the claimant was riding. I want the Members particularly to note the fact that the War Department also found that the brakes of the car in which the claimant was riding were defective. In other words, the car in which the claimant was riding had defective brakes, and was not able to stop in sufficient time to avoid the accident, and in view of the fact the testimony shows the C. C. C. truck was as far on its side of the road as it could be, there is, therefore, no negligence that can be attributed to the Government. For that reason I feel that the claimant here is not entitled to recover for the damages sustained.

Mr. KENNEY. Does the gentleman contend that the defective brakes, if they were defective, should be imputed to the claimant in this case?

Mr. COSTELLO. I do, because it is shown by the War Department that the claimant's car traveled a distance of 100 feet, while the Civilian truck traveled only about 30 feet.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. TARVER. Mr. Speaker, I rise in opposition to the amendment. The evidence shows that the driver of the truck was drunk and was driving on a steep mountain road at the rate of 40 to 45 miles an hour; that he could have seen this car in which claimant was driving for 130 feet, but made no effort to stop; that the road was only 15 feet wide at that point.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. TARVER. Not at this point—that the driver of the automobile in which the lady was riding had pulled his car out to the side of the road and stopped in a ditch. The question of defective brakes does not enter it at all, because the car had come to a complete standstill, when this drunken driver came down the mountain side at 40 to 45 miles an hour, struck the automobile and demolished it, and knocked the woman unconscious, sustaining injuries as a result of which she was under treatment continuously for many months, and is still under treatment of a physician at times.

The Secretary of War in his report mentions alleged contradictory facts. Who he got them from, God only knows. He does not mention in his report the name of a single witness who undertook to testify those were the facts, while, on the contrary, there does appear in the report the complete affidavits of several witnesses, some of whom at least I know are reliable, who testified to the facts as I have detailed them to you. The gentleman says that these witnesses are biased. He made the same statement before the Claims Committee, and I challenged him then, and I challenge him now, to point out one single fact appearing in this record upon which the statement can be made that there was bias. He says they were biased. And why? Presumably because they were riding with this lady. Two of them were in no way related to her. One of them was the driver of the automobile and perhaps there is some interest there. Another young man, named Lansford, had no interest in the matter, and, so far as the accusation being founded on facts is concerned, there is not a scintilla of evidence in the files to justify any such insinuation. I yield to the gentleman from California.

Mr. COSTELLO. I ask the gentleman on what testimony he bases his statement that the C. C. C. truck driver was driving 40 to 45 miles an hour, when the War Department says it was going 10 to 16 miles an hour.

Mr. TARVER. The trouble with the gentleman is that he cannot see anything except what appears in the War Department's report. The War Department report is not based on the evidence of one single named witness. I have named to you in this record the names of witnesses who testified that he was driving 40 to 45 miles an hour and that he was drunk. Furthermore——

Mr. COSTELLO. The gentleman has not answered my question. The driver of the car testified——

Mr. TARVER. I do not yield to the gentleman. His present attitude is simply a continuation of the unfairness he has manifested in this case heretofore.

Mr. CLARK of Idaho. Will the gentleman yield?

Mr. TARVER. No.

Mr. CLARK of Idaho. I did not doubt it.

Mr. TARVER. The gentleman is likely to doubt anything that does not meet with his approval, but in this case there

is no justification for his doubt. He is a "doubting Thomas" as are his conferees in matters of this sort.

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. ROMJUE. The gentleman says, of course, that the car was standing, not moving, and therefore the question of defective brakes would not enter.

Mr. TARVER. The question of defective brakes would not enter into the question, of course.

Mr. ROMJUE. And, furthermore, the injured person was not in charge of the car?

Mr. TARVER. Oh, just a lady going in this man's car to visit her son at a C. C. C. camp; that is all. The claim is only approved for $750, when she asked for $5,000.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

Mr. HOFFMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 5, line 24, after the word "of", strike out "$750" and insert "$200."

Mr. HOFFMAN. Mr. Speaker, this is all new to me. With less than a quorum present you pass all these bills or vote down all these amendments, whichever it may be, apparently without any regard to the facts except the statement of the gentleman who is interested in the bill. On one of the previous titles the gentleman made the statement that a passenger in a car, who was not a passenger for hire, was not responsible for the negligence of the driver. That is not the rule in the Federal courts. It is not the rule in a majority of the States in the Union.

Now, with reference to this bill: We are presumed to sit here as a fact-finding, law-determining body combined, as it appears to me. We have a committee composed of members from both sides of the House. They have taken the time and trouble to look into these matters. I wonder if the gentleman from California would answer a question for me?

Mr. COSTELLO. I would be glad to.

Mr. HOFFMAN. Do you look into these matters at all?

Mr. COSTELLO. I might inform the gentleman that we do spend considerable time reading the committee reports and occasionally checking with various departments of the Government when there is no report from a department, and we feel there should be a report.

Mr. HOFFMAN. And you think that information is of some value to us?

Mr. COSTELLO. Occasionally it is of very great importance and assists us very materially in determining our objection to or approval of a bill.

Mr. HOFFMAN. Do you know of any reason why we should not follow your judgment if we do not have any information ourselves?

Mr. COSTELLO. I might say that our attempt is not a case of trying to get Members to follow us because we are for or against, but to try to follow the facts as we set them out to them, and we try to give them an unbiased statement of the facts.

Mr. HOFFMAN. And outline the facts as they are?

Mr. COSTELLO. As they are reported to us and as we find them. In this particular case the driver of the car alleges that the ambulance was going 40 to 50 miles an hour. He alleges that he came along the road and saw the ambulance coming, and when he realized it was an ambulance he pulled to the side of the road, and he alleges that he stopped his car. Now, we are not to take the War Department's testimony, but we are to take his testimony. The War Department states that he was driving at a speed that is variously estimated at anywhere from 10 to 30 miles an hour. They leave that ambiguity there. They admit they do not know his speed.

Mr. HOFFMAN. Was he drunk, as stated by the gentleman?

Mr. COSTELLO. I do not know the facts, whether the driver of the C. C. C. truck was drunk or not. The only evidence is the statement of the driver of the other car. For that reason I have made no reply whatsoever to that statement. The other testimony here is all of passengers in the car who were riding with the claimant, Cora Akins.

Mr. HOFFMAN. That is all I want. I simply wanted to know some of the facts.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. TARVER. If the gentleman will look at the evidence he will find that the statement made by the gentleman from California that only one witness testified the driver was drunk is not true. The evidence of other witnesses printed in this record, which the gentleman can get in a moment by sending a page for it, shows that other witnesses testified to that fact.

Mr. HOFFMAN. Why should not all these matters be referred to some court where the actual facts can be determined?

Mr. TARVER. If the gentleman will introduce legislation to that effect, perhaps it will have proper consideration.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. No.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. KENNEY. Mr. Speaker, I rise in opposition to the amendment.

The gentleman from Michigan [Mr. HOFFMAN] just put certain questions to one of the members of the committee of objectors in the House. As far as I am able to ascertain, this is an unofficial committee.

The gentleman from Michigan who just preceded me overlooked the fact, I believe, that this claim has been reported by the Committee on Claims. We have a Committee on Claims in this House that hears all these various claims; and there is no more conscientious man in this House than the chairman of this committee, an able, discerning, learned legislator, the gentleman from Maryland [Mr. AMBROSE KENNEDY].

This particular item in the omnibus bill comes here reported favorably by the Committee on Claims; so if the previous speaker sought information he should have addressed himself to the Committee on Claims primarily rather than to the committee of objectors. The Committee on Claims, in my experience, does not pass favorably on every claim that comes before it. Its members consider all claims very carefully. These claims are assigned to various members of the committee for report, and the committee finally passes upon them and reports them for the consideration of the House. I am one of those who have great confidence in the judgment of the Committee on Claims and in the chairman of the committee; and I ask the Members of the House, Mr. Speaker, not to be influenced solely by the committee who object to the bills as they come up here, but to consider the judgment of the Committee on Claims, which has reported this bill favorably with the recommendation that it do pass. I am going to vote in favor of this bill and against the amendment.

The SPEAKER pro tempore (Mr. O'CONNOR). The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

Title VI—(H. R. 2430. For the relief of Henry H. Carr; Robert E. Wise, Stanley Wise Ellis, and Peyton L. Ellis; and Hilory Wise and Flora A. Wise.) By Mr. Carden

That Henry H. Carr, owner of a certain farm consisting of 304 acres of land, more or less, near Camp Knox in Hardin County, Ky.; and Robert E. Wise, Stanley Wise Ellis, and Peyton L. Ellis, owners of a certain farm consisting of 200 acres of land, more or less, near Camp Knox in Hardin County, Ky.; and Hilory Wise and Flora A. Wise, owners of a certain farm consisting of 240 acres of land, more or less (in two separate fees of 120 acres each, more or less), near Camp Knox in Hardin County, Ky., are, as such owner or owners, hereby authorized to bring such suit or suits as they may respectively desire to so do against the United States of

America, to recover damages, if any, for loss or losses, which they may have sustained or suffered, as such respective owners, by reason of establishment, construction, or maintenance of Camp Knox in the State of Kentucky. Jurisdiction is hereby conferred upon the Court of Claims of the United States or the District Court of the United States for the Western District of Kentucky to hear, consider, determine, and render judgments for the respective amounts of such damages, if any, as may be found to have been sustained or suffered by the said owners of said farms, with the same right of appeal as in other cases, and notwithstanding any lapse of time or statute of limitation: *Provided*, That such action will be brought within 1 year from the date that this act shall become effective.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 7, line 11, strike out "Court of Claims of the United States or the."

The committee amendment was agreed to.

The Clerk read as follows:

Title VII—(H. R. 2435. For the relief of the Citizens State Bank of Marianna, Fla.) By Mr. CALDWELL

That all claims of the United States against the Citizens State Bank of Marianna, Fla., in the amount of $692.09, such sum representing five checks fraudulently negotiated by forged endorsements to such Citizens State Bank by an agent of the United States Seed Loan Department, and such checks having been cleared through the usual channels and charged back to the Treasurer of the United States by the General Accounting Office, shall be held and considered to have been satisfied as of the date of the enactment of this act.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 8, line 8, after the word "act", insert a colon and the following: "*Provided*, That the Comptroller General of the United States is authorized and directed to credit the account of the Treasurer of the United States with the sum of $692.09, representing the total amount of checks nos. 35862, 37109, 41815, 5829, and 28808."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title VII.

Mr. COSTELLO. Mr. Speaker, this bill provides for payment to the Citizens Bank of Marianna, Fla., the sum of $692.09. It appears from the records that one Sam Rountree, the county agent for Jackson County, Fla., for the Government, was the regular manager in the county for the United States seed-loan department. It appears that he handled all the department's business in the county, that he made the loans, received the checks, and turned them over to the beneficiaries.

It appears, however, that Rountree made applications for loans from the Government and used the names of beneficiaries; that he also made applications for loans for people who had not given him the authority to apply for loans. He then received the various checks on these loans, took them to the bank where he not only cashed them but deposited the proceeds to his own bank account in the bank.

The contention of the Government is that the fact Rountree cashed these checks and deposited them to his own account gave notice to the bank that there was something fraudulent about the transaction. For this reason I offer this motion to strike out the title. I believe the bank was put on notice when Rountree cashed the checks and deposited the money to the account of Rountree, that he was doing something he was not authorized to do, and that the bank should have realized he was using this money for his own personal benefit, and that these checks made out to different individuals were not paid to the individuals.

If we pass this bill the bank would be reimbursed this amount of money, and the Government would not only have paid the money to Rountree but would also have paid it a second time to the bank.

[Here the gavel fell.]

Mr. DALY. Mr. Speaker, regarding this particular bill, the gentleman from California overlooks the fact that Samuel Rountree was the fiduciary agent of the Government and that all applications for seed loans were filed by him. He had entire charge of the matter in the State whence he came. It occurred to us that an agent acting in a fiduciary capacity handling moneys of the United States should have been under bond to protect anybody who might have lost by reason of any speculations on his part. He was not under bond.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. DALY. No; I will not yield. As I say, this agent was not under bond. In addition, it was the habit and custom of this man to receive checks from the Government of the United States drawn in favor of the applicants for seed loans, to deposit them in his own account in the bank, and pay out to the borrower from his own account.

This has been the practice and the custom for some time. It was the practice pursued in this case. The bank had no notice at all that anything was fraudulent or wrong because he was pursuing the usual custom that he had pursued for years. The money went into Rountree's account and remained in Rountree's account for some time. After the checks were cleared, had the Government notified the bank within 1 month or within 3 months there was anything fraudulent with the checks or the endorsements thereon, the bank could have protected the Government, itself, and anyone else; but the Government allowed months to go by before it notified the bank there was anything the matter with the endorsements on these checks. By that time Mr. Rountree had withdrawn all of his money.

The Government prosecuted Rountree, and he was convicted, sentenced to pay a fine, and went to jail. The bank, though, pursued a course that had been followed for a number of years. There was no notice given to the bank of anything peculiar with this transaction. It was the ordinary transaction; and it seems to me, and it seemed to the committee as a whole, that Rountree was acting in a fiduciary capacity and that the Government was negligent when it did not put him under bond. If the Government had notified the bank in any reasonable time—and I confess that 3 months even would have been a reasonable time—the bank could have protected itself, the Government, and everybody else; but they allowed month after month to pass during which time Rountree had money in the bank. Through the careless handling of the matter in Washington here the bank was not notified until many months thereafter, and by this time Rountree had withdrawn his money. The bank acted in the utmost good faith. The bank transacted its business in the same way as it had been transacted for years. The committee therefore thought it would be a hardship to blame the bank in this matter.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title VIII—(H. R. 3179. For the relief of Jesse Ashby.) By Mr. SCHAEFER

That the claim of Jesse Ashby, growing out of losses suffered under contract dated April 28, 1931, for painting plaster walls, Department of Commerce Building, Washington, D. C., is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of losses and/or damages suffered due to delays caused by the Government and/or to change made by substitution of Wall Hide sealer and first coater for the size coat as specified in the contract and/or to repainting surfaces where cracks in plaster were replastered and/or to porous and the chalky condition of the plaster making it necessary to apply more than three coats of paints as specified, for all of which labor and material the Government received the benefit and for which no compensation has been made.

With the following committee amendment:

Page 8, line 19, after the word "same", insert "notwithstanding the failure of any Government officer to give proper written orders for additional work."

The committee amendment was agreed to.

The Clerk read as follows:

Title IX—(H. R. 3777. For the relief of the Herald Publishing Co.)
By Mr. RICHARDS

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Herald Publishing Co., of Rock Hill, S. C., the sum of $446. Such sum represents the amount paid by the said Herald Publishing Co. to replace a broken boiler in the temporary post-office building at Rock Hill, S. C., same being leased by the Herald Publishing Co. to the Government, which boiler was injured by the post-office employee in charge of it by his own negligence and which was required to be installed by the Post Office Department.

With the following committee amendments:

Page 9, line 12, strike out "$446" and insert "$243 in full settlement of all claims against the United States."

Page 9, line 20, after the word "Department" insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I move to strike out all of title IX.

Mr. Speaker, in May 1931 the Herald Publishing Co. leased to the United States Government its quarters in Rose Hill, S. C., for use as a post office. The lease provided that the lessor should be responsible for all repairs.

A day or two later the janitor or an assistant in the post office burned up some trash in the furnace located in the building. This trash consisted of some old paper, excelsior, and sweepings from the floor. The boiler exploded or just naturally fell apart. The claim is now made that the damage was occasioned by negligence on the part of agents of the Federal Government.

There is some conflict of testimony in this case. Some claim that the boiler was in perfect condition. I think, as reasonable men, we know it could not have been in perfect condition, because the burning of waste paper would not have caused the boiler to explode. We have some testimony also of employees of the Herald Publishing Co. that the boiler was in perfect condition. On the other hand, we have the testimony of inspectors of the Post Office Department that the boiler was full of cracks; that it was old, rusty, and defective.

We also have the testimony of an expert who was commissioned to repair the boiler a few months before the Post Office Department took possession to the effect that it was full of cracks, that an unsuccessful effort had been made to cover these cracks with solder, but the job was unsatisfactory and, as a matter of fact, the furnace was in such condition that it could not be repaired.

The bill as introduced asks the Treasury of the United States to buy the Herald Publishing Co. a new furnace. We are invited to pay for a new furnace in full. Apparently the Claims Committee realized that this was a rather exorbitant demand and attempted to cut the claim in two. The bill originally asked for $446, but someone's mathematics were a little poor in trying to arrive at 50 percent of $446, because in doing so he reached the figure of $243.

Mr. Speaker, the only issue here is whether you wish to make a present or gratuity to the Herald Publishing Co., of Rock Hill, S. C. It is all right with me. I realize that 90 percent of the Members present are interested in private bills and they are prepared to vote against any amendment that may be proposed cutting down an amount or striking out a title entirely; but that is your responsibility.

[Here the gavel fell.]

Mr. RICHARDS. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I think the gentleman is a little weak in offering his amendment. I listened to him and noticed particularly where he made certain admissions with respect to the evidence in this case. He referred to the fact that we are passing all of these bills here regardless of their integrity. I do not want the Members to pass this bill because they have passed some other bill; on the other hand, I do not want them to turn it down on account of the remarks just made by the gentleman from New York.

As the gentleman from New York has said, in 1931 the Herald Publishing Co. of Rock Hill, S. C., leased to the Government of the United States this building. They leased it to be used as a post office. In the lease there was a stipulation that the lessor would be responsible for all damages except damages resulting through fault or negligence of employees of the Government.

This is the whole question. If the agents or employees of the Government were negligent here, then they should pay this company. If they were not negligent, the company should not be paid.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDS. I have not time right now to yield to my friend.

If you will examine the evidence in this case or if you will examine the evidence before the committee, you will find there is not one scintilla of evidence to show negligence on the part of the employees of the Herald Publishing Co. except the agent of the Government of the United States, the custodian of the building.

Now, do you expect the custodian of the building to admit to the Treasury Department of the United States that he was negligent in performing his duty and lose his job or be otherwise penalized? On the other hand, I am not going to call your attention, Mr. Speaker, to what the claimant says here, or what his three employees said. There are four affidavits in here to back up what they say about the condition of this boiler, but I am going to call your attention here tonight to the evidence and affidavits of five disinterested parties, who had no interest either in the side of the Government of the United States or in the claim of the claimants here.

Mr. Butler, who was in charge of the heating plant on May 22, said the plant was in good condition.

Mr. Healan, the general contractor in charge of the repair of the building, to put it in proper shape for the Government of the United States, said it was in good condition.

Mr. L. S. Starnes, the man who made certain changes in the heating plant in accordance with the requirements of the United States Government, said it was in good condition; and yet these gentlemen come here and, while admitting there is some difference of opinion as to who was negligent, they admit they have not one scintilla of evidence to show negligence on the part of the Herald Publishing Co., except by the agent of the United States Government itself.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDS. I yield.

Mr. KELLER. How old was this boiler?

Mr. RICHARDS. The boiler was a few years old—I do not know exactly how old it was.

Mr. KELLER. About how many years?

Mr. RICHARDS. I do not know exactly.

Mr. KELLER. What was it made of?

Mr. RICHARDS. It was of the usual boiler construction—steel, and so forth.

Mr. KELLER. How long does it take the ordinary steel boiler of this type to become valueless?

Mr. RICHARDS. I could not answer that question.

Mr. KELLER. Did either one of the gentlemen testify as to his experience and knowledge along these lines?

Mr. RICHARDS. The plumbing contractor testified to that effect.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

Title X—(H. R. 3913. For the relief of Edith M. Powell.) By Mr. EKWALL

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edith M. Powell the sum of $2,000 together with interest thereon at the rate of 6 percent per annum from July 27, 1933, until the enactment of this act, in full compensation and settlement for all claims and demands of Edith M. Powell growing out of, or arising from, injuries suffered in an accident on Government property near Newport in Lincoln County, Oreg., on or about August 2, 1926.

With the following committee amendments:

Page 10, line 13, strike out "$2,000, together with interest thereon at the rate of 6 percent per annum from July 27, 1933, until the enactment of this act," and insert "$1,000."

In line 19, after the figures, insert: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 10, strike out all of title X.

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of $1,000 to Edith M. Powell for injuries which she suffered from an accident while on Government property in Lincoln County, Oreg.

It appears that the claimant was visiting the Yaquina Head Light Station up in Oregon, and, while walking along the path leading to the lighthouse, she tripped and fell.

Again, we come to one of those cases where there is a conflict of evidence. The claimant here alleges that the planks were laid end to end forming this walk and that there was an imperfect joining of the planks along the level of the walk. She claims she struck against one of these planks and as a result tripped and fell, thereby causing the injuries which she sustained to her ankle.

On the other hand, we have the testimony of the keeper of the lighthouse, and he reported that the walk was in perfect condition, that there were no defects of any kind in the walk. However, there were at frequent intervals cleats across the walk to enable the keeper of the lighthouse to pass along there during icy weather, when the ice would form on the walk, and it is quite possible she struck against one of these cleats, thereby tripping and falling and sustaining her injuries. So that the question that now arises before the membership of the House is whether they shall take the testimony offered by the beneficiary of this bill or will follow that of the keeper of the lighthouse. I am personally inclined to believe that the walk was in good condition as stated by the keeper of the lighthouse, and, therefore, I offer this amendment.

Mr. EKWALL. Mr. Speaker, I rise in opposition to the amendment. I happen to know very well the lady involved in this case and her husband. There is an affidavit here, signed by the husband and by the claimant, showing that the sidewalk was clearly defective. They were invitees upon the lighthouse grounds. This woman received a severe injury, a broken ankle, from which she will suffer for the rest of her natural life. Her bills in connection with her injury were considerably over $500. She has suffered excruciating pain and the committee saw fit in its judgment to reduce this claim from $2,000 to $1,000. I think the claim is perfectly legitimate, and it is a claim that could have been sustained in a court of law at any time, I am positive. I hope that the Members will see fit to vote down the amendment and pass the bill as recommended by the committee.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title XI—(H. R. 5178. For the relief of Gladys E. Faughnan, guardian.) By Mr. Brunner

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to Gladys E. Faughnan, guardian, the sum of $5,000 in full settlement of claim against the United States Government on account of permanent injuries received by her son, Robert Faughnan, when struck by a United States mail truck on March 5, 1932, about 5 o'clock p. m., at Springfield Boulevard near Sheffield Avenue, Springfield, Queens County, N. Y.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 11, line 12, strike out "$5,000" and insert "$2,500."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title XII—(H. R. 5815. For the relief of Bruce Bros. Grain Co.) By Mr. DUNCAN

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $279.90 to the Bruce Bros. Grain Co. in full settlement of all claims against the Government of the United States to cover loss sustained by said company on a car of wheat, car no. 96110, Chicago, Burlington & Quincy, shipped from St. Joseph, Mo., July 15, 1921, to Minneapolis, Minn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HOPE. Mr. Speaker, I move to strike out title XII.

The SPEAKER pro tempore. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOPE: Strike out all of title XII.

Mr. HOPE. Mr. Speaker, this is a claim by the Bruce Bros. Grain Co. in which they are asking $223 as the loss which they suffered in the sale of a carload of grain on the Minneapolis market. The basis of their claim is that the Government inspection originally showed this wheat to be No. 2 Hard Winter but subsequently changed by a review board so that it showed the wheat to be No. 2 Yellow Hard, which was an inferior grade of wheat. It is not shown here that the claimants in any way tried to mitigate the damages, or that this is the proper measure of damages. Of course, nothing accrued to the Government in this case. The United States Government did not get anything, and the only evidence we have as to there having been any damages is that the party to whom the wheat was consigned refused to accept it and the claimants thereupon sold it on the open market at a claimed loss of $223.

Mr. KENNEDY of Maryland. Is it not true that former Secretary of Agriculture Wallace admitted that the Government inspector was at fault in this particular instance, and says that upon learning the evidence, they immediately took steps to see that this matter would not occur again.

Mr. HOPE. I think there is a statement here from the Secretary of Agriculture.

Mr. KENNEDY of Maryland. In his letter of May 15, 1922.

Mr. HOPE. Yes; there is a letter from the Secretary of Agriculture to the effect that that was an unusual procedure, but the fact remains that it was No. 2 Yellow Hard wheat, as the last statement shows, that was the proper designation and proper grade, and that the claimant in this case has suffered no damages.

If it was his contention that that was not a proper grade, then it was his duty to force the purchaser to comply with his contract and accept the wheat upon the basis of the grade which the claimant contended it actually was. He knew his rights in the matter. Instead of doing that they simply went on the open market and sold the grain at a lower price than it had been contracted for. I submit it is not fair to the Government of the United States to hold it responsible for the negligence of the claimant in this case to exercise its legal right in the matter. There is nothing here to show this wheat was any other than No. 2 Yellow Hard, because that was the final opinion of the board of review in this particular case.

Mr. DUNCAN. Mr. Speaker, I rise in opposition to the amendment. The gentleman from Kansas [Mr. HOPE] has reviewed the facts approximately correctly, except that the State grain-inspection department originally inspected this carload of wheat and issued a certificate as No. 2 Hard Yellow. An appeal was taken to the Federal grain inspection at St. Joseph, which confirmed the State grain inspection, and thereupon the car of wheat was taken to Minneapolis as No. 2 Hard Yellow.

Without any authority of law or under any regulation, the Federal grain inspector at St. Joseph certified it to the board of appeals in Chicago, where it was found to have been not No. 2 Hard Winter, but Hard Yellow, which is an entirely different grade of wheat from that called for in the original inspection. When that certificate was issued to the consignee in Minneapolis and also to the consignor in St. Joseph it was refused by the consignee in Minneapolis, and it was required to be sold on the open market at a loss to the consignor of the amount set out in this bill. There was no way to protect himself against that loss. There is an affidavit attached and shown in the report, made by Bruce Bros. Grain Co., that that was the amount of loss. The Secretary of Agriculture states in his letter to the chairman of the Committee on Claims in 1922 that it was the first case arising under the United States Grain Standards Act, and, as soon as it was found that this condition existed, regulations were immediately put into effect to prohibit a recurrence of that condition. It seems to me that under the circumstances the consignor did all he could to protect himself. As a result of the failure to properly comply with the regulations and, in fact, in violation of the law, he sustained this loss.

The SPEAKER pro tempore. The time of the gentleman from Missouri [Mr. DUNCAN] has expired.

The question is on the amendment offered by the gentleman from Kansas [Mr. HOPE].

The amendment was rejected.

The Clerk read as follows:

Title XIII—(H. R. 6105. For the relief of the New Amsterdam Casualty Co.) By Mrs. KAHN

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New Amsterdam Casualty Co., in full settlement of all claims against the Government of the United States, the sum of $10,000, being the amount of a bail bond filed in the case of the United States against Zangwell Engelsher, and subsequently forfeited when the said Engelsher failed to appear for trial, although he was later apprehended and convicted of counterfeiting through the efforts of the claimant herein: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 13, line 10, strike out "$10,000" and insert "$6,000."

The committee amendment was agreed to.

The Clerk read as follows:

Title XIV—(H. R. 6444. For the relief of Jane Alice Everson.) By Mr. EKWALL

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jane Alice Everson, the sum of $400, together with interest thereon at the rate of 6 percent per annum from November 19, 1934, until the enactment of this act, in full compensation and settlement for all claims and demands of Jane Alice Everson growing out of, or arising from, injuries suffered in an accident in an elevator in the United States customhouse in Portland, Oreg., on or about November 19, 1934:

With the following committee amendments:

Page 14, line 9, strike out, after "$400" the balance of line 9, all of lines 10, 11, 12, and 13, down to and including the word "from" and insert "in full settlement of all claims against the United States for";

Page 14, line 16, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 14, strike out title XIV.

Mr. COSTELLO. Mr. Speaker, this bill would provide for the payment of $400 to Jane Alice Everson for injuries which she sustained by reason of an accident in the United States customshouse in Portland, Oreg. The evidence on file discloses that the claimant took hold of a rod which consisted of a part of the door of an elevator shaft in that building, and a descending elevator caught her hand and crushed it, which caused a permanent injury to the finger on her hand. Although this was one of the old-fashioned type of elevator doors, it seems to me it was extremely negligent on the part of the claimant to place her hand around that rod on that elevator door and put it in a position where the elevator might strike it.

Furthermore, it seems to me there is absolutely no responsibility on the part of the Government. It appears that the claimant having placed herself in that position must suffer the consequences. The point will probably be brought up that the Government the next day placed a sign on the elevator door warning people to keep hands off. Again I make the statement that in doing so the Government was simply warning others of the fact that the Government had knowledge that an accident had occurred there by persons inserting their hands in that position, and it was only proper for the Government to warn others not to repeat that same thing. If the Government failed to give that notice, then we might attribute negligence to the Government on a subsequent accident, but I do not think the Government was in any way responsible in this particular case. I feel that this title should be stricken out of this omnibus bill.

[Here the gavel fell.]

Mr. EKWALL. Mr. Speaker, I rise in opposition to the amendment.

I do not know what these objectors are coming to. I wonder if they think the members of the Claims Committee are passing these claims without considering them. Here is a case where a woman was severely injured. This Committee on Claims is composed of a number of good lawyers.

They carefully considered this case. This woman had a finger badly broken and deformed. Her doctor's bill and the lost time would easily amount to $400. She has a permanent injury. These objectors come here and raise technical objections which are not tenable or based on ordinary rules of evidence. It seems to me a shame that the Federal Government should try to deny payment of money due these people, simply because it is the Government. I do not think it is fair.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. EKWALL. No; I do not yield.

It seems to me we are taking up a lot of time objecting to these bills for frivolous reasons. We ought to stop it and get down to taking care of the business of this Government.

The members of the Claims Committee are going into these matters conscientiously, and we should have a little faith in their judgment. We certainly do not show it when objection is made to a claim of this nature. You can allow the claim or you can vote it down as you wish, but it seems a shame to waste time this way. [Applause.]

The SPEAKER pro tempore. The question is on the amendment of the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Title XV—(H. R. 6488. For the relief of Wayne M. Cotner.) By Mr. LESINSKI

That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of Wayne M. Cotner, on account of disability due to loss of an eye caused by employment in the service of the United States between March 29, 1919, and August 7, 1919: *Provided*, That no benefits shall accrue prior to the approval of this act.

With the following committee amendment:

Page 15, line 13, insert the words "alleged to have been."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title XV.

Mr. COSTELLO. Mr. Speaker, I have made this motion to strike out this particular title in order to get an opportunity to say a few words regarding the last bill which we have already passed. I want to bring to your attention simply this fact, that at the time, I was opposing it not because of the amount of money involved, which was only $400, nor did I oppose it because of the nature of the injury the claimant sustained, but my purpose in opposing the bill was to refute the charge of negligence alleged against the Government. There was no negligence on the part of the Government.

Mr. Speaker, I want to make this point, that the amount of money involved in these bills is not the primary consideration; and our position here as objectors is not because of any personal interest or personal dislike we have toward the author of any bill, nor is it in any sense an attempt to dispute any finding of the Committee on Claims. I, personally, have attempted to work with the committee, and I have tried to cooperate with them.

Our position today is simply one of checking various bills that are reported out on this calendar, not as censors but merely an attempt to study them, and when of doubtful merit, object, and then bring them back here in these omnibus bills to give the Members an opportunity to decide whether to pass the bills on their merits. If a bill is meritorious, we have no objection to it; but we do not feel we should be held up to criticism because we oppose these different bills any more than the Committee on Claims should be held up to criticism because it refuses to report out a large number of private bills that are introduced.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HOPE. Is it not a fact so far as the amount of money in any particular claim is involved the amount in itself is not great? The principle involved is that the bill may establish a precedent.

Mr. COSTELLO. The gentleman is quite correct.

Mr. HOPE. Every time we pass a bill of this character we are setting a precedent for the introduction of hundreds or thousands of similar claims.

Mr. COSTELLO. The gentleman is absolutely correct. We may set precedents in some of these small bills that will result in hundreds of similar bills being introduced or in bills being introduced that may ultimately cost the Government hundreds of thousands of dollars.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. KENNEDY of Maryland. Speaking for myself as chairman of the Committee on Claims, and I think I speak for every member of the committee, we are particularly grateful for the cooperation given by the objectors, both Democrats and Republicans. They have been very helpful to us. As a matter of fact, we have been guided by their judgment in a number of instances and have refused to report out claims in omnibus bills based on statements made by these men when they appeared before the committee. In each omnibus bill will be found a statement of the committee thanking these gentlemen for the cooperation they have given the Committee on Claims. I want personally to thank the gentleman from California [Mr. COSTELLO] and the gentleman from Kansas [Mr. HOPE] and the other gentlemen for the fine cooperation they have given the Committee on Claims and the assistance they have rendered the committee by giving us their judgment on these bills.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Title XVI—(S. 283. For the relief of Beatrice I. Manges)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, and $50 per month in an amount not to exceed $2,500, to Beatrice I. Manges, of Cleveland, Ohio, in full settlement of all claims against the Government for injuries received November 7, 1918, when a United States Army truck collided with an automobile of which she was an occupant: *Provided*, That no part of the amount appropriated in this act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 15, line 21, after the word "appropriated", insert "during her natural life."

The committee amendment was agreed to.

The Clerk read as follows:

Title XVII—(S. 895. To carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $22,170.30 to the Atlantic Works, of Boston, Mass., being the difference between the actual cost of the construction of the revenue cutter *Daniel Manning* and the amount paid under the contract entered into for the building of said vessel, as found by the Court of Claims and reported in Senate Document No. 5, Sixty-eighth Congress, first session: *Provided*, That no part of the amount appropriated in this act in excess of 20 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the

provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 17, after the word "Massachusetts", strike out the word "being" and insert "in full settlement of all claims against the United States for."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 16, strike out "title XVII."

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of $22,170.30 to the Atlantic Works, of Boston, Mass., for the difference between the actual cost of the construction of a revenue cutter, the *Daniel Manning*, and the amount paid under the contract entered into for the building of that vessel as found by the Court of Claims and reported in the Senate in the Sixty-eighth Congress. This claim, as stated by the claimant, is for a grant, gift, or bounty which, it is alleged, grew out of certain delays in the construction of the steam vessel by the claimant for the United States, which vessel was to be used in revenue-cutter service.

The contract was entered into in June 1895 and the vessel was completed on October 7, 1897. The contract price was paid in full, together with the sum of $3,902.90 for extra charges in connection with the construction of the ship.

This claim was referred to the Court of Claims and that court decided the case. They found that a large part of the delay was due to lack of equipment and lack of experienced workmen on the part of the contractor and not on the part of the United States Government. They did find that some changes in the specifications, changes in the rigid tests and inspections of material and workmanship, as well as a lack of promptness in rejection of some requirements by Government inspectors, caused some delay, and that the total delay increased the contract price by $22,000.

The Court of Claims reached the conclusion that there is no liability on the part of the United States Government under the terms of the contract to pay this claim, and that the claim is neither a legal one nor an equitable one; that if anything is granted it will be a gift or a bounty which rests in the judgment and discretion of the Congress.

The objectors objected to this bill when it came up on the Private Calendar and did so because this bill involved a shipbuilding contract 37 years old. The court has held that it is merely a grant or bounty if the Congress passes the bill. I believe this is demonstrative of the benefit of having objectors to oppose these bills which come up for consideration on the Private Calendar. We are not given an opportunity when the Private Calendar is called to explain our objections. The bill must either be passed or an objection has to be made at the time the bill is called up for consideration. By objecting to such a bill as this we give you the opportunity to know the facts and either approve or disapprove of the bill. As I say, this is purely a grant or gift on the part of the Congress if this bill is passed. The claim arose over 37 years ago, and I therefore trust my amendment will be agreed to.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The Clerk read as follows:

Title XVIII—(S. 2119. For the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, and/or the widows of such of them as may be deceased)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, jointly to Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, owners of the schooner *Betsy Ross* and/or to the widows of any of said owners as may be deceased at the time of the payment, each to receive of the amount hereby appropriated the portion thereof to which her husband would be entitled if living, the sum of $35,916.68, in full and final settlement of all claims against the United States for loss or losses which they may have suffered by reason of the interference with, the delays to, the enforced cancelation of the private charter of, and the appropriation of the use of, the schooner *Betsy Ross* by the United States Shipping Board or other governmental agencies at the port of Melbourne, Australia, on or about April 5, 1918: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The SPEAKER pro tempore. The question is on the passage of the omnibus bill.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 64, noes 17.

Mr. CLARK of Idaho. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and make the point of order there is not a quorum present.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman withhold his point of no quorum? We have been all the evening on this bill and anyone who is familiar with these night sessions knows it is almost impossible to keep a quorum here. The committee has worked on these claims and we would like to dispose of these matters.

Mr. CLARK of Idaho. Mr. Speaker, I withdraw the point of no quorum.

Mr. HOPE. Mr. Speaker, I make the point of order there is not a quorum present and object to the vote on that ground.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and forty-seven Members present, not a quorum.

The Doorkeeper will close the doors, the Seargeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 63, not voting 195, as follows:

[Roll No. 122]

YEAS—165

Adair	Dietrich	Kocialkowski	Richards
Allen	Disney	Kopplemann	Risk
Arends	Dorsey	Kramer	Rogers, Mass.
Ashbrook	Doughton	Kvale	Rogers, N. H.
Bacharach	Duncan	Lambeth	Sanders, Tex.
Barden	Dunn, Pa.	Larrabee	Sandlin
Barry	Eckert	Lea, Calif.	Schneider, Wis.
Beam	Edmiston	Lehlbach	Sears
Beiter	Ekwall	Lesinski	Seger
Bell	Evans	Lewis, Colo.	Shanley
Bland	Fenerty	Lewis, Md.	Shannon
Bloom	Fletcher	Lord	Snyder, Pa.
Boileau	Focht	Lucas	Somers, N. Y.
Boland	Frey	McAndrews	South
Boykin	Fuller	McGehee	Spence
Boylan	Fulmer	McKeough	Stack
Brewster	Gavagan	McReynolds	Steagall
Brown, Ga.	Gehrmann	Maas	Stefan
Buck	Gingery	Martin, Colo.	Sutphin
Buckley, N. Y.	Goldsborough	Mason	Sweeney
Burdick	Granfield	Merritt, N. Y.	Tarver
Caldwell	Green	Mitchell, Ill.	Terry
Cannon, Mo.	Greever	Moritz	Thom
Carlson	Gregory	O'Brien	Thomason
Carpenter	Gwynne	O'Connor	Thompson
Carter	Haines	O'Day	Tonry
Cartwright	Halleck	O'Leary	Turner
Castellow	Hartley	O'Neal	Umstead
Cavicchia	Hill, Knute	Owen	Utterback
Celler	Hill, Samuel B.	Parsons	Vinson, Ky.
Citron	Hook	Patterson	Wallgren
Colden	Houston	Patton	Walter
Colmer	Hull	Peterson, Fla.	Werner
Cooper, Tenn.	Imhoff	Pettengill	West
Cravens	Johnson, W. Va.	Peyser	Whelchel
Crowe	Kahn	Pfeifer	Wilcox
Cullen	Keller	Pittenger	Williams
Cummings	Kelly	Polk	Wood
Daly	Kennedy, Md.	Quinn	Woodruff
Delaney	Kennedy, N. Y.	Rabaut	
DeRouen	Kenney	Ramspeck	
Dickstein	Kloeb	Randolph	

NAYS—63

Amlie	Darrow	Johnson, Tex.	Reed, Ill.
Andresen	Dondero	Kinzer	Romjue
Blackney	Doxey	Knutson	Russell
Blanton	Driscoll	Lambertson	Scott
Buchanan	Eicher	Lundeen	Short
Buckler, Minn.	Engel	Mahon	Smith, Conn.
Christianson	Ford, Miss.	Main	Starnes
Church	Gilchrist	Mapes	Taylor, S. C.
Clark, Idaho	Goodwin	Marcantonio	Tinkham
Cochran	Gray, Pa.	Massingale	Whittington
Coffee	Hancock, N. Y.	Michener	Wigglesworth
Cole, N. Y.	Hess	Millard	Wolcott
Cooley	Hildebrandt	Mitchell, Tenn.	Wolverton
Costello	Hoffman	Mott	Young
Crawford	Holmes	Pearson	Zimmerman
Crowther	Hope	Rankin	

NOT VOTING—195

Andrews	Dunn, Miss.	Lamneck	Reilly
Ayers	Eagle	Lanham	Rich
Bacon	Eaton	Lee, Okla.	Richardson
Berlin	Ellenbogen	Lemke	Robertson
Biermann	Englebright	Luckey	Robinson, Utah
Binderup	Faddis	Ludlow	Robsion, Ky.
Boehne	Farley	McClellan	Rogers, Okla.
Bolton	Ferguson	McCormack	Ryan
Brennan	Fernandez	McFarlane	Sabath
Brooks	Fiesinger	McGrath	Sadowski
Brown, Mich.	Fish	McGroarty	Sanders, La.
Bulwinkle	Fitzpatrick	McLaughlin	Sauthoff
Burch	Flannagan	McLean	Schaefer
Burnham	Ford, Calif.	McLeod	Schuetz
Cannon, Wis.	Gambrill	McMillan	Schulte
Carmichael	Gasque	McSwain	Scrugham
Cary	Gassaway	Maloney	Secrest
Casey	Gearhart	Mansfield	Sirovich
Chandler	Gifford	Marshall	Sisson
Chapman	Gildea	Martin, Mass.	Smith, Va.
Claiborne	Gillette	Maverick	Smith, Wash.
Clark, N. C.	Gray, Ind.	May	Smith, W. Va.
Cole, Md.	Greenway	Mead	Snell
Collins	Greenwood	Meeks	Stewart
Connery	Griswold	Merritt, Conn.	Stubbs
Cooper, Ohio	Guyer	Miller	Sullivan
Corning	Hamlin	Monaghan	Sumners, Tex.
Cox	Hancock, N. C.	Montague	Taber
Creal	Harlan	Montet	Taylor, Colo.
Crosby	Hart	Moran	Taylor, Tenn.
Cross, Tex.	Harter	Murdock	Thurston
Crosser, Ohio	Healey	Nelson	Tobey
Culkin	Hennings	Nichols	Tolan
Curley	Higgins, Conn.	Norton	Treadway
Darden	Higgins, Mass.	O'Connell	Turpin
Dear	Hill, Ala.	Oliver	Vinson, Ga.
Deen	Hobbs	O'Malley	Wadsworth
Dempsey	Hoeppel	Palmisano	Warren
Dies	Hollister	Parks	Wearin
Dingell	Huddleston	Patman	Weaver
Dirksen	Jacobsen	Peterson, Ga.	Welch
Ditter	Jenckes, Ind.	Pierce	White
Dobbins	Jenkins, Ohio	Plumley	Wilson, La.
Dockweiler	Johnson, Okla.	Powers	Wilson, Pa.
Doutrich	Jones	Ramsay	Withrow
Drewry	Kee	Ransley	Wolfenden
Driver	Kerr	Rayburn	Woodrum
Duffey, Ohio	Kleberg	Reece	Zioncheck
Duffy, N. Y.	Kniffin	Reed, N. Y.	

So the bill was passed.

The Clerk announced the following pairs until further notice:

Mr. Woodrum with Mr. Snell.
Mr. Lanham with Mr. Treadway.
Mr. Lamneck with Mr. Taber.
Mr. Corning with Mr. Wadsworth.
Mr. Smith of Virginia with Mr. Jenkins of Ohio.
Mr. Connery with Mr. Merritt of Connecticut.
Mr. Drewry with Mr. Ransley.
Mr. Sabath with Mr. Bolton.
Mr. Hill of Alabama with Mr. Cooper of Ohio.
Mr. Rayburn with Mr. Ditter.
Mr. McFarlane with Mr. Fish.
Mr. Patman with Mr. Guyer.
Mr. Burch with Mr. Robsion of Kentucky.
Mr. Robertson with Mr. Wolfenden.
Mr. Jones with Mr. Plumley.
Mr. Kleberg with Mr. Hollister.
Mr. Cox with Mr. Gifford.
Mr. Dies with Mr. Culkin.
Mr. McMillan with Mr. Burnham.
Mr. Driver with Mr. Eaton.
Mr. Mansfield with Mr. McLean.
Mr. May with Mr. Powers.
Mr. Warren with Mr. Rich.
Mr. Vinson of Georgia with Mr. Tobey.
Mr. Taylor of Colorado with Mr. Welch.
Mr. Miller with Mr. Reed of New York.
Mr. Flannagan with Mr. Martin of Massachusetts.
Mr. McCormack with Mr. Andrews.
Mr. Sumners of Texas with Mr. Thurston.
Mr. Kerr with Mr. Wilson of Pennsylvania.
Mr. McClellan with Mr. Stewart.
Mr. Mead with Mr. Reece.
Mr. Fernandez with Mr. Marshall.
Mr. Maloney with Mr. Gearhart.
Mr. Dingell with Mr. Collins.
Mr. Darden with Mr. Bacon.
Mr. Chapman with Mr. Dirksen.
Mr. Bulwinkle with Mr. Englebright.
Mr. Hancock of North Carolina with Mr. Higgins of Connecticut.
Mr. Greenwood with Mr. Doutrich.
Mr. Huddleston with Mr. Lemke.
Mr. Maverick with Mr. Taylor of Tennessee.
Mr. Weaver with Mr. McLeod.
Mr. Montague with Mr. Turpin.
Mr. Sullivan with Mr. Sauthoff.
Mr. Palmisano with Mr. Gray of Indiana.
Mr. Gambrill with Mr. Pierce.
Mr. Boehne with Mr. Carmichael.
Mr. Hobbs with Mr. Ryan.
Mr. Cole of Maryland with Mr. Kee.
Mr. Schulte with Mr. Creal.
Mr. Smith of West Virginia with Mr. Deen.
Mr. Tolan with Mr. McLaughlin.
Mr. Dobbins with Mr. Stubbs.
Mr. White with Mr. Meeks.
Mr. McGrath with Mr. Ellenbogen.
Mr. Reilly with Mr. Brown of Michigan.
Mr. Cary with Mr. Harter.
Mr. Ramsay with Mr. Clark of North Carolina.
Mr. Sirovich with Mr. Kniffin.
Mr. Curley with Mr. Luckey.
Mr. Scrugham with Mr. McGroarty.
Mr. Duffy of New York with Mr. Moran.
Mr. Sisson with Mr. Wearin.
Mr. Johnson of Oklahoma with Mr. Sadowski.
Mr. Casey with Mr. Schuetz.
Mr. Dempsey with Mr. Lee of Oklahoma.
Mr. Gasque with Mr. O'Connell.
Mr. O'Malley with Mr. Binderup.
Mr. Griswold with Mr. Brooks.
Mr. Schaefer with Mr. Gildea.
Mr. Biermann with Mr. Chandler.
Mr. Rogers of Oklahoma with Mr. Jacobsen.
Mr. Secrest with Mr. Crosby.
Mr. Dear with Mr. Ludlow.
Mr. Murdock with Mr. Faddis.
Mr. Crosser of Ohio with Mr. Monaghan.
Mr. Nelson with Mr. Farley.
Mr. Dockweiler with Mr. Claiborne.
Mr. Fitzpatrick with Mr. Nichols.
Mr. Montet with Mr. Ford of California.
Mrs. Norton with Mrs. Jenckes of Indiana.
Mr. Peterson of Georgia with Mr. Higgins of Massachusetts.
Mr. Hennings with Mr. Gillette.
Mr. Cross of Texas with Mr. Richardson.
Mr. Hamlin with Mr. Robertson.
Mr. Hart with Mr. Harlin.
Mr. Cannon of Wisconsin with Mr. Smith of Washington.
Mr. Parks with Mr. Sanders of Louisiana.
Mr. Gassaway with Mr. Oliver.
Mrs. Greenway with Mr. Ayers.
Mr. Berlin with Mr. Brennan.
Mr. Duffey of Ohio with Mr. McSwain.
Mr. Dunn of Mississippi with Mr. Wilson of Louisiana.
Mr. Feisinger with Mr. Eagle.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BOLAND). The Clerk will report the next omnibus bill.

The Clerk called the next bill, H. R. 12322, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 1369. For the relief of R. L. Tankersley.)

By Mr. THOMASON

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. L. Tankersley the sum of $15,000 as remuneration for personal injuries received at the hands of certain members of the One Hundred and Twelfth Regiment New Mexico National Guard, which regiment was on active duty, under orders of the United States Government, at Fort Bliss, Tex., in the month of August 1928.

With the following committee amendments:

Page 1, line 8, strike out "$15,000 as remuneration" and insert "$5,000 in full settlement of all claims against the United States."

In line 11, strike out the word "Twelfth" and insert "Eleventh."

On page 2, line 3, after the figures, insert a colon and following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The committee amendments were agreed to.

The Clerk read as follows:

Title II—(H. R. 1868. For the relief of Mary E. Roney.) By Mr. LEWIS of Maryland

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary E. Roney, of Chevy Chase, D. C., during her natural life, the sum of $3,000. The said Mary E. Roney is the widow of George H. Roney, who, as a result of injuries sustained when struck by a Washington (D. C.) police patrol on October 14, 1930, died on October 16, 1931, leaving also a minor son, George H. Roney, Jr., 9 years of age. Both the said Mary E. Roney and the minor son, George H. Roney, Jr., were entirely dependent upon the said George H. Roney.

With the following committee amendments:

Page 2, line 20, after the word "appropriated", insert "and in full settlement of all claims against the United States."

On page 3, line 5, after the word "Roney", insert: *"Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I move to strike out all of title II.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Strike out all of title II.

Mr. HANCOCK of New York. Mr. Speaker, the claim here is based on the alleged negligent operation of a police patrol in the District of Columbia about 6 years ago. There is not any question that if this were a case against the operator of an automobile belonging to a private citizen there would be a clear case of negligence and the plaintiff would be entitled to substantial damages. A police patrol, while operated by the police department of the District and engaged in official business for the District, was driven down Connecticut Avenue at a rapid rate of speed. It passed a trolley car which had stopped to permit passengers to alight on the wrong side, struck a man who had just left the car and who had started across the street from the right to the left, and killed him, the decedent leaving a wife and one infant child.

There is no question that the damages were substantial. The question is one of liability, not only from a technical legal standpoint, but there is also involved the question of whether the Federal Government bears any liability whatever. If this were an accident which had occurred in your city there would probably be no liability, because, I believe it is the general rule that there is no liability on the part of a municipality for the negligence of its officers when engaged in a governmental function, and I think it is universally conceded that the activities of a police department come properly within this province; but waiving that, the District of Columbia has assumed liability. They have paid all that the law permits them to pay. There is a statute here which limits the liability in death cases in the District of Columbia to $5,000.

The widow received that limit. She has given a release and accord and satisfaction in full. We are now asked to appropriate out of the Federal Treasury the sum of $3,000 in addition to what the District of Columbia has paid. I call attention to this fact, and I wish gentlemen would listen to me and consider this proposition, because they have not thought about any other argument that has been brought up tonight. The Federal Treasury is now being asked to pay this widow the sum of $3,000 in addition to what she has already received, although the injury and the damage were occasioned by an employee of the District of Columbia. The District of Columbia is an entirely different government from the Government of the United States.

There is no reason that I can see why the State of Nevada, the State of Texas, the State of North Dakota, and the State of Arizona should pay the obligations of the District of Columbia. If you think this widow should have more money, let it be included in the next budget of the District of Columbia. There is no justice whatever in asking the people of this country to pay for a damage claim against the District, arising out of the misconduct of a policeman of the District of Columbia. These three points I wish you would bear in mind: First of all, the policeman was engaged in a governmental function. Second, the widow has had all the law permits. If you think the law does not allow sufficient damages in the case of death, let us amend that law. Third, the Treasury of the United States is being asked to reimburse an injured party for alleged negligence on the part of an employee of the District of Columbia. Those are the points involved.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LEWIS of Maryland. Mr. Speaker, I compliment the gentleman from New York [Mr. HANCOCK] on the general accuracy of his statement and compliment the membership on the circumstances that they have only a question here of equity and justice to pass upon. That is a simple question of whether official recklessness, as in this instance, followed by the death of a man in the peace of God and in the peace of the community, 37 years old, earning a livelihood as a watchmaker for his family, the widow shall be limited to damages to $5,000 by this House sitting as a court of appeal—whether the $5,000 shall be considered as a satisfactory adjustment.

Mr. GOLDSBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. GOLDSBOROUGH. I have no difficulty about the liability of the District of Columbia but would like to hear the gentleman on the liability of the United States.

Mr. LEWIS of Maryland. I think the United States Government may readily recoup itself in the allowance it makes to the District of Columbia in the annual appropriation, supplementing the revenues it collects. We may not dismiss ourselves—the great Government of the United States may not dismiss itself—as lightly as the gentleman from New York has endeavored to do.

We here tonight are one branch of the city council of the District of Columbia. I think the fact is a regrettable fact and I would not have it so if I could change it, but we are responsible as one branch of the city council of the District of Columbia. We also control a sum varying from $4,000,000 to five or six million dollars each year, which we vote out of the Treasury of the United States, and the United States Government itself is, besides all this, responsible for a limitation of recovery here in the District of Columbia to $5,000 in an instance as utterly outrageous, considering the negligence involved in the case presented.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. HANCOCK of New York. Does the gentleman feel that the claimant in this case has a legitimate claim against the people of the United States?

Mr. LEWIS of Maryland. I have made my statement on that subject. If the city of Washington, the District of Columbia, has a legitimate claim for four or five million dollars each year in the form of appropriation it receives, then this falls within the circle of that appropriation. When a widow brings her suit in the courts we establish here, then she is met by a technical barrier of $5,000. When at length the matter is brought here, we are then to be met by another technical barrier.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired. The question is on the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 38, noes 48.

Mr. HANCOCK of New York. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and fifty-five Members present, not a quorum.

EXTENSION OF REMARKS

THE AMERICAN FARMER

Mr. LUNDEEN. Mr. Speaker, on May 13, 1936, I voted for the Frazier-Lemke farm refinancing bill. It was defeated 142 to 235. I also voted for the motion to discharge the committee and bring the bill before the House on May 11; that motion passed 220 to 153. My name was fifth among the 218 on the written motion to bring the bill before the House. I signed this petition the same day that it was placed on the Speaker's desk during the last session of Congress. The Frazier-Lemke bill has for many years formed a plank in the platform of the Farmer-Labor Party. Personally, I favor reducing interest rates even below the rate specified in the Frazier-Lemke bill. I would reduce the rate to 1 percent, and 1 percent amortization. Bankers are being given rates lower than that by the United States Government.

COST OF PRODUCTION PLUS A FAIR PROFIT

The Frazier-Lemke bill is not dead. The campaign for it will continue. We obtained a roll-call vote, and Members of Congress who voted against the bill will have to explain their votes during the coming campaign.

The people are awakening to the fact that the prosperity and happiness of all our citizens depends on giving the American farmer cost of production plus a fair profit. I have received numerous letters, telegrams, and petitions from my constituents in the city of Minneapolis who realize the importance of giving the farmer a square deal. Enlightened people in the city as well as in rural areas know that the farm depression which has continued now for 15 years must be checked. It is time that we pay attention to what is happening to the American farmer who is so often called the backbone of this country. Unless we take drastic means to check his downward march, in the not distant future the free American farmer will be no more.

Every year there is a steady increase in the percentage of tenant farmers. Farmers, who produce 21 percent of the Nation's wealth, compose 21 percent of the Nation's population and 21 percent of our gainful workers, receive only 7 percent of the national income. If paid a wage as high as 25 cents per hour for his labor, the American farmer would owe himself at the end of the year $920. The city wage earner and business man are dependent upon the farmer for wages and profits. Enlightened city people have learned this; they sympathize with the American farmer and urge their Congressmen and Senators to vote for legislation that will aid him. It is time that we turn the spotlight on the American farmer and his problems and learn what is happening to the backbone of this country.

AGRICULTURE EMPLOYS MORE PEOPLE THAN ANY OTHER INDUSTRY

Agriculture represented 32½ percent of the gainfully employed of 1910, 25.6 percent of the gainfully employed of 1920, and 21.4 percent of the gainfully employed of 1930. For every million of our population agriculture employs 85,294. Here is a table which shows the importance of agriculture from the standpoint of employment:

Number employed per million population

Occupation:	
Agriculture	85,294
Clerks	49,805
Servants	21,577
Chauffeurs	7,920
Textile workers	7,796
Trainmen, brakemen	7,749
Carpenters	7,570
Iron and steel workers	6,731
Miners	6,064
Machinists	5,215
Tailors and dressmakers	4,421
Painters	4,261
Engineers and firemen	3,123
Barbers and hairdressers	3,049

No other occupational group totals over 3,000 per million of population, according to the World Almanac for 1936, page 311.

THE EARLY AMERICAN FARMER

When the American Constitution was framed, this country was composed largely of farmers—frontiersmen whose inspiration for toils and hardships was the American dream, a free and equal people. They formed a farmers' constitution, for they were farmers. Even then their debt was staggering, and there seemed to be no way for them to pay it. Their exports were not sufficient to cover the interest due. War was their way out—the 20-year Napoleonic wars that consumed all the goods our farmers could possibly produce. A tariff was laid on imports, and the American farmer became prosperous by the insatiable markets of Europe.

When the Napoleonic wars came to an end in 1815, prices fell, the market was glutted, and a large percentage of the population moved westward, beyond the Alleghenies, to the new frontier. Always there was a new frontier, an avenue of escape from deflation.

There were periodic struggles between eastern industrialists who demanded high tariffs on manufactured products and western and southern farmers who wanted to buy these products cheaply. The western farmers fought against financial privileges of the East and slave-holding privileges of the South. Periodically there were wars with the accompanying demand for farm products that each time gave the West a temporary boom, followed by the inevitable crash.

WAR—A MIRAGE OF PROSPERITY

During the Civil War wheat sold for about a dollar and later 2 dollars a bushel. Many products doubled in value. War always held up a mirage of prosperity for the farmer, and when each crash followed in its turn, there was a new migration to the West. Each time new millionaires were made in the industrial East. Each time captains of industry took a firmer grip upon the economic life of the country; they demanded new protections and privileges, while the farmer, beaten but always hopeful, moved to the West, once again to pioneer.

The colossal blunder of 1917 was the last of these periods of artificial prosperity for the farmer. After the war there was no new frontier to conquer. Harding's "back to normalcy" meant opening the road to farm tenancy and mounting debt—perhaps even to peasantry.

There are interesting comments on the vanishing frontier in William E. Dodd's article, "Shall Our Farmers Become Peasants?" in Century Magazine, May 1928.

THE VANISHING FRONTIER

It was time for the farmer to move again into the wilderness, but the pioneering days were over. There was no more free land in the West. His debts continued to pile high; his prices continued to retreat. Business and industry reached still another boom in 1928 and 1929, but the farmer marched right on down the road to greater debts and increasing tenancy. The only manner in which he could survive was in an organized manner, and organization is now under way.

About half the farmers no longer claim ownership to their land—mortgaged or unmortgaged. They are tenants, without even the security that was guaranteed to serfs and vassals of feudal days. Half of those who do own lands are bound by mortgages that may never be refinanced again. The large farms, operated by gentlemen farmers—managers who are not farmers, but businessmen—have pulled through these 15 years of depression in rural America. But these are not the pioneer farmers who built this country. These are not the home builders who faced the wilderness under the inspiration of the American dream.

THE FARMERS' DEPRESSION STARTED IN 1920

Depression for the farmers started in 1920 instead of 1929. One cause of the 1920 farm slide downward was the action taken by the Federal Reserve Board in May 1920 in raising the discount rate. Through this raise in the rate and propaganda put out by the Federal Reserve Board, the Federal Reserve banks, and the member banks, a period of

drastic deflation was begun. Outstanding loans were forced in. This meant that the farmers had to meet their obligations at once. In order to do so they were forced to sell at a furious rate. Their selling caused a break in the market prices that could not be stopped, and by 1921 the farmers felt the full effect of the Federal Reserve Board order. Their doom was sealed, and nothing done by Congress since has balanced the effect of the 1920 crash.

NO WESTERN FRONTIER

There was no new frontier in the West to escape the World War crash. The farmer was caught. As his income went down his costs of production went up. Hogs, sheep, wheat, corn, milk, and other farm products went down; and wagons, telephone service, binders, cultivators, fertilizer, and other farm necessities went up. Here are the prices for 1914 compared with 1934:

[From Statistical and Historical Research, compiled from records of Division of Crop and Livestock Estimates]

Item	1914	1934	Item	1914	1934
Hogs	$7.57	$4.25	Binder	$136.50	$233.29
Wagons	73.25	108.92	Corn	.72	.61
Sheep	4.79	2.96	Cultivator	31.70	55.55
Telephone, per month	1.00	2.50	Milk	1.49	1.01
Wheat	.87	.79	Fertilizer	17.50	23.60

Let us take a look at the American farmer and the average American farm.

SIZE OF FARMS

In 1935 there were 6,812,350 farms in the United States, 203,302 of which were in Minnesota. The American farm varies from the little 3-acre strip of land to extensive operations of thousands of acres under single management. (See Appendix "A" for tables showing size of farms in Minnesota and United States, p. 9668.)

Number of farms, by size, for Third District counties in Minnesota, 1900–30 [1]

[U. S. Census Bureau]

Size group	Anoka	Chisago	Isanti	Hennepin	Washington
1930					
Total	1,457	2,024	2,030	3,981	1,963
Under 3 acres	4	4	2	62	2
3 to 9 acres	61	42	14	483	95
10 to 19 acres	33	35	20	486	93
20 to 49 acres	171	221	188	897	268
50 to 99 acres	374	629	680	1,186	544
100 to 174 acres	486	802	813	706	629
175 to 259 acres	211	213	239	121	225
260 to 499 acres	90	72	70	35	95
500 to 999 acres	25	6	3	4	7
1,000 acres and over	2		1	1	5
1925					
Total	1,575	2,128	2,097	4,313	2,055
Under 3 acres	1	1		12	1
3 to 9 acres	89	62	36	768	141
10 to 19 acres	57	53	24	588	111
20 to 49 acres	184	263	194	970	308
50 to 99 acres	445	697	686	1,185	613
100 to 174 acres	464	809	827	664	604
175 to 259 acres	221	175	248	94	196
260 to 499 acres	91	61	80	29	66
500 to 999 acres	20	7	1	3	12
1,000 acres and over	3		1		3
1920					
Total	1,589	2,236	2,212	3,954	2,014
Under 3 acres	2	3	1	44	15
3 to 9 acres	39	64	9	372	88
10 to 19 acres	42	63	17	430	91
20 to 49 acres	194	294	248	934	291
50 to 99 acres	475	695	784	1,253	608
100 to 174 acres	457	848	865	744	600
175 to 259 acres	225	192	212	122	225
260 to 499 acres	102	72	73	50	82
500 to 999 acres	18	5	2	5	13
1,000 acres and over	5		1		1
1910					
Total	1,445	2,005	2,063	3,853	1,943
Under 3 acres	1			34	3
3 to 9 acres	21	42	21	298	73
10 to 19 acres	25	51	17	376	78
20 to 49 acres	206	273	247	909	314
50 to 99 acres	436	603	734	1,228	544

[1] Data for 1935 not tabulated.

Number of farms, by size, for Third District counties in Minnesota, 1900–1930—Continued

Size group	Anoka	Chisago	Isanti	Hennepin	Washington
1910—Continued					
100 to 174 acres	447	757	740	785	600
175 to 259 acres	184	192	237	160	205
260 to 499 acres	97	85	64	60	110
500 to 999 acres	23	2	3	3	14
1,000 acres and over	5				2
1900					
Total	1,356	1,969	2,044	3,684	1,843
Under 3 acres	2	6	9	65	12
3 to 9 acres	21	29	20	190	49
10 to 19 acres	33	24	21	270	60
20 to 49 acres	237	328	315	841	290
50 to 99 acres	438	684	740	1,241	591
100 to 174 acres	364	657	690	829	532
175 to 259 acres	156	163	201	183	196
260 to 499 acres	82	67	46	60	102
500 to 999 acres	18	11	2	5	8
1,000 acres and over	5				3

FARM POPULATION

Almost one-fourth of our people live on farms. The total farm population in 1930 was 30,445,350 and in 1935 it was 32,779,000.

Total population and farm population divided between rural and urban for 1930 and 1920, United States, Minnesota, and Third District of Minnesota

[Rural farm population is that living on farms in rural territory; urban farm population is that living on farms in urban places]

[Figures from U. S. Census Bureau]

	United States	Minnesota	Third District counties in Minnesota				
			Anoka	Chisago	Isanti	Hennepin	Washington
1930							
Total population	122,775,046	2,563,953	18,415	13,189	12,081	517,785	24,753
Total farm population	30,445,350	895,349	6,650	8,708	8,781	18,318	8,718
Urban-farm population	287,837	7,300	133			1,585	72
Rural-farm population	30,157,513	888,049	6,517	8,708	8,781	16,733	8,646
1920							
Total population	105,710,620	2,387,125	15,626	14,445	13,278	415,419	23,761
Total farm population	31,614,269	897,181	(1)	(1)	(1)	(1)	(1)
Urban-farm population	255,629	3,721					
Rural-farm population	31,358,640	893,460					

[1] County figures for 1920 farm population not available.

VALUE OF FARM PROPERTY SHRINKS

Congressman LEMKE placed in the RECORD on March 5, 1936, data showing that farm values have dropped steadily, from $77,900,000,000 in 1930 to $37,000,000,000 in 1934 and $32,884,000,000 in 1935. During this same period interest and taxes increased. How many industries could survive this tremendous shrinkage in property values?

Average value of farms, 1900–1935

[U. S. Census Bureau]

	United States	Minnesota	Third District counties in Minnesota				
			Anoka	Chisago	Isanti	Hennepin	Washington
1935	$4,823	$6,803	$4,549	$4,882	$4,761	$7,310	$6,358
1930	7,614	11,471	7,708	9,086	7,378	12,963	10,740
1925	7,704	12,717	9,121	9,554	7,940	11,928	10,542
1920	10,284	18,496	11,958	11,321	9,720	13,808	12,770
1910	5,471	8,085	5,568	5,186	3,699	8,024	7,215
1900	2,896	4,329	2,551	2,435	1,728	4,799	4,248

FARMERS' SHARE OF NATIONAL INCOME DECREASES

Agriculture, with 21 percent of the Nation's wealth, 21 percent of the population, and 21 percent of the gainfully employed workers, receives less than 7 percent of the national income. Here is a table showing the percentage of income received by agriculture to total national income. (A 284—National income paid out in United States, R. B.

Nathan, Department of Commerce, printed in A Solution of the Agricultural Problem, Louis B. Ward.)

	National income	Agricultural income	Percentage
1929	$78,576,000,000	$6,157,000,000	7.8
1930	72,973,000,000	4,595,000,000	6.3
1931	61,433,000,000	4,271,000,000	6.9
1932	47,964,000,000	3,192,000,000	6.7
1933	44,431,000,000	2,993,000,000	6.7
1934	49,440,000,000	3,299,000,000	6.6

Actually, if the American farmer were paid an N. R. A. minimum wage of 25 cents per hour for his labor, he would owe his farm $920 at the end of a year. This is shown by the following table, which lists the farmer's expenses, including the expense of his own wages, and we find that if he were to pay himself a 25-cent wage his deficit would be greater than the wage he paid to himself:

The balance sheet

[From A Solution of the Agricultural Problem, by Louis B. Ward, M. A., Pd. M., Jan. 29, 1936]

1. 6 percent on $32,000,000,000 (land and buildings)	$1,920,000,000
2. 6 percent on $25,000,000,000 (operating capital)	1,500,000,000
3. 2 percent depreciation on $32,000,000,000 (land and buildings)	640,000,000
4. 4 percent depreciation on $25,000,000,000 (operating capital	1,000,000,000
5. $600 per year for 3,000,000 farm laborers	1,800,000,000
6. $912 per year for 6,800,000 farmers	6,199,600,000
7. Taxes	400,000,000
Total	13,459,600,000
1934 gross income, including Government benefits	7,163,000,000
Deficit	6,296,600,000

THE FARM TAX BURDEN

On every $100 of farm property in the pre-war period there was levied a tax of $0.55. That rate has increased until the tax on the same value of property in 1933 was $1.50, or an increase of nearly 300 percent. In 1930 it took four times as many units of farm production to pay taxes as it did in 1914. By 1933 more than 15 farms per thousand were being lost through tax sales.

Here is a table, from Congressman BURDICK, showing how the pre-war tax burden has constantly increased. In 1932 there was a slight drop but the tax burden still remains over two times as much as in the pre-war period:

1900	$262,000,000
1910	268,000,000
1911	275,000,000
1912	278,000,000
1913	268,000,000
1914	292,000,000
1915	298,000,000
1916	304,000,000
1917	310,000,000
1918	345,000,000
1919	380,000,000
1920	452,000,000
1921	633,000,000
1922	678,000,000
1923	718,000,000
1924	727,000,000
1925	729,000,000
1926	738,000,000
1927	754,000,000
1928	766,000,000
1929	777,000,000
1930	777,000,000
1931	730,000,000
1932	629,000,000

Farm tax burdens increase in spite of shrinking property values.

FARM MORTGAGE DEBT UP

About 1,800,000 farms of the 6,800,000 are free from debt and operated by owners, according to the World Almanac. The mortgage information I have received from the Census Bureau is confined to farms operated by owners, not tenants. Therefore, these figures represent only a part of the mortgage debt. This table shows how the value of farm property has decreased while the mortgage debt has increased or remained about the same.

Mortgaged farms operated by full owners, 1900–1930

[U. S. Census Bureau]

	United States	Minnesota	Third District counties in Minnesota				
			Anoka	Chisago	Isanti	Hennepin	Washington
1930							
Total number of full owners	2,911,644	97,878	816	1,319	1,426	2,382	1,180
Farms reporting mortgage debt	1,145,737	49,667	389	626	671	1,036	524
Acreage	168,760,755	7,123,001	44,774	66,233	71,596	49,267	56,528
Value	$10,307,732,037	$526,963,778	$2,782,792	$5,515,720	$4,694,545	$10,781,575	$5,357,985
Mortgage debt	$4,080,176,438	$235,114,123	$1,064,330	$2,193,841	$1,866,223	$3,530,377	$2,126,115
1925							
Total number of full owners	3,313,490	112,906	1,014	1,546	1,425	2,951	1,474
Farms reporting mortgage debt	1,128,207	52,184	435	651	641	1,045	494
Acreage	172,182,218	7,548,504	45,008	64,795	72,171	45,210	54,128
Value	$10,790,244,351	$612,428,182	$3,317,600	$6,136,265	$4,933,355	$9,852,975	$5,336,308
Mortgage debt	$4,517,258,689	$267,026,995	$1,272,140	$2,352,241	$2,061,148	$3,368,599	$2,231,741
1920							
Total number of full owners	3,366,510	112,880	1,063	1,685	1,699	2,533	1,342
Farms reporting mortgage debt	1,193,047	57,585	506	726	786	871	503
Acreage	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Value	$13,775,500,013	$925,963,060	$5,233,970	$7,850,321	$7,324,240	$9,704,550	$6,183,436
Mortgage debt	$4,003,767,192	$254,475,222	$1,403,110	$2,061,599	$1,963,521	$2,695,715	$1,817,397
1910							
Total number of full owners	3,354,897	99,493	1,055	1,636	1,568	2,623	1,352
Farms reporting mortgage debt	1,006,511	41,775	468	580	633	782	478
Acreage	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Value	$6,330,236,951	$295,015,775	$2,076,511	$2,793,995	$2,180,101	$4,841,530	$2,841,935
Mortgage debt	$1,726,172,851	$77,866,283	$512,979	$620,578	$512,140	$1,222,061	$697,506
1900							
Total number of full owners	3,638,403	125,405	1,060	1,764	1,818	2,817	1,544
Farms reporting mortgage debt	1,093,164	54,338	416	650	613	842	573
Acreage	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Value	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Mortgage debt	(1)	(1)	(1)	(1)	(1)	(1)	(1)

[1] Not reported.

FORECLOSURES LIQUIDATE FARM MORTGAGE DEBTS

Foreclosures have caused the farm mortgage debt to drop. A million farm foreclosures for the 8 years, 1926 through 1933—that is the record shown by the United States Department of Agriculture. Year by year foreclosures were:

1926	104,200
1927	109,200
1928	105,600
1929	88,800
1930	94,200
1931	112,200
1932	170,400
1933	232,800
1934	168,000
Total foreclosures, 1926–34	1,185,600

Since 1920, over 40 percent of all farm homes in America have been either foreclosed, transferred to settle debts, or lost under delinquent-tax sales. (Based on H. Doc. 9, 73d Cong., 1st sess.)

MORTGAGE DEBT STATE BY STATE

Here are the number and percentage of farms mortgaged in each State, and the totals of mortgages on farms operated by full owners. This estimate is conservative, since practically every little 3-acre farm in the country is termed a farm statistically, and is free from debt. If the Department had included only farms of 10 acres or over, the figures would probably have been higher:

[Louis B. Ward, A Solution of the Agriculture Problem]

State	Farms mortgaged	Percentage of total	Total mortgages on farms operated by full owners	Probable distribution Frazier-Lemke refinancing
Mississippi	261,000	83.7	$36,733,000	$27,000,000
Oklahoma	163,000	80.4	60,931,000	46,000,000
Alabama	202,000	78.9	37,422,000	28,000,000
Georgia	199,000	78.2	35,624,000	26,000,000
North Dakota	60,000	78.2	60,044,000	45,000,000
Louisiana	125,000	77.6	26,675,000	20,000,000
South Dakota	64,000	77.4	64,358,000	48,000,000
Iowa	166,000	77.3	452,902,000	340,000,000
Nebraska	99,000	77.2	172,342,000	129,000,000
Arkansas	186,000	77.0	35,388,000	26,000,000
South Carolina	121,000	76.7	26,447,000	20,000,000
Texas	377,000	76.1	199,238,000	150,000,000
Kansas	119,000	71.9	113,807,000	85,000,000
Colorado	40,000	67.9	48,854,000	36,000,000
Minnesota	125,000	67.8	235,114,000	175,000,000
Idaho	27,000	67.1	50,225,000	37,000,000
Illinois	141,000	66.2	199,229,000	150,000,000
Missouri	169,000	66.1	187,863,000	140,000,000
Wisconsin	119,000	65.9	355,029,000	265,000,000
Montana	30,000	64.5	36,598,000	27,000,000
North Carolina	176,000	63.2	49,670,000	37,000,000
Wyoming	10,000	62.5	12,781,000	9,000,000
Indiana	111,000	61.4	112,185,000	84,000,000
Tennessee	147,000	60.2	49,750,000	37,000,000
Oregon	32,000	59.6	64,116,000	48,000,000
Delaware	5,000	58.6	5,617,000	4,000,000
California	79,000	58.3	298,523,000	223,000,000
Washington	40,000	57.7	72,303,000	54,000,000
New Jersey	14,000	57.6	39,796,000	30,000,000
Vermont	14,000	56.4	26,376,000	20,000,000
Michigan	95,000	56.2	141,034,000	105,000,000
Utah	15,000	55.9	28,741,000	21,000,000
Maryland	23,000	53.4	32,863,000	24,000,000
Massachusetts	13,000	53.1	34,060,000	25,000,000
Connecticut	9,000	52.7	23,556,000	17,000,000
Ohio	113,000	51.9	143,089,000	107,000,000
New York	82,000	51.7	170,460,000	127,000,000
Kentucky	126,000	51.4	62,777,000	47,000,000
Nevada	1,000	46.3	8,074,000	6,000,000
Florida	26,000	44.9	21,606,000	16,000,000
Virginia	75,000	44.3	53,424,000	40,000,000
Pennsylvania	75,000	43.9	122,744,000	92,000,000
Rhode Island	1,000	43.4	2,655,000	2,000,000
Arizona	5,000	41.8	11,618,000	9,000,000
New Hampshire	5,000	38.4	8,199,000	6,000,000
New Mexico	12,000	38.4	10,325,000	7,500,000
Maine	13,000	35.1	22,539,000	17,000,000
West Virginia	26,000	32.6	16,260,000	12,000,000

INCREASE IN TENANCY

Farm tenancy has increased from 25.6 percent in 1880 to 42.4 percent in 1930. All States except Connecticut, New York, New Jersey, Pennsylvania, Delaware, South Carolina, and Arizona showed an increase in percentages of tenancy in 1930. The range of tenancy according to the 1935 census was from 4.5 percent of all farms in Maine to 72.2 percent in Mississippi.

Number of farms, by tenure, for United States, Minnesota, and Third District of Minnesota, 1930–1935

[U. S. Census Bureau]

	United States	Minnesota	Third District counties in Minnesota				
			Anoka	Chisago	Isanti	Hennepin	Washington
1935							
Total	6,812,350	203,302	1,763	2,183	2,168	4,701	2,181
Owners	3,899,091	134,012	1,268	1,715	1,578	3,539	1,768
Managers	48,104	878	21		2	34	16
Tenants	2,865,155	68,412	474	468	588	1,128	397
1930							
Total	6,288,648	185,255	1,457	2,024	2,030	3,981	1,963
Owners	3,568,394	126,570	1,125	1,566	1,659	3,021	1,539
Managers	55,889	1,047	24	11	7	79	27
Tenants	2,664,365	57,638	308	447	364	881	397
1925							
Total	6,371,640	188,231	1,575	2,128	2,097	4,313	2,055
Owners	3,868,332	136,382	1,259	1,753	1,744	3,426	1,649
Managers	40,700	766	24	4	12	48	14
Tenants	2,462,608	51,083	292	371	341	839	392
1920							
Total	6,448,343	178,478	1,589	2,236	2,212	3,954	2,014
Owners	3,925,090	132,744	1,279	1,869	1,877	3,063	1,558
Managers	68,449	1,596	23	9	19	91	50
Tenants	2,454,804	44,138	287	358	316	800	406
1910							
Total	6,361,502	156,137	1,445	2,005	2,063	3,853	1,943
Owners	3,948,722	122,104	1,247	1,831	1,854	3,081	1,584
Managers	58,104	1,222	15	3	3	51	41
Tenants	2,354,676	32,811	183	171	206	721	318
1900							
Total	5,737,372	154,659	1,356	1,969	2,044	3,684	1,843
Owners	3,653,323	126,809	1,119	1,812	1,856	2,778	1,517
Managers	59,085	1,095	12	4	2	42	23
Tenants	2,024,964	26,755	225	153	186	864	303

Owners includes both full and part owners.

WAGES OF FARM LABOR FAR BELOW CITY AVERAGE

The wages of farm labor are much less than wages received by city workers, and these are none too high. Here are the wages over a period of years:

[From A Solution of the Agricultural Problem, Louis B. Ward]

Year	Including board	Excluding board	Year	Including board	Excluding board
1920	$47.24	$65.05	1928	$34.66	$44.65
1921	30.35	42.58	1929	34.74	49.08
1922	29.31	42.09	1930	31.14	44.59
1923	33.09	46.74	1931	23.60	35.03
1924	33.34	47.22	1932	17.53	26.67
1925	33.88	47.88	1933	15.86	24.31
1926	34.86	48.86	1934	17.89	24.17
1927	34.58	48.63			

MINNESOTA FARM CONDITIONS

In Minnesota today only one-half of our farms are operated by full owners. About one-third are tenant-farmed. The rest are operated by part owners and managers. We have 203,302 farms in Minnesota, 101,307 operated by full owners, 32,705 by part owners, 878 by managers, and 68,412 by full tenants. This is an increase of 11,000 tenants and less than 4,000 full owners from the 1930 census, an increase of 18.7 percent tenants and 3.5 percent full owners.

The value of farms in Minnesota, including land and buildings, has dropped from $2,125,093,278 in 1930 to $1,383,072,263 in 1935. The average value per farm has dropped from $11,471 to $6,803.

The crop failure, largely from drought, was 2,475,322 acres in 1935 compared with 254,979 in 1930. This does not include all crop failures, but only the acreage which failed and on which no other crop was harvested in 1934.

There was an increase of from 4,358,576 acres of corn harvested in 1930 to 4,757,503 acres harvested in 1935; but the number of bushels of corn for grain that was harvested dropped from 104,419,048 to 44,058,368. There was a 25-percent increase in the number of cows and a 51-percent decrease in the number of swine.

FARMS IN ANOKA COUNTY

Throughout the Third Congressional District, which I have the honor to represent in Congress, there are generally speaking the same tendencies. We had 1,763 farms in Anoka County in 1935, compared with 1,457 in 1930, with a total value of $8,020,423 in 1935 and $11,230,745 in 1930. Of these, 885 are operated by full owners, 383 by part owners, 21 by managers, and 474 by tenants.

From 1930 to 1935 the number operated by full tenants increased by 166, while those operated by full owners increased by only 69. Percentage figures show more clearly the increase in tenancy. There was an increase of approximately 8.5 percent in the number of farms operated by full owners and an increase of about 53.9 percent in the number of farms operated by full tenants. At this rate the full-owned Anoka farm is passing out of the picture, and a farm tenant runs the farm.

The average value of Anoka County farms was $4,549 in 1935 compared with $7,708 in 1930. The average size per farm was 127.7 acres in 1935 compared with 132.6 in 1930, according to the United States Census Bureau.

FARMS IN CHISAGO COUNTY

Chisago County had 2,183 farms in 1935 compared with 2,024 in 1930. Of these, 1,405 were operated by full owners, 310 by part owners, and 468 by tenants. There were no farms operated by managers in Chisago County in 1935. From 1930 to 1935 the farm tenants increased by 21; the full owners increased by 86. This is an increase of 6.5 percent in the number of full owners and 4.7 percent in the number of tenants.

Chisago County farms were valued at $10,657,255 in 1935 and $18,389,180 in 1930. Their average size was 112.5 acres in 1935 and 115.5 acres in 1930. Their average value was $4,882 in 1935 and $9,086 in 1930, according to the United States Census Bureau.

FARMS IN HENNEPIN COUNTY

Hennepin County had 4,701 farms in 1935 compared with 3,981 in 1930. Of these, 2,754 were operated by full owners, 785 by part owners, 34 by managers, and 1,128 by tenants. This is an increase of 372, or 15.6 percent, in the number of full owners and 247, or 28 percent, in the number of tenants.

Hennepin County farms were valued at $34,366,224 in 1935 and $51,605,297 in 1930. Their average size was 57.9 acres in 1935 and 64.3 acres in 1930; the average value per farm was $7,310 in 1935 and $12,963 in 1930, according to the United States Census Bureau.

FARMS IN ISANTI COUNTY

Isanti County had 2,168 farms in 1935 compared with 2,030 in 1930. Of these, 1,245 were operated by full owners, 333 by part owners, 2 by managers, and 588 by tenants. This is a decrease of 181 farms operated by full owners and an increase of 224 in the number of tenant farmers; in other words, a decrease of 12.6 percent in the number of full owners and an increase of 61.5 percent in the number of tenant-operated farms.

Isanti County farms were valued at $10,322,710 in 1935 and $14,977,206 in 1930. The average acreage per farm was 119.7 in 1935 and 120.7 in 1930. The average value per farm was $4,761 in 1935 and $7,378 in 1930, according to the United States Census Bureau.

FARMS IN WASHINGTON COUNTY

Washington County had 2,181 farms in 1935 and 1,963 in 1930. Of these, 1,379 were in 1935 operated by full owners, 389 by part owners, 16 by managers, and 397 by tenants. The number of full owners increased by 199, while the number of tenants remained exactly the same. This is an increase of 16.9 percent in farms operated by full owners.

The average size of Washington County farms was 106.4 acres in 1935 and 114.4 acres in 1930. The average value per farm was $6,358 in 1935 and $10,740 in 1930, according to the United States Census Bureau.

NO OVERPRODUCTION

With the receipt of A. A. A. payments, the farmers' income has increased, according to the Department of Agriculture figures.

The average farm income in 1930 was $641.
The average farm income in 1931 was $396.
The average farm income in 1932 was $244.
The average farm income in 1933 was $437.
The average farm income in 1934 was $510, including A. A. A. payments. (From speech of Congressman THOMAS R. AMLIE, CONGRESSIONAL RECORD, Feb. 20, 1936.)

This increase was due partially to A. A. A. payments, partially to drought. There may have been other reasons for the increase. But the fact remains that an income of $500 a year does not give the farmer cost of production, to say nothing of a fair profit. While the Federal Land Bank makes it possible for farmers to refinance their debts in some cases, banks and insurance companies holding the farmer's mortgage get the greater part of present farm relief. While the farmers are often grateful for the help they have received, the idea of being paid for curtailing production when millions are in need does not appeal to them. They know that something is wrong with the program. They do not feel that the A. A. A. payments received have given them the standard of living to which they are entitled.

FARM HOMES—HEALTH AND SAFETY

The standard under which many farmers are compelled to live is certainly not in keeping with the fact that they produce practically the entire wealth of this Nation. It is in itself evidence that there is no overproduction. A study of the Housing Division of the Public Works Administration estimates that 5,000,000 farm homes are "of such a character as to endanger the health, the safety, and the morals, and interfere with the normal life of their inhabitants."

There may have been an excuse for such dwellings in early pioneer days. But there is no excuse for such housing now in a land of plenty and overproduction. Less than 10 percent of our farm homes have baths; 12 percent have running water; 15 percent have electric lights. We have the means to produce and furnish baths, running water, electric lights, and many other conveniences for every farm home in America. The farmer's "cost of production" means that he should be paid enough for producing for the people of America. He and his family must have clothing, food, medical and dental care, and other necessities and conveniences.

COST OF PRODUCTION PLUS FAIR PROFIT

There is one idea that survives all discussions and programs for the relief of agriculture, and that is that agriculture should receive a fair profit over the cost of production.

We cannot leave the American farmer to fight alone against these forces of nature and the man-made economic forces that tend to destroy him. Against flood and soil erosion the farmer cannot protect himself. These are the forces of nature. Manipulation of the stock market and other man-made forces bear down upon him. Here is a field for the Federal Government. Great changes have come about in the last few decades. In the interest of the Nation as a whole, the farmer must once more come into his own.

James J. Hill, railroad leader, summed up the importance of agriculture to the whole Nation when he said:

WEALTH OF A NATION

[From Wright County Journal Press]

As far back as we know anything about civilization, the cultivation of the soil has been the first and most important industry in any thriving state. It will always be. Herodotus, the father of history, tells the story of the human race in the valley of the Euphrates.

That was the garden of the world in its day. Its great cities, Babylon and Nineveh, where are they? Piles of desert sand mark

where they stood. In place of the millions that overran the world, there are a few wandering Arabs feeding half-starved sheep and goats. The Promised Land—the Land of Canaan itself—to which the Children of Israel were brought up from Egypt, what is it now?

A land overflowing with milk and honey? Today it has neither milk nor honey. It is a barren waste of desert, peopled by scattered robber bands. A provision of Providence fertilized the soil of the valley of the Nile by overflowing it every year. From the earliest records that history gives, Egypt has been a land of remarkable crops; and today the land thus fertilized by overflow is yielding more abundantly than ever.

It is made clear by every process of logic and by the proof of historic fact that the wealth of a nation, the character of its people, the quality and permanence of its institutions are all dependent upon sound and sufficient agricultural foundation. No armies or navies or commerce or diversity of manufacture or anything other than the farm is the anchor which will hold through the storms of time that sweep all else away.

APPENDIX

Number of farms, with percent distribution, by size, by divisions and States: 1880 to 1930

[U. S. Census Bureau]

[Statistics for 1930 relate to Apr. 1; for 1920 to Jan. 1; for 1910 to Apr. 15; and for earlier years to June 1. A minus sign (—) denotes decrease]

Division or State and size group	Number of farms							Increase						Percent distribution					
								1920-30											
	1935	1930	1920	1910	1900	1890	1880	Number	Percent	1910-20, percent	1900-1910, percent	1890-1900, percent	1880-90, percent	1930	1920	1910	1900	1890	1880
United States, total	6,812,350	6,288,648	6,448,343	6,361,502	5,737,372	4,564,641	4,008,907	−159,695	−2.5	1.4	10.9	25.7	13.9	100.0	100.0	100.0	100.0	100.0	100.0
Under 10 acres		358,504	288,772	335,043	267,229	150,194	139,241	69,732	24.1	−13.8	25.4	77.9	7.9	5.7	4.5	5.3	4.7	3.3	3.5
Under 3 acres		43,007	20,350	18,033	41,385		4,352	22,657	111.3	12.8	−56.4			.7	.3	.3	.7		.1
3 to 9 acres		315,497	268,422	317,010	225,844		134,889	47,075	17.5	−15.3	40.4			5.0	4.2	5.0	3.9		3.4
10 to 19 acres		559,617	507,763	504,123	406,641	265,550	254,749	51,854	10.2	.7	24.0	53.1	4.2	8.9	7.9	7.9	7.1	5.8	6.4
20 to 49 acres		1,440,388	1,503,732	1,414,376	1,257,496	902,777	781,574	−63,344	−4.2	6.3	12.5	39.3	15.5	22.9	23.3	22.2	21.9	19.8	19.5
50 to 99 acres		1,374,965	1,474,745	1,438,069	1,366,038	1,121,485	1,032,810	−99,780	−6.8	2.6	5.3	21.8	8.6	21.9	22.9	22.6	23.8	24.6	25.8
100 to 499 acres		2,314,858	2,456,107	2,494,461	2,290,282	2,008,694	1,695,983	−141,249	−5.8	−1.5	8.9	14.0	18.4	36.8	38.1	39.2	39.9	44.0	42.3
100 to 174 acres		1,342,927	1,449,630	1,516,286	1,422,262			−106,703	−7.4	−4.4	6.6			21.4	22.5	23.8	24.8		
175 to 259 acres		520,593	530,800	534,191	490,069			−10,207	−1.9	−.6	9.0			8.3	8.2	8.4	8.5		
260 to 499 acres		451,338	475,677	443,984	377,951			−24,339	−5.1	7.1	17.5			7.2	7.4	7.0	6.6		
500 to 999 acres		159,696	149,819	125,295	102,526	84,395	75,972	9,877	6.6	19.6	22.2	21.5	11.1	2.5	2.3	2.0	1.8	1.8	1.9
1,000 acres and over		80,620	67,405	50,135	4,160	31,546	28,578	13,215	19.6	34.4	6.3	49.5	10.4	1.3	1.0	.8	.8	.7	.7
Minnesota, total	203,302	185,255	178,478	156,137	154,659	116,851	92,386	6,777	3.8	14.3	1.0	32.4	26.5	100.0	100.0	100.0	100.0	100.0	100.0
Under 10 acres		4,399	3,140	2,849	2,549	812	640	1,259	40.1	10.2	11.8	213.9	26.9	2.4	1.8	1.8	1.6	.7	.7
Under 3 acres		493	340	294	555			153	45.0	15.6	−47.0			.3	.2	.2	.4		
3 to 9 acres		3,906	2,800	2,555	1,994			1,106	39.5	9.6	28.1			2.1	1.6	1.6	1.3		
10 to 19 acres		3,764	3,020	2,770	2,254	1,210	952	744	24.6	9.0	22.9	86.3	27.1	2.0	1.7	1.8	1.5	1.0	1.0
20 to 49 acres		14,966	14,111	12,028	13,278	9,742	8,003	855	6.1	17.3	−9.4	36.3	21.7	8.1	7.9	7.7	8.6	8.3	8.7
50 to 99 acres		33,150	32,743	26,571	30,990	26,163	25,530	407	1.2	23.2	−14.3	18.4	2.5	17.9	18.3	17.0	20.0	22.4	27.6
100 to 499 acres		125,643	122,146	108,260	102,258	77,048	56,375	3,497	2.9	12.8	5.9	32.7	36.7	67.8	68.4	69.3	66.1	65.9	61.0
100 to 174 acres		66,698	65,793	55,424	56,785			905	1.4	18.7	−2.4			36.0	36.9	35.5	36.7		
175 to 259 acres		33,064	31,108	27,972	24,933			1,956	6.3	11.2	12.2			17.8	17.4	17.9	16.1		
260 to 499 acres		25,881	25,245	24,864	20,540			636	2.5	1.5	21.1			14.0	14.1	15.9	13.3		
500 to 999 acres		3,100	3,046	3,359	2,965	1,594	741	54	1.8	−9.3	13.3	86.0	115.1	1.7	1.7	2.2	1.9	1.4	.8
1,000 acres and over		233	272	300	365	282	145	−39	−14.3	−9.3	−17.8	29.4	94.5	.1	.2	.2	.2	.2	.2

MEMORIAL DAY ADDRESS

Mr. SMITH of Washington. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Memorial Day address delivered by me at National Cemetery, United States Soldiers' Home, Washington, D. C., May 30, 1936, under the auspices of Department of the District of Columbia, United Spanish War Veterans:

I cannot find words to properly express my appreciation of the high honor you have conferred upon me by asking me to be your speaker at this Memorial Day service. I shall earnestly endeavor to interpret and express the thoughts and feelings which stir our hearts and minds upon this memorable occasion.

WE REVERE THEIR MEMORIES

We count it a privilege to honor and revere the memories of the noble men who have given their lives that our beloved country might live and we strew flowers on their graves both on land and sea. These heroes have made a contribution to our national greatness and welfare which we can never hope to repay, and we shall never cease to remember them with gratitude and affection. Should we ever forget their deeds of valor and patriotism, it will be a certain sign that our love of country has become cold and that we are no longer interested in the preservation of American Government and institutions, which day, pray God, may never dawn.

AMERICA'S WARS HAVE BEEN RIGHTEOUS

Our country has never engaged in a war of aggression or aggrandizement, and our soldiers and sailors have always fought for the principles of liberty, freedom, and justice. To Washington and the Continental Army, we are indebted for our independence and liberty as a free people. In the Naval War of 1812 we vindicated the freedom of our citizens upon the seas and in the Mexican War of 1846 the rights of our nationals upon foreign soil. The Civil War, under Abraham Lincoln, was fought to save the Union and liberate a race. The Spanish-American War in 1898 was also waged to liberate an oppressed people and to vindicate the honor and integrity of our Nation throughout the world. For the first time since 1861–65 there were blended the blue of the North and the gray of the South into the khaki of our comrades who answered the call of the martyred McKinley. In 1917 we entered the World War to protect the rights and lives of American citizens and to defeat the most cruel military despotism the world has ever seen, and when our object was achieved we did not demand one dollar of indemnity or one foot of territory from our conquered foe. We therefore bow our heads and our hearts in holy greeting to every soldier and sailor living or dead whose name is inscribed honorably on the muster rolls of the wars of the Republic. We also honor and revere the women living and dead who, as the mothers, wives, daughters, sisters, and sweethearts of these heroes, played an important and dramatic role in every conflict.

OUR DEBT TO THE VETERANS

There is one debt our Government can never pay, that is the debt we owe to these noble men and women, and which we can only partially discharge by the payment of pensions and benefits to our soldiers and sailors, their widows and orphans. Since I have been a Member of Congress I have bitterly opposed all legislation designed to reduce these payments to our veterans and their dependents and I have actively favored all legislation to increase such payments, and intend to continue to do so as long as I am in public life, for I am deeply convinced that any other policy is un-American and unworthy of the great Republic of the United States of America.

LET US DEMONETIZE WAR

Our love for our war heroes living and dead is equaled only by our hatred of war itself, because war is cruel, devastating, immoral, uncivilized, and un-Christian. In this troubled world of today, however, it behooves us to be adequately prepared to defend our country and our people against foreign attack. If war does come, and we cannot avoid it, then we should conscript every dollar of wealth and every material resource as well as every able-bodied citizen in order to prosecute the war as effectively and successfully as can be done. It must never again be possible for a few to profiteer and coin fortunes out of the blood and tears and sacrifices of men and women as occurred during the last war. We must absolutely and wholly demonetize war—take every bit of profit out of war—and if we can do that in every nation in the world we shall have accomplished more to end war and bring lasting peace than any other single thing which can be done.

CLOSING TRIBUTE

My friends, may we not close our feeble tribute to the veterans of our wars and their loved ones by breathing a prayer of reverence, of honor, of undying affection, of everlasting gratitude for them, and the hope that in the years to come we may be true and loyal citizens and defenders of the Republic for which they fought and died.

MEMORIAL TO THE HONORABLE JOSHUA W. ALEXANDER, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES AND FORMER SECRETARY OF COMMERCE IN PRESIDENT WILSON'S CABINET, DECEASED

Mr. ROMJUE. Mr. Speaker and Members of the House of Representatives, during this session of Congress there has passed to his reward one of Missouri's former Members of this body. In the recent death of Hon. Joshua W. Alexander, Missouri lost one of its distinguished citizens and statesmen. He served for many years as a Member of Congress from the congressional district in which he resided. He had a long and distinguished career and rendered valuable service to his constituents and in behalf of the public welfare.

Mr. Alexander served well and faithfully as mayor of his home town, Gallatin, Mo.; served 8 years as public administrator; served for several years as a member of the State Legislature in Missouri; and finally came to Congress, where he had a long and distinguished career. He resigned his seat in Congress when he was appointed as a member of President Woodrow Wilson's Cabinet during the latter part of President Wilson's administration, occupying the position as Secretary of Commerce.

His death came when he had reached the advanced age of his 85th year. Since the redistricting of the State of Missouri within the last few years, Daviess, the county of his residence, became a part of the congressional district which I now have the honor to represent. I will never forget my most pleasant visit with him in his home at Gallatin the last time I had an opportunity to see him. He was still considerate of the public welfare and was deeply interested in public matters and problems which at the time were confronting our country.

Those who served with Mr. Alexander in this House learned to recognize and value his true worth as a statesman and as a thorough student of public matters. There was no ostentation of showmanship connected with his character. He preferred to render service in a quiet way. He was loyal and faithful to his friends.

I was intimately acquainted with his family and recognized his solicitous interest in their behalf.

Mr. Alexander was a distinguished leader of one of the most important committees in Congress during his service here, and was an authority on questions involved in legislation with which his committee had to deal. He was a dependable, faithful, hard-working, and conscientious Cabinet member.

I happened to be ill myself at the time of learning of this distinguished citizen's death, and it was with deep regret that I received word of his passing.

In his earlier years he was an active and successful practitioner of the law, and when he ascended to the judicial position he discharged the duties of that office in an intelligent and conscientious and faithful manner. Political life was one which seemed to appeal to him most and in which he found an outlet for his ability and sterling qualities of heart and mind. Perhaps the most satisfaction he had from his long and honorable service in public office in various capacities was when he succeeded to the important and influential position of Secretary of Commerce.

A large concourse of people gathered in attendance at his funeral to pay their last respects.

Those who knew him best and were in more close contact appreciated his sound judgment on legislative matters and his forward-looking statesmanship.

He held the view that the true greatness of a nation was moral and intellectual, the upbuilding of character and intelligence, the preservation and the sanctity of the family life, and the recognition of the omnipotence of the Master of the Universe. He realized that one could not possess a greater ambition than to strive to do his best spiritually and materially for his fellow men; to reduce the sum of human misery; to help those less fortunate, and whatever our faith and whatever our views relative to progress, there can be no more splendid purpose in mind than to strive as his efforts directed him, and so a distinguished citizen and a worth-while friend has passed into that Great Beyond.

Not by eastern windows only,
When daylight comes, comes in the light,
In front, the sun climbs slow, how slowly,
But westward, look, the land is bright.

NATIONAL YOUTH ADMINISTRATION

Mr. SCOTT. Mr. Speaker, a bill we passed some time ago contained provision for the continuation of the National Youth Administration. While I feel that it falls far short of the provision that should be made for the young people, I at the same time feel that this administration is to be congratulated upon having the wisdom to recognize a vital problem and the willingness to do something about it.

Recognizing the vast problem facing youths who are coming into manhood and womanhood in these disturbed times, President Roosevelt, in establishing the National Youth Administration, said:

I have determined that we shall do something for the Nation's unemployed youth because we can ill afford to lose the skill and energy of these young men and women. They must have their chance in school, their turn as apprentices, and their opportunity for jobs—a chance to earn for themselves.

The aims of the National Youth Administration are fundamentally:

To provide work for students in order that they may remain in school and continue their education; for those youth who are no longer in school, to enable them to occupy their time with a vocational training which will equip them with a better opportunity to make a living and at the same time encourage them to maintain their self-respect by doing work and actually earning wages for that work.

In carrying out the President's injunction, the National Youth Administration has varied the type of its projects so that they fit the needs of the youth in the communities in which they are operating.

The following résumé will give some idea of the character of these projects and brief reasons for their advisability:

RECREATIONAL LEADERSHIP

One of the most important phases of the youth program is the development of recreational activities for young people. The National Youth Administration is providing every possible opportunity for young men and women to employ their leisure time advantageously.

Projects to provide part-time employment as assistants and leaders in recreational activities in playgrounds, athletic fields, gymnasiums, schools, and public institutions are in operation in every State.

Training and technical instruction in those sports in which youth are principally interested is provided.

RURAL YOUTH

The scope of the National Youth Administration is not confined to cities or urban centers but extends into the rural areas as well. Projects for rural youth have been developed which provide part-time employment in vocational agriculture, beautifying school grounds, sanitation, minor repairing of public buildings, and the development of county or community centers.

PUBLIC SERVICE

This classification provides for part-time employment as assistants in various public services to conduct activities outside the normal, budgeted scope of these local governmental agencies, such as traffic checks and control, health, and investigation of local and State records.

RESEARCH

Many young men and women are employed in research in local history, tax records, safety campaigns, biological and agricultural experimental assistance, and various other types of research projects.

Many projects from each of the above classifications are in progress in my district.

March reports show the total project allocation for the State of California as $650,500, divided as follows:

Recreation	$393,605
Rural youth	145,984
Public service	78,346
Research	32,565

In Los Angeles County 2,906 young men and women are employed on National Youth Administration projects.

EDUCATIONAL AID

With family incomes decreasing, private scholarship funds dwindling, and odd jobs in university towns disappearing, college attendance figures dropped 10 percent from 1932 to 1934.

The National Youth Administration has enabled thousands of students who otherwise would have been forced to drop out to continue their college educations. It has also aided thousands of high-school students.

The yearly quota for the operation of the student-aid program is as follows: $1,054,228, college aid; $365,466, high school; $109,120, graduate aid.

March reports also show that 20,122 students are participating in this program throughout the State, divided as follows: 9,491 college students; 9,969 high-school students; 662 graduate students.

These students work in libraries, assist teachers in grading papers, perform secretarial duties, and do various kinds of socially desirable work in return for the assistance they receive.

The student work program has been arranged by the school authorities and is under their supervision.

VOCATIONAL GUIDANCE

Two vocational-guidance centers have been established in the State, one in connection with the Los Angeles public-school employment offices and one in cooperation with the United States Employment Service in San Francisco.

These offices endeavor to place young men and women in positions for which they are best qualified and trained. The directors are in constant contact with private business and governmental agencies.

A report of the youths on relief in the country prepared by the Works Progress Administration contains some valuable information that I feel is worth including in the RECORD.

YOUTHS IN THE POPULATION OF THE UNITED STATES

There were approximately 127,000,000 persons in the United States in 1935. Roughly, one-seventh of this total was on relief in May. The proportion of youths in the relief population is almost the same—16 percent—as the proportion of youth in the total population. The total number of youths on relief in May 1935 is estimated to have been 2,877,000.

AGE AND SEX CHARACTERISTIC OF YOUTH

Youths 16 and 17 years old are more heavily represented on relief than are youths in the older age group 18–24. The relative underrepresentation in the older group is confined almost entirely to males. As a partial explanation of this, it should be noted that special relief programs, the C. C. C. in particular, principally affect male youths in the upper age groups, and so reduce the number of male youths in that age group on the general relief rolls.

PLACES OF RESIDENCE OF YOUTHS ON RELIEF

Of all youths on relief 60 percent (1,727,000 in May 1935) live in urban areas, 30 percent (827,000) in open country farm or nonfarm territory, and 10 percent (323,000) in villages. A village is a community of between 50 and 2,500 inhabitants.

WHITE AND COLORED YOUTHS IN URBAN AND RURAL AREAS

A closer examination of the youth population in urban and rural areas reveals the fact that in urban areas 14 percent (1,414,000) of all white youths are on relief, in contrast with 29 percent (313,000) of all colored youths. In rural areas the corresponding proportions are 14 percent (1,028,000) and 8 percent (122,000). Thus colored youths are definitely overrepresented on relief in urban areas and underrepresented in rural areas. This does not mean that there are more colored than white youths on relief; in actual numbers only one out of every six relief youths is colored.

REGIONAL DISTRIBUTION OF YOUTH

In general the geographical distribution of the relief youth population is very similar to that of the total youth population. In the southeastern region, however, the proportion of youth who are on relief is smaller, and in the central and mountain region it is greater than in the other regions.

USUAL OCCUPATIONS OF YOUTH ON RELIEF

According to the 1930 census, 55 percent of all youth had a usual occupation; according to various research studies, only 48 percent of all youth on relief have a usual occupation.

As compared with the distribution of workers in the total population, youth are more likely to be concentrated in the clerical and sales group and among the semiskilled workers and farm laborers; they appear less frequently among the proprietary and professional groups, the farm operators, and the skilled workers. Youth on relief are most heavily concentrated in the semiskilled and unskilled worker groups, the farm laborer, and the domestic and personal-service groups, reflecting the fact that workers on relief are more likely to come from those in the lower occupational groups.

EMPLOYMENT STATUS OF YOUTH ON RELIEF

According to estimates, in May 1935 altogether 1,258,300 relief youth were seeking work, 511,000 were employed, and 1,107,100 were neither working nor seeking work. Comparison of relief youth in urban areas with those in rural areas, however, shows that only 34 percent, 584,100, of urban youth are neither working nor seeking work, whereas 46 percent, 523,000, of rural youth are to be found in this category; 55 percent, 955,300, of urban youth, compared with 26 percent, 303,000, of rural youth are seeking work; only 11 percent, 187,400, of urban youth as against 28 percent, 324,000, of rural youth are reported as working. It should, however, be noted in making these comparisons that a large proportion of the rural youth who are working are employed as unpaid laborers on the home farm.

REASONS FOR YOUTH ON RELIEF NOT SEEKING WORK (URBAN)

More detailed information pertaining to the group of relief youth neither working nor seeking work is available with respect to urban youth. Analysis of this group reveals the following facts: 50 percent, 290,400, are students attending regular full-time school; about 41 percent, 241,800, are persons employed in housework; and about 7 percent, 40,700, are disabled. Well over half of this last group are females.

EDUCATION OF YOUTH ON RELIEF (URBAN)

Among urban youth on relief over 50 percent have received no more than an elementary-school education. More than 45 percent have completed elementary school and have been enrolled in high school. Less than 3 percent have entered college. The percentage without schooling is insignificant.

SPECIAL RELIEF PROGRAMS AFFECTING YOUTH

Turning from a study of youth on the general relief program, attention is directed to the following relating to youth on special programs.

During the year 1935–36 there were four special relief programs affecting youth: Rural rehabilitation included some 170,000 youths; approximately 100,000 youths received educational aid; the transient-relief program cared for more than 50,000; and the Civilian Conservation Corps camps provided for about 270,000 youths aged 18 to 24.

YOUTH ON TRANSIENT-RELIEF PROGRAM

There were in May 1935 approximately 54,000 transient youths under care in transient bureaus and camps. Of these, about 41,000 were unattached persons, predominantly males, while the remaining 13,000 were members of family groups, and included slightly more females (3 out of 5) than males. The preponderance of females among transient youths in family groups is largely attributable to the inclusion of women whose husbands are older than 24 and consequently are not included in this chart. Transient family groups normally comprise husband and wife, or husband, wife, and children.

YOUTHS ENROLLED IN THE CIVILIAN CONSERVATION CORPS

Most of the C. C. C. youths referred to above were living in camps situated in the same region in which they enrolled. The distribution of these youths is, roughly, in proportion to the relief youth population of the major geographic regions. They are, however, heavily represented in the West. The principal activities in which these youths were engaged are road and forest-trail construction, reforestation and game restocking, fire suppression and prevention, erosion control, insect and rodent control, and topographical surveys.

NATIONAL YOUTH ADMINISTRATION PROJECTS

During the school year 1935–36, $27,000,000 were allocated for student aid. This was to provide for as many as 200,000 students to attend high school, on an average monthly grant of $6 each; 100,000 students to attend college, on an average monthly grant of $15 each; and 7,500 students to do post-graduate college work, on an average monthly grant of twenty-five to thirty dollars each.

State projects sponsored by the National Youth Administration entail a total expenditure of $20,000,000, about 60 percent of which is to be expended on community development and recreational leadership, about 20 percent on rural youth development projects, about 15 percent on public-service projects, and about 5 percent on research projects.

A MARTYR TO HUMAN WELFARE

Mr. WERNER. Mr. Speaker, with the untimely death of JOSEPH W. BYRNS, Speaker of the House, a truly great man passed.

It had been my privilege not only to serve under him but also to act with him in many matters of public moment, with an intimacy that enabled me to make a real estimate of the man as an individual and as a public servant; and I know of no contemporary American who was his peer in integrity of character, in innate gentility, in a sense of justice and responsibility, and, in its very broadest sense, of patriotism.

He was a man who loved humanity—he was a man of humility in the face of the great responsibilities that were imposed upon him because of his natural qualities for leadership. The younger Members of the House loved him because of the interest he took in them and the helpfulness of his advice. Everyone, political friend or foe, respected him because of his intense sense of fairness and his unyielding courtesy. There was nothing that was little in him—he was big in every way.

Speaker BYRNS was universal in his friendships, and he was just as cordial, just as sympathetic and understanding with the humblest employee of the House as he was with the greatest executives that he came in contact with.

The humanitarian policies of the Democratic Party appealed keenly to him, and he made every effort, in a straight, honorable way, with the cooperation of his party members and a number of the opposition party, to put them forward to completion of passage so that they might become the organic law of the land.

Because of his love, kindness, and sympathy for all, he had a magnetic quality; and because everyone recognized the honesty and sincerity of his purpose, he had the natural quality of leadership that compels others to follow. And he never consciously led them astray.

As a Speaker and parliamentarian he was the peer of any man in the Congress, yet he never used his power or his knowledge to browbeat and defeat one who opposed him. In fact, he was more than lenient in his desire to be utterly fair; and for that reason, besides his lovable personal qualities, he had amassed a wealth of affection in the House that had no party lines, for even the most ardent partisan of the opposition realized and acknowledged the qualities of true greatness of the man.

He was modest and he made no parade or clamor of the virtues that were inherent in him; and he had no jealousies such as characterize lesser men. Everyone had confidence in the purity of his purpose, the sincerity of his conviction, the breadth of his vision, and his passion for accomplishing all that could be done for the advancement of the interests of the common man.

I considered it one of the greatest privileges of my life that I have been permitted to work with him and have been subjected to his fine political creed and influenced by it. In his passing I feel a sense of personal loss, for not only I, but our great country has been deprived of a zealous and helpful friend, one who had devoted every energy and talent to the promotion of the public weal, and inspired his fellow party workers in the same direction.

Speaker BYRNS was the victim of his intense devotion to duty, for he worked day and night on the problems that had to do with the welfare of the country at a time when the crisis that had to be met was as great as one that would have been presented by war. There was no limit to his hours or his endurance. He was the dynamo of the hardest-working session of Congress since war days, and one that has taken toll of the lives of 12 of its Members since it started.

It can be truly said that Speaker JOSEPH W. BYRNS was a martyr to a great cause, and his memory will be embalmed imperishably not only in history but also in the hearts of those whose privilege it was to have worked with him through the weary months in which he gave all of his human attributes to the welfare of his country and to his fellows.

ELECTRICITY—THE LIBERATOR OF THE FARMER

Mr. HILDEBRANDT. Mr. Speaker, I have frequently emphasized the important role that rural electrification will occupy in the lives of the farmers of South Dakota and of the Nation. In so doing I do not believe that I have been overoptimistic, for I have been quite candid in calling attention to the requirements to be met. However, I am thinking, not so much of the year 1936 or the year 1937 but of years to come, when this giant program of taking electricity to as many farms as possible will become a reality. Today it is in its infant stage but growing with a rapidity that means, beyond question, a healthy and vigorous career as time goes on.

It is hardly possible to overestimate the possibilities that are just ahead. While we must approach the matter in sober, serious fashion, with honest realization of the labor and preparation that are requisite, we need offer no apologies for our enthusiasm over its ultimate significance to American agriculturists.

It is clearly pointed out by Morris L. Cooke, Rural Electrification Administrator:

> Power lines to take electricity into virgin rural territory may be built by public bodies, farm cooperatives, and similar groups, as well as by private utility companies, and R. E. A. will lend the cost of such construction at 3 percent interest on a 20-year amortization basis. To be eligible for R. E. A. financing a line must be demonstrably self-supporting.
>
> Preference is given to applications from public, cooperative, and nonprofit groups. To help such sponsors start projects in the way which promises the greatest degree of success, R. E. A. offers the services of its staff of legal, engineering, and organization experts to advise on specific problems.
>
> Federal assistance is now available in every phase of rural electrification, making it easy for farms to use electricity for every socially desirable purpose.
>
> R. E. A. will make loans for wiring groups of farmhouses and farm buildings. This service is not limited to R. E. A. projects.

Aside from the R. E. A., it is well to keep in mind that the Electric Farm and Home Authority is financing the purchase of electrical fixtures, appliances, and farm equipment, while the Federal Housing Administration is making loans for pressure water systems, including modern kitchens and inside bathrooms.

The vast implications of such steps toward Nation-wide electrification can hardly be understood at first. Looking at immediate results, it may not appear that much has been accomplished—and, of course, the total accomplishments to date are so incomplete that they are frequently not imposing.

But in summarizing this remarkable pioneer undertaking, we must consider, not only what has been started, but what it will probably lead to, and what President Roosevelt and a brilliant group of practical idealists are planning to achieve in the future.

Electricity will be the liberator of the farmer from the dreary drudgery of the past—and to Roosevelt and Cooke and Tugwell and their courageous coworkers the credit must be given in American history for laying the foundations of this scientific program of liberation.

TALKING BOOKS FOR THE BLIND

Mr. MERRITT of New York. Mr. Speaker, there is a certain newspaper syndicate which, for more than a year, has been distributing among its members, a little Works Progress Administration heckler called "Boondoggles." It is a column which makes a daily study of what is lightly termed "W. P. A. Slippage."

This "boondoggle" item must require a lot of work on the part of somebody. Humorously, day after day, it points out for ridicule the apparent fact, culled from the records, that the Works Progress Administration makes mistakes.

Ridicule based on research presumes purposeful antagonism; so it is clear that the work of the author of Boondoggles need not be deplored.

My purpose in mentioning this newspaper column is merely to afford contrast to a Works Progress Administration project which I visited in New York last week. It is called the Library of Congress talking-book project and is located on Tenth Avenue, on the top floor of a loft building.

Talking books, let me make clear, are the recorded versions of the literature of the world, which the Library of Congress, with the cooperation of the American Foundation for the Blind, has been busy manufacturing and collating for the past 2 years.

The W. P. A. employees in the New York factory which I inspected are assembling talking-book reproducers, the special electric phonographs which read talking books aloud to the blind. The project exists due to the foresight and imagination of Harry L. Hopkins, Chief Administrator of the Works Progress Administration, and the President; and, as one of the most outstanding examples of the good that public funds, thoughtfully applied, can do—deserves special commendation from this floor.

My first impressions, as I started my inspection of the W. P. A. talking-book reading-machine factory, were those of simplicity, energy, and good management. There are 300 men working on one large floor, which is divided into the necessary sections to cover all phases of manufacture, from preliminary inspection of parts to shipping. It is impossible to doubt that every one of these men derives his inspiration from the sign which hangs at one end of the room. It reads:

Every man working here is doing his part to make the blind of the country happier.

There is adequate evidence of this in the cheerfulness and energy which these W. P. A. men apply to their work.

The reciprocal angle of this project is also interesting. The men employed in the talking-book factory average in age about 25 years. Most of them are white-collar workers, who had had little, if any, experience with tools, and the work in this project has been so planned that scarcely any machinery is required. The men are learning to assemble electrical equipment as delicate as the radio, and at the same time providing an instrument of instruction and recreation to the blind of the country.

The job called for 5,000 of these reading machines, and they are being produced at the rate of 250 a week. As completed, the machines become the property of the United States Government, and they are being shipped out to the various States in the proportion which their population bears to the entire population of the country. They will be loaned to blind individuals for an indefinite period of time. It is probable that so long as a borrower shows that he is making more or less continuous use of the talking-book libraries, and that he is giving both the machines and the borrowed talking-book records reasonable care, he will be permitted to retain the machine.

Listening, even for a short time to a talking book played on one of these reproducers, gives adequate revelation of what they will mean to a blind person. It is only necessary to press a button. From the loud speaker the voice of the talking book pronounces the words of the printed volume, just as the author intended they should be interpreted. The machine does all the work—it is only necessary for the user to sit quietly and enjoy the desired book. There are no interruptions unless caused by the listener himself, and when he is tired he can turn the machine off and continue the story at some other time.

This is the scene which the Works Progress Administration's talking-book project will cause to be duplicated in many thousands of homes during the coming fall and winter. Yet I want to point out at this time the necessity for considering that the blind population of the United States is 120,000—only one-fourth of which are able to read braille with any degree of facility * * * and that 5,000 talking book reading machines, even when added to the 2,500 or more previously and independently distributed by the American Foundation for the Blind, actually form only the beginnings of a worth-while project which should be continued.

To thousands who cannot see, the talking-book reading machine opens the whole world of literature at the mere touch of a switch.

I, for one, am extremely proud of the Works Progress Administration's talking-book project.

MY REPORT TO THE PEOPLE OF THE FOURTH CONGRESSIONAL DISTRICT OF MISSISSIPPI

Mr. FORD of Mississippi. Mr. Speaker, on January 3, 1935, pursuant to the direction of the people of the Fourth Congressional District of Mississippi as given at the ballot box, I stood on the floor of this House and took the oath to well and faithfully discharge the duties of a Member of Congress for the term ending January 3, 1937. It was a very happy occasion for me when I thus entered into a larger field of service for my fellow citizens, and I make no secret of my gratitude for the opportunity conferred upon me. I duly appreciate the responsibilities of the trust therewith bestowed.

Now that the second and final session of the term is nearing adjournment, I feel it my duty to stand on this same floor and report by means of the pages of the CONGRESSIONAL RECORD direct to my people on the work that I have done as their Congressman, employed by them to represent their interests as a Member of this body. In fairness, I wish to say in the beginning that I gladly give the much-deserved credit to the people for the kind cooperation which they have shown me on every occasion in an effort to make my work all the more effective. This assistance is sincerely appreciated, and I thoroughly realize that whatever the RECORD may show, it would not be complete if it failed to carry grateful recognition for the advice, the counsel, and the support of an interested constituency. I have welcomed, and shall continue to welcome, the thoughtful aid of my friends in the discharge of the many important duties which I have been privileged to assume.

Since I came to Congress I have furnished every newspaper in my district a written report each week during the sessions of Congress informing the people of the important events that had occurred in both the Senate and the House of Representatives during that time. Everyone is entitled to know what Congress is doing, and I publicly thank those editors who cooperated in passing this material on to their readers. They indicated a spirit of service to the public, and I am sure that the readers are as grateful as I am. It is my purpose to consolidate and condense these weekly reports into one complete summary of the more important activities of this Congress, and at various points in this report I will mention my own record in that connection.

COMMITTEE ASSIGNMENTS

Before a bill is considered by the House it is first referred, after its introduction, to the committee having jurisdiction over the proposed legislation involving that subject matter. There are about 50 standing committees of the House of Representatives handling all proposed legislation. Some idea of the tremendous amount of work that has to be done can be gained from consideration of the fact that during my very first week here 3,890 bills were introduced in the House and a total of 9,270 bills were introduced before the close of the session, August 26, 1935, in addition to 721 resolutions, con-

current resolutions, and joint resolutions. Committees study the bills referred to them and if they report a bill favorably to the House it is placed on the calendar for consideration.

When committee assignments were announced I found that I had been selected a member of four committees—Accounts, Education, Immigration and Naturalization, and Public Buildings and Grounds. I was well pleased over being placed on four committees during my first term in Congress.

FARM LEGISLATION

Representing an agricultural district, beneficial farm legislation has been one of my major interests. Prior to my coming to Congress, the Bankhead Act had been made a law, and the amount of cotton a farmer could gin without buying gin certificates was strictly regulated. I knew from my own personal observation that under the operation of the Bankhead Act many farm families had actually suffered because they had not been allowed to raise cotton sufficient to fill their actual needs. On March 18, 1935, I described this situation in a speech to the House while it was considering H. R. 6424, a bill to provide a two-bale exemption to all farmers. I was advocating the adoption of an amendment providing for the exemption of three bales of cotton for every producer, small as well as large. This amendment was adopted by the House, but as H. R. 6424 was never passed by the Senate, the much-desired exemption never became a law.

The outlook for farm legislation was greatly changed, however, when the Supreme Court of the United States January 6, 1936, declared the Agricultural Adjustment Act unconstitutional.

After the Supreme Court decision the Bankhead Cotton Act was specifically repealed by Congress February 5, 1936. I voted for repeal.

A new law to replace the Agricultural Adjustment Act was speedily enacted. It provides a system whereby a farmer can plant as much of any crop as he cares to produce. If he chooses, however, to cooperate with the Government in crop-control activities for the purpose of soil conservation, he may do so, and will be paid for his cooperation. Thus practically the same effects of the old act are secured without any coercion on the farmer. Voluntary arrangements have supplanted strict contracts and mandatory gin certificates.

I made a speech on the floor of the House on February 19, 1936, relative to this bill, in which, among other things, I said:

> I have repeatedly made known my earnest conviction that we are charged with a paramount duty to furnish our farmers with enacted legislation that will be of the greatest possible benefit to each and all alike. I want a law that will work fairly for all—the small farmers as well as the large landowner. I want the benefits to be distributed equally to all according to the merit of each case.

Congress has already appropriated $470,000,000 with which to finance this act for the aid of our farmers.

Other pieces of legislation carrying much benefit for the farmer have been the measures providing for seed and crop-production loans. In 1935 I earnestly supported H. R. 3247, an authorization for $60,000,000 for seed and crop loans. This became a law upon being signed by the President, February 20, 1935.

At this session I voted for Senate bill 3612 providing for the appropriation of $50,000,000 for seed and crop production loans for 1936. This bill passed both the House and Senate, but was vetoed by President Roosevelt. After this, the President ordered allotment of $30,000,000 for 1936 seed loans from the $4,880,000,000 works-relief appropriation made last year, and the farmers thus had the needed funds made available.

The decision of the Supreme Court came at a time when many farmers had not been paid their 1935 cotton rental and parity payments. Every farmer was looking forward to the receipt of his cotton subsidy payments representing the difference between the market price on the day of sale and the 12 cents a pound pledged by the Government. I knew many farmers who were depending on that money as a means with which to pay their taxes, and it was a pleasure to support an appropriation to pay all rental, parity, and subsidy payments. Without this appropriation, no benefits would have been paid.

When the 1935 cotton crop came to be marketed, a strenuous effort was made to provide by law that the price of the cotton should be pegged at 12 cents a pound. When the bill carrying this provision died in a filibuster at the end of the session, the Southern Congressmen and Senators were nevertheless able to secure a guaranty of 12 cents through the subsidy arrangements with which every farmer is familiar.

MY RECORD FOR THE VETERANS

I came to Congress pledged to the support of beneficial legislation for our war veterans, and I am proud of the fact that I have been true to my promise.

I was heartily interested in the immediate cash payment of the adjusted-service certificates held by our war veterans. On March 12, 1935, I submitted to the House my argument in favor of immediate payment. The next day I had the pleasure of making a radio address containing the same argument over the facilities of the National Broadcasting Co. I was pleased to receive letters from citizens living in every part of the United States in response to that radio appeal.

Two leading bills were introduced in the House for the immediate payment of the face value of the certificates. H. R. 1, introduced by Congressman WRIGHT PATMAN, of Texas, was popularly called the Patman bill; while H. R. 3896, by Congressman VINSON of Kentucky, was in the same manner referred to as the Vinson bill.

The Vinson bill had the official endorsement of the American Legion, and I think I was justified in taking official endorsement of the American Legion to mean that the Vinson bill was the veterans' bill. I talked with a large number of Senators and it appeared that the Vinson bill had the better chance of passing the Senate over the veto of the President, which seemed certain to come. I received a large number of letters and telegrams from my soldier friends back home, who asked me to support the Vinson bill. For these reasons I did support it.

The Vinson bill was reported out by the House Committee on Ways and Means in preference to the Patman bill and was considered by the House. The Patman bill was offered from the floor as a substitute for the Vinson bill, and the House adopted it by the close vote of 202 to 191. When the Patman bill was put up on final passage I voted for it, because I wanted to see the veterans paid, regardless of how it might be done.

The Patman bill passed the Senate and went to the President, where my fears, unfortunately, were realized, for the President came in person and delivered a spoken veto message to a joint session of the House and Senate. Regardless of the disapproval of the President, I voted to pass the bill, and the necessary two-thirds majority was obtained in the House. In the Senate it was not obtained, however, when the vote was taken, and again hopes for speedy cash payment were dimmed. I had the consolation of knowing, however, that I had done my best to secure payment; I had lived up to my trust.

In order that early consideration might be obtained at the second session for cash payment, I joined 217 other Members of Congress in signing a written motion for the discharge of the Committee on Ways and Means from further consideration of H. R. 1.

Early consideration was obtained at this session for H. R. 9870, and once more I had the pleasure of voting for immediate payment, but again the President sent over his veto, and I voted to pass the bill regardless of his objections. Happily, the Senate joined the House in voting to override, and the bill became a law. The long battle was at last successfully over.

SPANISH-AMERICAN WAR VETERANS

I supported the passage of H. R. 6995, which restored to our Spanish-American War veterans all the benefits which were taken away from them by the Economy Act of March 19, 1933. This bill was signed by the President.

It is beyond question that my record is perfect as to the support of all legislation beneficially affecting all our veterans.

MY EFFORTS IN BEHALF OF FEDERAL AID FOR EDUCATION

Mr. Speaker, I am seriously interested in the education of the youth of our land because I sincerely feel that the proper education of our youth is our best guaranty of substantial citizenry for the future. In Mississippi it has been impressively brought to our attention in many ways that the Federal aid for our educational system is vitally necessary.

One of my first acts after taking the oath of office was to call on Administrator Harry Hopkins in order to make a personal appeal for Federal funds with which to meet the stringent emergency existing at that time.

I have pressed my fight for Federal aid to education as a permanent policy. On April 9 I addressed the House of Representatives in this behalf, and on the next day I delivered the same speech as a radio address over the National Broadcasting System.

One of my most prized magazine clippings is one taken from the May 1935 issue of the Mississippi Educational Advance entitled "Congressman FORD True to Promise."

It reads:

Dr. Belmont Farley, of the National Education Association, remembered as one of our convention speakers last year, writes: "I want to say a word for this young man Ford whom you fellows have sent up here. He is very capable and in earnest about the matter of aid to schools. We are depending on him for a great deal of help."

Dr. Farley is quoted further in the same article: "Sentiment for Federal aid to schools is growing in Congress. I think we can look forward to a decision on permanent Federal aid within the next year or two."

I am proud of what has been accomplished in connection with Federal aid for vocational education. I made a speech on the floor of the House on May 26 of this year in which I pointed out the advantages of Federal aid in this field of educational endeavor. The George bill, on which I was speaking, became a law, authorizing the appropriation of $12,000,000 a year for Federal aid to vocational education and making such assistance a permanent policy.

OLD-AGE PENSIONS

I can easily see where the path of duty lies on the matter of old-age-pension legislation, and I advocate adequate pensions paid direct from the Federal Government. The States should not be required to match funds. On April 12, 1935, and again on April 18 I made speeches on the floor of the House in which I presented arguments in behalf of old-age pensions paid directly from the Federal Government. I shall continue to fight for pensions that will meet the needs of our aged people, for I feel that they are entitled to this consideration from a Government which they have helped so long to maintain.

OTHER LEGISLATION

I voted for the railroad pension bill, providing for pensions by the railroad companies of their employees, and have consistently supported legislation for the best interest of labor.

I have voted for bills extending benefits to my people from the Federal Housing Administration, the Home Owners' Loan Corporation, and the Farm Credit Administration.

Until the first session of the Seventy-fourth Congress the Federal Deposit Insurance Corporation, guaranteeing the safety of bank deposits, was a temporary organization, but this Congress has made it permanent. The new banking law also raised total insurance of deposits from the former figure of $2,500 to $5,000 for any one depositor.

I opposed and helped defeat a bill that would have given me and every other Member of Congress an additional thousand dollars per year for clerk hire. The defeat of this bill saved the American taxpayer practically $500,000 a year.

The RECORD will show that my vote was cast against all other appropriations which I felt were unnecessary and unwarranted.

THE NATCHEZ TRACE PARKWAY

On February 20, 1934, Senator Hubert D. Stephens introduced a bill (S. 2825) authorizing the appropriation of $50,000 for a survey of the Natchez Trace. After passing the Senate and the House, this bill became a law on May 21, 1934, but I found when I came to Congress over 7 months later that the survey work for which the Senator's bill had provided had not been begun. I immediately took the matter up and after numerous conferences with officials of the Bureau of Public Roads and the National Park Service, the survey was begun in February 1935.

When the work of the preliminary survey had been completed the next move was to try to secure more funds through allotment by the President from the $4,880,000,000 work-relief appropriation. Congress did not adjourn until August 26, but I delayed my return home after adjournment in order that I might personally work for this desired allotment.

Success finally came on November 20 when President Roosevelt signed an allotment for $150,000 to be used in further survey work and $1,350,000 for construction work on the Natchez Trace.

The enactment of H. R. 11687, the road bill, made the construction of a paved roadway along the Natchez Trace a certainty, as I pointed out in my speeches to the House on June 2. This law authorized the appropriation of $10,000,000 for the fiscal year 1938 and $10,000,000 for the fiscal year 1939 for the construction of national parkways, and I have the written promise of the Director of the National Park Service—inserted in the CONGRESSIONAL RECORD—in which I am assured that $9,153,685 of these funds will be used in construction of the Natchez Trace Parkway.

An addition of the $9,153,685 authorized by the Public Highways Act, just mentioned, to the $1,500,000 authorized by the President of the United States makes a total of $10,653,685 authorized for the construction of the Natchez Trace Parkway since I came to Congress on January 3, 1935.

I wish to state that in my work in behalf of the Natchez Trace I have enjoyed the wholehearted cooperation of both United States Senators and every Member of Congress from Mississippi, and their assistance was of much value. I thank them very much.

TENNESSEE VALLEY AUTHORITY AND RURAL ELECTRIFICATION

On February 26, 1936, I made a speech in the House calling attention to the fact that cheap electricity is now possible for every home in the Fourth Congressional District.

I have supported every measure coming before the House in the interest of the Tennessee Valley Authority and Rural Electrification and am happy to report that 3 months after the completion of Norris Dam, which will occur this summer, the Tennessee Valley Authority will be at liberty to build transmission lines in every county in the Fourth Congressional District. I shall certainly continue my efforts to bring this low-cost electricity to all.

My past efforts have been highly rewarded in that rural electrification has been actually begun and is now in operation in Pontotoc County; T. V. A. lines have been extended from Randolph, in Pontotoc County, to Sarepta, Bruce, and Pittsboro, in Calhoun County; and T. V. A. power is now in Okolona.

ROADS

The House passed the Cartwright road bill—H. R. 11687—as I have just mentioned in connection with the Natchez Trace, and it became a law as the National Highways Act. This act, in addition to providing for Federal aid to highway and parkway construction, also authorizes the appropriation of $25,000,000 a year for the next 2 fiscal years for use in Federal aid for rural-roads improvement. Mississippi would appreciate a better system of farm to market roads, and Federal aid is necessary to prevent a heavy burden on the local taxpayer.

From the works-relief funds made available by the $4,880,000,000 appropriation $15,000,000 has been given outright by

the Federal Government to Mississippi for use in highway construction. This $15,000,000 gift is an important factor in Mississippi's recently initiated $40,000,000 road program.

CIVILIAN CONSERVATION CORPS CAMPS

When I was a candidate for Congress I told the people of my district that they were as much entitled to C. C. C. camps as were any other groups. When I got to Washington there was only one State park camp in my district and no other C. C. C. camps of any description. In a few months I was able to get a forestry camp for Calhoun County and soil conservation camps for Carroll and Pontotoc Counties.

I had secured final approval for the location of other camps in the district when the President's reduction policy was announced, preventing the construction of new camps. I was able to prevent the loss of any of the camps already established when the reduction policy was inaugurated.

DRAINAGE OF THE BIG BLACK RIVER

A matter of extreme importance to a large number of my people is the drainage of the Big Black River, and I promised to put forth every effort to secure the drainage of this river. Some very hard work, in cooperation with a group of outstanding citizens in several counties, for a W. P. A. drainage project came to naught when a few counties on the lower Big Black refused to grant rights-of-way for the actual work of drainage. The project called for the expenditure of $862,000.

During this time the House Committee on Flood Control was holding hearings on H. R. 8455, the 1935 omnibus flood-control bill, I appeared before the committee and told its members just what we faced in trying to cultivate the land in Big Black Bottom without proper drainage.

The committee then reported the bill to the House of Representatives authorizing the appropriation of $2,041,000 for the drainage of the headwater area of the Big Black and $950,000 for the backwater area. The House passed the bill containing this provision, but the entire bill was later defeated in the Senate in the closing days of last session.

The bill was revived at this session and passed both the House and the Senate carrying the authorization of the appropriation of $850,000 for the drainage of the Big Black River, and is now a law, quite an important step toward the happy solution of this important problem.

THE DRAINAGE OF THE YALOBUSHA RIVER

Of vital importance to the people of Calhoun, Grenada, and Carroll Counties is the drainage of the Yalobusha River. I was able to secure final Washington approval for a Works Progress Administration project calling for the expenditure of $123,100 Federal funds in the drainage of the Yalobusha River. The beginning of actual work on the drainage has been held up because of the failure of the State and district W. P. A. offices to release the project for the beginning of work. A committee of citizens from each of the three counties named above worked tirelessly in behalf of this project, and a large part of the credit for getting it so near realization properly belongs to them.

FEDERAL BUILDING FOR PONTOTOC

In 1935 I was able to secure funds for the purchase of a site and the construction thereon of a Federal building to house the post office and other Federal offices at Pontotoc.

My efforts for buildings for other towns will be continued so long as I remain in Congress.

EMPLOYMENT

One of the most serious problems which has confronted this country in its entire history is the question of unemployment. Since I have been in Congress I have tried hard on every occasion to secure work for the residents of my district. I truly regret that the number of jobs was so small as to allow places for only a few, but I was glad to put forth an honest effort in behalf of all those who called on me for assistance. Every honest citizen is entitled to an opportunity to work, and I shall do all within my power, through legislation and by other fair methods, to bring employment to as many as possible.

CONCLUSION

Mr. Speaker, I thank my people for their kindness in allowing me to serve as a Member of the Congress of the United States, and I have tried by the quality of my work to show my gratitude. Letters from every citizen alike have received my prompt and careful attention. After the adjournment of the last session of Congress I announced the date ahead of time and went to every courthouse in the district, where I spent the day in order that any person could see me for the purpose of personally discussing his problems or his interests.

Although filled with hard work, my first term has been a happy one, and in addition to first thanking those whom I represent I also thank my fellow Members of the House for their many courtesies shown me.

HON. JOSEPH W. BYRNS

Mr. HAINES. Mr. Speaker, to know JOE BYRNS was to love him. He was the friendliest man I ever met in public like. As I looked upon his quiet face, before he was laid to rest in his last resting place, I could not help but call to mind, "with loving thought, his many kindly deeds, the gentle words those frozen lips had said, and the errands on which his willing feet had sped."

His departure was a personal loss to me, for I so frequently sought his advice and guidance in matters of national interest and importance. As a legislator he was unsurpassed.

He was sound, sympathetic, and in his passing the Nation lost one of its great men. Future historians will carve his name in the niche of eternal fame, for he was the embodiment of all that was best and noblest. As a Speaker he will rank with other great men who graced that position. He was just and fair.

He believed in absolute equality among his colleagues.

Happy is a land that can boast of such a man; hence it behooves all of us to remember him and pattern after him, to continue to appreciate his virtues.

He believed in Jehovah God and practiced the fine teachings of the Christian faith.

I deeply mourn his departure.

RELIEF AND WORK RELIEF—RE FIRST DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1936

Mr. BEITER. Mr. Speaker, the recommendation of the House Committee on Appropriations, with reference to relief and work relief, appeared in H. R. 12624 under a section entitled "Works Progress Administration", and called for an appropriation of $1,425,000,000, to be expended by the Works Progress Administration in the fiscal year 1937. No appropriation was recommended for P. W. A. and no provision was contained in the bill to authorize the use of the P. W. A. revolving funds for making grants. In this form the bill was passed by the House of Representatives.

Changing the title of the section to "Relief and work relief" and making the $1,425,000,000 available to the President instead of to the Works Progress Administration, the Senate Committee on Appropriations added a paragraph which authorized the Federal Emergency Administrator of Public Works, upon the direction of the President, to use not to exceed $300,000,000 for making grants to aid in the financing of projects capable of being substantially completed, in the determination of the Administrator, not later than June 30, 1937, limiting the grants to 30 percent of the cost of the project if such cost exceeded $100,000 and to not in excess of 45 percent if such cost was less than $100,000. Certain changes were made from the floor of the Senate so that as H. R. 12624 passed the Senate the Federal Emergency Administrator of Public Works was authorized, upon the direction of the President, to use $300,000,000 from funds on hand or to be raised from the sale of securities, for the making of grants, to aid in the financing of projects capable of being substantially completed, in the determination of the Administrator, not later than June 30, 1938, but the bill restricts the amount of grant which can be made for any project to not in excess of 45 percent of the cost of the project.

The portion of the bill which relates to P. W. A. overcomes the objections which had been made to earlier suggestions for continuing the P. W. A. program, for it not only insures the continuance of the P. W. A. non-Federal program without disturbing the Budget policy or increasing the amount of the appropriation approved by the House of Representatives, but it achieves its purpose without earmarking any of the $1,425,000,000 appropriated in the deficiency bill for relief and work relief.

This is accomplished through releasing the cash and credits now in the P. W. A. revolving fund so that $300,000,000 may be used by P. W. A. for making grants to aid in the construction of additional non-Federal P. W. A. projects. Since under existing law the moneys in the P. W. A. revolving fund are available only for loans, for the past year P. W. A. has been making loans from this revolving fund and grants from rescinded allotments made from the appropriation to carry out title II of the National Industrial Recovery Act and from the $345,000,000 allocated to P. W. A. by the President from the 1935 appropriation of $4,880,000,000.

That P. W. A. may continue to finance non-Federal public-works projects on the same basis as it has operated under the Emergency Relief Appropriation Act of 1935 is insured by the Senate amendment which provides that the powers already vested in P. W. A. are not curtailed or limited. If the bill as passed by the Senate is passed by the House and approved by the President, P. W. A. will be in a position to make 4-percent loans for non-Federal public-works projects in the amount of 55 percent of the cost of the project and to supply the remaining 45 percent as an outright grant. In cases where the applicants are able to provide 55 percent of the cost of their projects through the sale of securities on the open market only a grant will be made.

At the present time the P. W. A. revolving fund amounts to approximately $450,000,000, of which $135,000,000 is in the form of securities owned by P. W. A., approximately $265,000,000 is obligated by commitments by P. W. A. to purchase bonds of public bodies under allotments heretofore made, and approximately $50,000,000 is unobligated. Although under existing law P. W. A. is authorized to sell securities either on the open market or to the Reconstruction Finance Corporation, P. W. A. has up to now sold securities only to the R. F. C., which corporation is authorized to purchase securities from P. W. A. subject only to the limitation that the amount of such securities held by the R. F. C. at any one time may not exceed $250,000,000. Over $407,000,000 of securities have been sold by P. W. A. to the R. F. C., of which over $277,000,000 have been retired or resold by the R. F. C. to the investing public at a net profit of more than $7,950,000. The $300,000,000 available for grants as well as loans, together with the remaining $150,000,000 in the revolving fund which will be available for loans only, will enable the P. W. A. to finance a non-Federal public-works program costing between $500,000,000 and $600,000,000. This program may be even greater, since P. W. A. experience has demonstrated that a large percentage of applicants are able to sell their securities in the open market, thus reducing the sums needed from P. W. A.

The activities of the trained P. W. A. staff in the past year will make it possible for the new construction program to be launched within a short time after final action on the deficiency bill, inasmuch as a substantial number of the pending applications have been examined and approved and are awaiting only the availability of P. W. A. funds.

THE NEW DEAL SUCCEEDS

Mr. LARRABEE. Mr. Speaker, frequently I receive requests from residents of my district who want to know how their Representative in Congress has voted on major legislation and just what his views may be regarding certain proposed legislation which seems to them to be of utmost importance, or at least of considerable interest.

Such information should be made available to every person and for this reason I have asked permission to extend my remarks in the RECORD, to avail myself of an opportunity to provide such information.

During the three terms I have had the honor and pleasure of serving in Congress it has been my sincere desire to serve the people of my district faithfully and efficiently. The splendid majority given me in the recent hard-fought primary in my district has been accepted as a definite vote of confidence and appreciation. It serves to stimulate my desire to devote all my energy to continued service to my district and all of my ability to a conscientious effort to fairly and impartially interpret the needs of the times in my legislative work.

As most of the people of my district know, I have been an ardent supporter of the administration of Hon. Franklin D. Roosevelt. I have voted for every individual legislative measure that our great President has indicated he desired his Congress to support. I have tried, and I feel successfully to a certain extent, to maintain a progressive, constructive attitude in consideration of all legislation that has come before the House of Representatives.

If the people of my district should see fit to give me another term in Congress I shall endeavor to the best of my ability to carry forward the progressive, liberal principles that I have supported in the past, believing that progressiveness is of paramount necessity and that liberal thinking of greatest importance if we are to achieve, in this Nation, a status of social and economic security from which we shall never again be plunged into such conditions as those of that dark period from 1929 until 1934.

While most all people admit that we have made great progress toward recovery, I know, and frankly admit, that we have much ahead to be accomplished.

Since the inauguration of the Roosevelt administration, our every effort has been directed toward economic and social reconstruction and security.

BENEFITS TO AGRICULTURE

The first Congress of the Roosevelt administration enacted a definitely successful program for relief for agriculture. Regardless of what has happened since, or may happen in the future, it cannot be denied that the agricultural people have been greatly benefited. In this program Federal loans to save mortgaged farms from foreclosure were provided; seed loans, and loans on stored grain were made possible; farm purchasing power was greatly increased, through the medium of the Agricultural Adjustment Act; and soil conservation and abandonment of useless marginal lands was made possible through the Soil Conservation and Resettlement Administration divisions.

The entire banking system of the Nation, on the verge of complete collapse, was revived and strengthened through the administration's banking and securities legislative program. The facilities of the Federal Reserve System were extended; Federal guaranty of deposits in banks was provided; the currency system and gold stocks of the Nation were strengthened and made adequate to guard against loss of financial security; existing unjust limitations on payment of depositors in banks that had closed during the panic were removed; and Federal regulation of stock and securities markets and marketing was inaugurated for the protection of the investors.

Thousands of homes were saved from loss through mortgage foreclosure in every State by the enactment of the Home Owners' Loan Act, creating the Home Owners' Loan Corporation.

Repair, remodeling, and construction of homes and housing facilities were greatly stimulated through the medium of the National Housing Act, creating the Federal Housing Administration.

LABOR PROTECTED

Labor was given new courage and new hope through the abolition of the "yellow dog" contracts between labor and employer; by providing Federal guaranty of the rights of labor to organize and elect their own representatives for collective bargaining with employers; by the creation of the Industrial Recovery Act, and by sincere efforts on the part of the administration to set up a railroad employees' pension system, and the enactment of laws providing for the establishment of Federal boards to settle labor disputes.

Immediate relief was brought to the unemployed dependent people through the agencies of the Federal Emergency Relief

Administration which carried emergency aid direct to the needy and assisted local relief agencies in financing their relief activities; appropriations for public works and civil works set up a vast program of employment relief which gave emergency employment to millions of needy.

A law providing pensions for widows and orphans of World War veterans seriously disabled in, or who died from disability incurred in, service was created; laws to restore to pension rolls all veterans who were disabled in service were enacted, and honest and sincere efforts were made to adjust inequalities in benefits paid to all veterans and their dependents.

The Tennessee Valley power project was made possible through the enactment of the Tennessee Valley Act, providing the first major Federal effort to reduce and equalize electric-power rates.

This review does not cover all, but points out in a general way the broad, progressive, visionary program that has been undertaken and which is being carried forward from day to day. Such a program is designed for the aid of all the people, that all may soon come to enjoy a more pleasant life.

WE ARE CARRYING ON

The session of Congress, soon to adjourn, has carried on, endeavoring to make more perfect and to extend the primary legislative acts already in effect, and to replace with effective legislation such laws as the Supreme Court of the United States has seen fit to declare unconstitutional.

Thought and action has been given recently occuring emergencies and necessary legislation has been provided in such cases.

An examination of the following listed laws of the present session of Congress will show that this administration is carrying on as the people have been assured it would. I have voted for the following major legislative measures during this session of Congress:

First. Adjusted Compensation Act of 1936—to provide full and immediate payment of the World War veterans' adjusted compensation—bonus.

Second. Neutrality legislation, amending and extending the existing laws to keep this Nation out of war.

Third. Conservation of soil resources, an act to provide additional Federal aid to farmers cooperating in the broad program of soil conservation and crop control.

Fourth. Impeachment of Federal Judge Ritter, of Florida, for having been involved in alleged transactions unbecoming a member of the judiciary.

Fifth. An act to continue the Electric Home and Farm Authority until February 1937, to aid in financing installment sales of electrical fixtures and appliances for homes in rural and suburban districts.

Sixth. Federal employees' leave bill and Federal employees' sick-leave bill, to extend to Federal employees the same privileges that we advocate for employees in private industry.

AID HOME BUILDERS

Seventh. To extend the provisions of the National Housing Act to April 1, 1937, providing insurance of loans and advances for the purpose of financing alterations, repairs, and improvements of homes and other real property, including churches.

Eighth. An act to assist the Commodity Credit Corporation in better serving the farmers in orderly marketing and to provide credit and facilities for carrying surpluses from season to season.

Ninth. To extend the provisions of the Rural Electrification Administration, to provide a 10-year program to extend electric current and power facilities throughout the rural sections, to furnish farmers and farm homes with conveniences, economies, and comforts equal to those of the electrified city home.

Tenth. A bill to extend to July 1, 1938, the power of the Federal Deposit Insurance Corporation to make loans, purchase of assets, or guarantee to reduce or avert threatened insurance losses, for the protection of depositors in closed banks.

Eleventh. To authorize Federal aid for highways and road construction, for the elimination of dangerous grade crossings, for the fiscal years of 1938 and 1939, and to establish in the Bureau of Public Roads a section of Rural Roads, as advocated by national farm organizations, for the purpose of directing the interests of better roads for farmers.

Twelfth. The corporate tax bill, to tax incomes, excess profits and capital stock of large corporations, in preference to a sales tax on the necessities of life.

Thirteenth. The work-relief bill, to provide additional funds to carry on the administration's vast program of providing work relief for the needy unemployed.

Fourteenth. The Frazier-Lemke bill, to refinance farm mortgages at a low rate of interest, with extended principal payments, to prevent further loss of farm homes through mortgage foreclosures. Also signed petition to bring this bill before the House for debate and vote by discharging the committee which had failed to secure favorable action.

Fifteenth. To extend and strengthen the Labor Relations Act to provide for greater security of employees in private industry and in commercial employment.

Sixteenth. Legislation for the protection of the independent merchant from unfair trade practices and unjust competition by gigantic chain corporations.

AID FOR AGED PEOPLE

In addition to the above legislation of the recent session of Congress, my stand on pensions for the aged needy people and on retirement benefits for aged persons no longer able to find employment has resulted in much favorable comment from the people of my State and district.

I have always supported liberal pensions for the aged, and worked for and voted for the administration's entire social-security program enacted in the Seventy-third Congress and extended in the Seventy-fourth Congress. I was coauthor of the first State old-age pension bill introduced in the Indiana Legislature while serving as a representative in that legislative body. While I have not found it possible to support all suggested plans of old-age pension, I have never permitted myself to fail to conscientiously consider the needs of the aged. I feel that more liberal pensions than those now provided must be granted just as soon as the Federal Government and the various State governments are able to provide the necessary funds without oppressive taxation. I shall permit no one to be more liberal in his views regarding such matters than I, while at the same time considering the ability of the taxpayers to provide such benefits.

I have constantly and consistently worked and voted for legislation for the strengthening of our banking system and to guarantee the deposits of the depositors in the banks. I advocated and worked for guarantee of bank deposits while serving in Congress during the Hoover administration. My ambition of such protection to depositors was realized soon after the inception of the Roosevelt administration. Guarantee of bank deposits was a major plank in my campaign platform in 1932.

APPRECIATE VETERANS' SUPPORT

It is with considerable personal pleasure that I acknowledge the thanks extended me by the various organizations of veterans of military and naval service for my support of legislation benefiting veterans and their dependents, whose interests I have always advanced. I have consistently voted for payment of the World War veterans' bonus, benefits for widows and orphans of veterans, and worked for and voted for restoration of benefits lost by Spanish War veterans and their dependents under the Economy Act.

Many letters of endorsement and messages of appreciation have come to me from the several labor organizations in appreciation of my active support of all labor legislation which I believed was for the common good. I have consistently worked for and supported laws to guarantee labor rights of organization and collective bargaining with employers, shorter hours of work with no decrease in the weekly pay check, and better working conditions in both commerce and industry. I have held to the theory that all the people are prosperous only when purchasing power

is maintained at a high standard among the masses of the people.

FARMERS SEE IMPROVEMENT

For similar reasons, as I have exemplified by my vote, I have supported consistently legislation that has resulted in an advance of more than 150 percent in the price of corn and 110 percent in the price of wheat since March 1, 1933, with comparable increases in the prices of all other agricultural commodities.

I am happy in the knowledge that the farming people of my district have already seen many of the promises of our administration fulfilled in detail. To a large extent threatened loss of farms and homes through mortgage foreclosure was prevented by the enactment of the Farm Credit Administration Act and mortgage loans provided through the Federal land banks.

Increased purchasing power resulting from great increases in the prices paid the farmer for his commodities and produce has again put the farmer in the class of the purchasing consumer as well as in that of the producer.

This has resulted in a marked increase in the demand for manufactured goods, and labor has already felt the benefit of this cycle of purchasing.

MANY JOBS ARE CREATED

My district has been fortunate in having received a generous share of the permanent improvements that have been made possible through the cooperation of local and State governmental agencies with the Federal Government's work-relief program.

Several new public buildings, schools and post-office structures, and buildings in municipal parks have been completed or are under construction. More are probable under recent appropriations.

Many miles of primary type highway construction have already been completed in the three counties of my district. Many additional miles are soon to be undertaken as the result of the splendid cooperation of Indiana State officials with Federal agencies.

Grade-crossing improvements, including grade-crossing elimination by elevations and bridges, have been provided, and more are planned for the near future.

I am happy to have had an important part in providing the necessary Federal legislation and the necessary appropriations for this work, which has, in addition to establishing permanent and valuable improvements, resulted in much helpful employment. Many hundreds of men who otherwise would have been unemployed have been given jobs in this work.

YOUTH IS NOT FORGOTTEN

One feature of our Federal program which we are likely to overlook is the splendid assistance that has been extended the young people of school age.

As a member of the House Committee on Education it has been my priviledge and pleasure to have had an important part in the formulation and enactment of this program.

From relief funds has come a system of work aid for young people who, otherwise, could not have continued their educational pursuits.

Appropriations and legislation to continue vocational education and extend its scope have been provided. Direct aid, under this legislation, is providing training of young people for 300 occupations, and similar training for 109,970 adult farmers, in evening schools; 215,715 farm youths over 14 years of age, in rural schools; 131,580 youths in trade schools; 134,391 rural and urban women in training to improve home-making efforts; 176,321 rural and urban girls in high schools training in better home-making methods; and 38,634 wage-earning girls over 14 years of age in part-time classes training for home making.

This Federal aid is making it possible for local schools to employ full- or part-time vocational education instructors that many such schools could not otherwise afford. It is preparing the young people for, and aiding even the adults to better and happier lives.

The State of Indiana, under the Federal vocational aid program, received a total of $185,584.34 from the Federal Treasury for this type of work. The value of this investment can never be measured in dollars and cents, but this, we do know, its value is felt in practically every community of the Nation.

RECAPITULATION OF BENEFITS

Endeavoring to briefly summarize the actual benefits that have come to the Nation since the inception of the New Deal, we find the following very encouraging facts:

Unemployment under the old order increased 313 percent from April 1, 1930, to April 1, 1933, while unemployment, under the Democratic administration declined 30 percent from April 1, 1933, to December 1, 1935, and according to all reliable indices is continuing to decline as the benefits of Democratic legislation becomes more widespread.

Agricultural prices under the old order for three major commodities, from March 1, 1930, to March 1, 1933, declined 61 percent for cotton, 59 percent for wheat, and 73 percent for corn, with declines for other commodities in similar ratio. Agricultural prices for the same major commodities have shown marked increase from March 1, 1933, to January 1, 1936. Cotton prices advanced 92 percent, wheat prices 111 percent, and corn prices 152 percent, and indications for continued fair prices for the harvest of 1936 are more than encouraging.

Industrial improvement has been even more pronounced. From January 1, 1930, to January 1, 1933, under the old order, general industrial production declined 44 percent, steel production declined 70 percent, and auto registrations decreased 66 percent.

Under the Democratic administration general industrial production increased 51 percent from January 1, 1933, to January 1, 1936. During the same period steel production increased 257 percent and auto registrations increased 326 percent.

Commerce has made a most gratifying recovery. During the period from January 1, 1930, to January 1, 1933, under the old order, wholesale prices declined 34 percent, exports fell off 56 percent, and imports decreased 52 percent.

Under the Democratic administration, from January 1, 1933, to January 1, 1936, wholesale prices advanced 33 percent, exports increased 33 percent, and imports advanced 37 percent.

SECURITIES MADE SECURE

In spite of wails from the money changers that the "New Deal will crush trading", the figures tell quite a different story. The facts regarding securities indicate that the New Deal has definitely aided the buying and selling of legitimate stocks and bonds while providing much-needed safeguards for the public. From March 1, 1930, to March 1, 1933, under the old order, listed stocks declined 75 percent and listed bonds declined 22 percent.

Under the Democratic administration from March 1, 1933, to January 1, 1936, listed stocks advanced 134 percent, while listed bonds advanced 22 percent.

Public-utility corporations and operators have been among the loudest denouncers of the administration. Why, is difficult for the average person to understand when the actual facts are examined. From January 1, 1930, to January 1, 1933, under the old order, power production declined 9 percent.

Under the Democratic administration from January 1, 1933, to January 1, 1936, power production advanced 326 percent. It is evident from this that the power producers have suffered no loss of production. Perhaps the margin of profit possible under Democratic administration regulation—the prices charged the consumer—is such that power barons are displeased.

As I consider the improvements that have come to the Nation under the Democratic administration I have a feeling of pride, which I believe is pardonable, in the knowledge that I have had some little part, at least, in the enactment of the legislation that has brought about these improvements.

FACTS PROVE OUR CLAIMS

It is inconceivable that the people of this Nation will do otherwise than vote their approval of the work of this administration in the November election.

We are by nature a progressive people, a forward-looking people, a people that have an inherent desire to improve our state in life.

The people have faith in the Democratic Party, the present Democratic administration, and the program it has undertaken. The people have faith in the leadership of our party—faith in our great President, his inspiring and constructive policies.

I have reviewed the facts and the facts support our case. I have shown that our President has courageously pursued the policies which are restoring the Nation's economic life while those who profit most by his untiring efforts are trying to hamper him at every step.

When the voters of America look about them and see the chaos and confusion which exist in the rest of the world today, while we forge steadily forward under the New Deal, there will be no question of whether or not they will vote to continue our present program.

WE MUST HOLD TO GAINS

Let us remember that those same influences and those same individuals who now ask that America go back to the old order stood in places of high responsibility in the period from 1929 to 1933, silent, bewildered, and inactive. They did nothing then. They had no plan, no program, and no courage.

We must and shall remember that the flaming spirit of Franklin Delano Roosevelt revived the optimism of America while these same influences and individuals were still idle and wondering what to do.

Today, as we near the goal of complete recovery, these same influences and individuals have the temerity to ask the electorate to cast aside all that has been gained and restore them to power.

If I know the people of my district, the people with whom I have lived all my life, if I can understand human nature, if I can read the obvious signs, we have nothing to fear. My district is overwhelmingly favorable to President Roosevelt, to the New Deal, and the policies we pursue. My State, like my district, will cast a definite and unmistakable vote of confidence.

America is on the way back and will come back with Roosevelt and a Democratic Congress.

THE SOUTH IS RISING—NO MORE MAGNOLIA BLOSSOMS—COLD FACTS—HARD ECONOMICS—REPRINT OF ARTICLE IN NATION

Mr. MAVERICK. Mr. Speaker, by unanimous consent, I include in the RECORD an article written by me and printed in the Nation of June 17, 1936. It is as follows:

THE SOUTH IS RISING

Buried under the rapidly deteriorating soil and choked economically from the outside and inside since it lost the Civil War, somehow the South is rising. We have been robbed by cotton speculators, utilities, big-town and small-town money lenders. We have sent our "upper" classes off to northern colleges and our poorer ones off to be burned up by machines in eastern industrial cities, and we have thus been drained of our best energies. We have taken punishment long enough and we are sick of it.

ERODED HILLS—HUEY LONG—MISERY—REVOLT

There are signs of revolt. As yet it is only a vague rumbling restlessness, but it is growing and cannot be ignored. In this revolt look back to that figure that rose up in the eroded hills of Louisiana—Huey Long. In his bones and his blood was deep hatred born of the oppression, undernourishment, sorrow, misery, ignorance, and desperation of his people. Raging in his soul, he clattered on the scene and slashed and cut and cursed the gods of oil and sulphur—his first hates—and then all the other gods right across the national scene. He was like a violent Gargantua shouting his Rabelaisian song as he went. God rest his troubled soul in peace. There was much in him that was vicious, but what stirred up cannot be downed.

Drawn by this ferment but not part of it, except to get the little lickin's around the kettle of graft, have come lesser ones like Talmadge. Talmadge—little, mean, cheap, and common—with not a millionth of the brains and none of the endearing qualities of Huey—inheriting only what was dangerous in him. Others as well have rattlesnaked up and have for the time fooled and are fooling southern people, who have been slugged so long that they are easy to deceive.

SELFISH INTERESTS—MAGNOLIA BLOSSOMS—SOUTH DRAINED OF HUMAN AND NATURAL RESOURCES

Against what are the southerners rising? They are beginning to rise out of their slavish submission to an economy which has given them the sweet imaginary odor of the magnolia blossoms—and also poverty, hunger, hopelessness. They are rising against the economic consequences of Appomattox; against what Charles W. Pipkin calls "selfish interests that have been able to screen themselves behind * * * southern ideals, * * * traditions which they meant to exploit and degrade."

They have had enough of that inferiority complex which takes the form of a reminiscent self-satisfaction born of the war gloriously lost. They are rising finally against political separatism which brings inequality and a system of business enterprise which has drained the South of its natural and human resources for three-quarters of a century.

SOUTHERN POLICY COMMITTEE—VALID MOVEMENT

An indication that the South is beginning to prepare for action is the recent formation in Washington of the Southern Policy Committee. Numbering among its members many southern Congressmen and officials in the various administrative departments of the Government, the committee represents a valid southern movement of a genuinely progressive nature. The Nation will be hearing from it before very long.

KING COTTON IS DEAD—WILL NEVER RISE

What are the facts and forces behind the present restlessness of the South? First of all King Cotton is dead, and the South knows he will never rise again. Cotton was king after the Civil War, but at no time was he a gentle-mannered George V. He was a brutal Hitler who ordered the southerners to grow cotton and sell it for cash—or be purged by starvation.

The results of cotton tyranny are inscribed on the death scroll of soil erosion. Mississippi has 63.7 percent of its farm lands injured by sheet erosion, and 47.1 percent by gullying; Tennessee, where over half the land has been rendered valueless for farming, has the same proportion of sheet erosion and 80.7 percent of gullying; big-mouthed Eugene's Georgia, 50 percent washed out, is going fast. Sixty-one percent of the Nation's eroded land lies in the South. Five million more acres of fertile bottomland have been lost to cultivation through stream choking and floods, and 20,000,000 tons a year of potash, nitrogen, and phosphates race to the ocean from the stark fields of the old cotton empire.

This relentless drainage creates a vicious circle in which the South is forced to grow cotton for sale in order to buy fertilizer (5,500,000 tons of it a year, compared with 2,500,000 tons for all the rest of the Nation) with which to grow cotton for sale. Sacrificing all to cotton, the South has neglected its other agricultural opportunities and has been compelled to buy produce it could grow more economically itself. Christmas trees from the west coast are sold in the Carolinas, land of evergreens; spinach and carrots from distant California are sold in the Southeast; southern farmers buy winter rutabagas from Canada and cabbage from everywhere; hay, corn, and feed are sold by the West to the Southeast; and those that can afford it live to a large extent on canned goods bought from nearly anywhere but from the South. For the South to import these things, a group of southern economists have recently stated, "results in everyday scarcity of what could abound without limits."

Furthermore, the goods the South buys must jump the prices jacked up by a high tariff wall; but the goods it sells must grovel and beg miserably under the protectionist spite fence and compete against the whole wide world. This would be enough to explain the unenviable records of the South in American agriculture: The lowest per capita farm income; the lowest income per farm worker; the lowest return per horsepower unit; the lowest ratio of income from livestock; the lowest per capita amount of purebred livestock; the lowest production of milk and butter.

HUMAN DRAIN ON SOUTH

Worse still is the human drain on the South. Since the turn of the century it has had a net loss of three and a half million people. In the single decade of 1920–30, 380,000 Negroes emigrated to northern cities. The charts of population movements prepared by the Government show the people fleeing from the South as from the invasion of a foreign army, black and white alike, flooding North, West, and even down into Florida, from the devastated provinces of our dead king.

Of those who are left behind, many live in areas where from half to nine-tenths of the children receive diets inadequate by any human standard, resulting in disease, feeble-mindedness, and social degeneration. A particularly bitter aspect of the emigration is that it empties the South of its best leaders and turns them into betrayers of their homeland.

EDUCATION HIGH—BUT EXPLOITATION GREAT

Education in the South may lag behind the national average, but it has its high spots equal to any in the country. The University of North Carolina is outstanding as an intellectual center; Texas has perhaps the finest university library in America; while Rice, Duke, and others offer the same advantages to students as any of the old pre-Revolutionary eastern universities.

Yet traditionally substantial numbers of the most intelligent—educated on the last resources of proud families—go North, there engaging in the exploitation of the land of their birth. By the contracts they learned to write in eastern colleges, by ownership

documents, mortgages, bonds, stocks, utilities, and rail franchises, they syphon out our salt, oil, sulphur, cattle, cotton, and natural resources, along with the brain and brawn that must inevitably follow.

EXODUS HURTS WHOLE NATION

This exodus has helped nobody. By draining off the population it has inflicted heavy loss on the South, and by flooding other parts of the country with millions of unorganized, uneducated, untrained day laborers it has lowered purchasing power and wage scales in those regions, thus causing economic loss to the Nation as a whole.

It is easy for critics whose ignorance and prejudice are different only in kind from ours to say categorically just what is wrong with the South. The story, however, is deeper than they know. Some, with abolitionist psychology, blame the planters. But planters and tenants are caught in the same trap.

ANONYMOUS LANDLORDISM CURSE OF SOUTH

Landlordism is the curse of the South, but it is a stupid landlordism that denies profitable production and purchasing power to its serfs. It is the hateful landlordism of the anonymous—the banks, the insurance companies, the distant investors, the credit lines, the bankruptcy receiverships, all the dreary apparatus of financial exploitation by remote control.

All this time most southerners have thought, if they have taken time to think at all, that it was exploitation by the northerners, of which they were the victims. The same crowd of exploiters are doing in the North and West just what they are doing in the South. Exploitation knows no geographical divisions.

So the South has decided to "muscle in" at the national table. Southerners have come to realize that, helped by their climate, they can by conservation and coordination change their record of the lowest per capita farm income to the highest.

TWO YANKEES MARCH ON—BUT NOT LIKE SHERMAN

Who but a couple of damned Yankees should be the ones to have led the South to this realization? Senator GEORGE W. NORRIS and President Roosevelt, by setting up the T. V. A., have given the South the first real hope of revival it has known since the Civil War. They marched in, pitched camp, and set to work, but, unlike General Sherman, they came with an army of construction.

Covering 40,000 square miles, enriching the lives of over 2,000,000 people, T. V. A. has become the great central dynamo for seven States. T. V. A. has brought light, heat, and power to the destitute South. Its enemies, the utilities, backed by their eastern friends and by southern gentlemen who have stolen carpetbags, still fight it bitterly. They profess to see in T. V. A. a deliberate slap in their faces from the hand of Roosevelt. They picture the President sitting off in Washington, like a Count of Monte Cristo, throwing gold into pet schemes like T. V. A. merely to gratify a personal hate for the private power groups.

But they have not seen the truth, for T. V. A. is a great deal more than just a negative gesture of spite. It is a break for, and in, the South and it is also the most successful enterprise of the New Deal.

ROOSEVELT ONLY PRESIDENT TO RECOGNIZE SOUTH

The great majority of the southern people realize that Roosevelt is the only President who has given the South full support, full encouragement, full recognition since the Civil War. The allegiance and strict obedience of southern Senators and Representatives is sincere and almost fanatical. Roosevelt, heart, liver, and lights, is our man.

T. V. A. VICTORIOUS

Together he and NORRIS have set 16,000 men to work. They are unlocking the magic of electricity and farm technology in an area which was one of the most backward in the entire Nation, releasing the energies of modern science with a dash and morale akin to that of war. A little army but a victorious one—victorious over local prejudice, victorious over utilities, partially victorious even over the Supreme Court.

ANOTHER REBELLION—NORTHERNERS JOIN GRANDSONS OF JACKSON AND LEE

What this peace army means for the South not even those who know the South can say. It means breaking with a past which took mournful pride in having been overpowered, not licked, by the Yankees, and which despised the only means by which the defeated Confederacy could convert defeat into victory.

Yes; there is another southern rebellion. But there is no nonsense or equivocation about the facts. There are no bugles, no faint smells of imaginary magnolias, no inferiority complexes. It is a rebellion in which northerners—damned Yankees—lend assistance to the grandsons of the ragged troopers who starved and fought and died with Jackson and Lee. Both have found that they have a common enemy—and that enemy is to be seen, not in terms of sectional cleavage but in terms of economic power.

THE REPUBLICAN RECORD ON NEW DEAL LEGISLATION

Mr. WARREN. Mr. Speaker, the distinguished minority leader, who was one of the eminent keynoters at the late Republican national convention, has returned from the wars and his masterly speech has been officially embalmed in the CONGRESSIONAL RECORD. Press reports say that our friend from New York [Mr. SNELL] was surrounded at the Cleveland convention by almost the entire Republican membership of the House, who cheered him to the echo. It has been related how the Republican Members of the House worked themselves into a mad frenzy when the gentleman from New York and his co-keynoter, Senator STEIWER, attacked the legislation that Congress has enacted during the period of the Roosevelt administration.

An opposition party will always have its place in the Nation, but it must be one that adheres to its principles and is militant, constructive, and united, regardless of its numerical strength. For 4 years the Democratic Party has had no opposition worthy of the name, and what was once the proud, arrogant, and dominant Republican Party has degenerated into groups of carping critics, going in all directions, each playing the opportunist role as it best suits him. It was the brilliant minority leadership of men like Champ Clark, Oscar Underwood, Claud Kitchin, and others that overturned the Taft administration during the middle of its term and elected a Democratic House and paved the way for Woodrow Wilson in 1912. It was a constructive, fighting, and united minority under John N. Garner, Joseph W. Byrns, Henry T. Rainey, W. B. Bankhead, and others that exposed the political and economic mistakes of the Hoover administration and overturned the House in 1930 and brought in Roosevelt 2 years later. Issues are made in Congress. Here the lines are formed and here is where the battle is waged.

Even though at times he has joined in ardently supporting measures of the Roosevelt administration, our friend the minority leader from New York [Mr. SNELL] must not be blamed for the utter rout and collapse of his party in the House of Representatives. I doubt if the Republicans could have selected a wiser or abler man. They would not follow anyone, and it has been every man for himself.

What are the American people going to say in the next few months when these Republican Members of the House go out on the stump and urge the defeat of the President, criticize the measures of the administration, and ask that their party be placed in control? What are they going to say when they find that large numbers of Republicans have voted for most of the major New Deal legislation? What will they say when men try to repudiate their own handiwork?

What will the voters of Minnesota say to men like Governor CHRISTIANSON, now a candidate for the Senate, when he talks to them about unconstitutional laws and find that he voted for the A. A. A. and was one of its strongest advocates? What will they say to those 70 Republicans who in 1933 voted for the F. E. R. A. and then condemn appropriations? When such stalwart Republican leaders as Mr. BACHARACH, of New Jersey, and Dr. CROWTHER, of New York, are found voting with 50 other Republicans—a majority—for the N. R. A., what are they going to say about Democrats passing unconstitutional acts? And pray tell me, Mr. Speaker, what will 65 Republicans say when their memories go back to January 20, 1934, when under the urging of their assistant minority leader, Mr. MARTIN of Massachusetts, they voted for the Gold Reserve Act?

And then on February 5, 1934, we find 97 Republicans voting for the C. W. A. relief bill, carrying vast appropriations. We find 96 out of 103 voting for the tax bill of 1934. We find 74 Republicans voting for the Collateral Security Act. Twenty-two voted for the National Securities Exchange Act. Twenty-eight of them voted for the $4,880,000,000 relief act.

The great and constructive Social Security Act is a most interesting vote to look at. Already the guns of the Republicans have been leveled at it, and yet we find 77 out of 95 Republicans casting their votes for it. Twenty-five Republicans voted for the utility holding company bill. Fifteen of them voted for the Guffey coal bill. Seventy-nine voted for the Neutrality Act. Twenty-one voted for the Soil Conservation Act.

They say, Mr. Speaker, they are going to make spending one of the issues of this campaign. Just 1 month before the Republican convention we find 62 out of 92 Republicans, under the whip and lash of their leader, Mr. SNELL, voting for the deficiency bill of 1936, carrying relief and amounting

to approximately $2,500,000,000. "Balance the Budget" they cry, but their answer is to vote for staggering appropriations and then refuse to vote taxes in 1936 to pay them.

In the last 4 years there has been much major legislation passed in the House without a roll-call vote. There was no roll call on the Wagner-Connery labor bill, the municipal bankruptcy bill, nor on the second Guffey coal bill in the House. Any time the Republicans desire and ask for a roll-call vote, under the rules of the House, they get it. It is well known that they have refrained from demanding roll calls, so as the occasion suits they could say they were either for or against a measure because they could not be confronted with their record.

Mr. Speaker, the record has been made and the issues drawn. Mr. Roosevelt will be reelected together with a Democratic Congress to support him because he is today the one and only hope of the American people. The old order has disappeared and will never return. His is a record of achievement and accomplishment. We have been offered nothing to turn to in his stead. Under a dynamic leadership our country has been saved and again restored.

He which hath no stomach to this fight
Let him depart;
His passport shall be made.

I herewith attach, Mr. Speaker, a series of important and crucial roll-call votes taken in the House of Representatives during the Roosevelt administration showing how our Republican friends voted on these measures.

The following Republicans in the House of Representatives voted for New Deal legislation, as shown by these roll calls:

ECONOMY ACT

(Passed the House Mar. 11, 1933, roll call no. 4, p. 181, CONGRESSIONAL RECORD, H. R. 2820)

Allen, Illinois; Andrew, Massachusetts; Andrews, New York; Bacharach, New Jersey; Bacon, New York; Bakewell, Connecticut; Beedy, Maine; Bolton, Ohio; Britten, Illinois; Burnham, California; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Cochran, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Doutrich, Pennsylvania; Eaton, New Jersey; Edmunds, Pennsylvania; Eltse, California; Evans, California; Fish, New York; Foss, Massachusetts; Gifford, Massachusetts; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kinzer, Pennsylvania; Knutson, Minnesota; Lambertson, Kansas; Lehlbach, New Jersey; Luce, Massachusetts; McGugin, Kansas; McLean, New Jersey; Marshal, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Moynihan, Illinois; Muldowney, Pennsylvania; Perkins, New Jersey; Powers, New Jersey; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Simpson, Illinois; Snell, New York; Stalker, New York; Stokes, Pennsylvania; Swick, Pennsylvania, Taber, New York; Tinkham, Massachusetts; Tobey, New Hampshire; Treadway, Massachusetts; Wadsworth, New York; Wigglesworth, Massachusetts.

68 voted "aye", 40 voted "nay", 6 not recorded.

BEER BILL

(Passed the House Mar. 14, 1933, roll call no. 5, p. 290, CONGRESSIONAL RECORD, H. R. 3341)

Andrew, Massachusetts; Andrews, New York; Bacharach, New Jersey; Bacon, New York; Bakewell, Connecticut; Beck, Pennsylvania; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Britten, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Cavicchia, New Jersey; Connolly, Pennsylvania; Darrow, Pennsylvania; DePriest, Illinois; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Doutrich, Pennsylvania; Eaton, New Jersey; Edmunds, Pennsylvania; Englebright, California; Fish, New York; Foss, Massachusetts; Frear, Wisconsin; Gifford, Massachusetts; Goodwin, New York; Goss, Connecticut; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; James, Michigan; Kahn, California; Knutson, Minnesota; Lehlbach, New Jersey; Lemke, North Dakota; McLean, New Jersey; McLeod, Michigan; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Moynihan, Illinois; Muldowney, Pennsylvania; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Simpson, Illinois; Stokes, Pennsylvania; Traeger, California; Treadway, Massachusetts; Turpin, Pennsylvania; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, N. J.; Woodruff, Michigan.

68 voted "aye", 38 voted "nay", 5 not recorded.

ECONOMY ACT

Rule to take from Speaker's table H. R. 2820, "To maintain credit of United States Government", and agree to Senate amendments.

(Passed the House Mar. 16, 1933, roll call no. 6, p. 516, CONGRESSIONAL RECORD, H. Res. 53)

Allen, Illinois; Andrew, Massachusetts; Andrews, New York; Bacharach, New Jersey; Bacon, New York; Bakewell, Connecticut; Beedy, Maine; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Britten, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Chase, Minnesota; Christianson, Minnesota; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Dowell, Iowa; Edmonds, Pennsylvania; Eltse, California; Englebright, California; Evans, California; Foss, Massachusetts; Frear, Wisconsin; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Kinzer, Pennsylvania; Knutson, Minnesota; Kurtz, Pennsylvania; Lambertson, Kansas; Luce, Massachusetts; McFadden, Pennsylvania; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Moynihan, Illinois; Muldowney, Pennsylvania; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Simpson, Illinois; Sinclair, North Dakota; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Treadway, Massachusetts; Turpin, Pennsylvania; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, Pennsylvania; Woodruff, Michigan.

88 voted "aye", 4 voted "nay", 17 not recorded.

A. A. A.—ESTABLISHMENT OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

(Passed the House Mar. 22, 1933, roll call no. 8, p. 766, CONGRESSIONAL RECORD, H. R. 3835)

Allen, Illinois; Blanchard, Wisconsin; Boileau, Wisconsin; Burnham, California; Chase, Minnesota; Christianson, Minnesota; Collins, California; Cooper, Ohio; Culkin, New York; Dirksen, Illinois; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Focht, Pennsylvania; Frear, Wisconsin; Gilchrist, Iowa; Hartley, New Jersey; James, Michigan; Jenkins, Ohio; Kinzer, Pennsylvania; Lambertson, Kansas; Lemke, North Dakota; McGugin, Kansas; Marshall, Ohio; Mott, Oregon; Peavey, Wisconsin; Reece, Tennessee; Reid, Illinois; Sinclair, North Dakota; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Welch, California; Withrow, Wisconsin; Wolverton, New Jersey; Woodruff, Michigan.

37 voted "aye", 72 voted "nay", 5 not recorded.

REFINANCING OF FARM MORTGAGES

(Passed the House Apr. 13, 1933, roll call no. 12, p. 1669, CONGRESSIONAL RECORD, H. R. 4795)

Allen, Illinois; Andrews, New York; Bacharach, New York; Bakewell, Connecticut; Beedy, Maine; Blanchard, Wisconsin; Bolton, Ohio; Burnham, California; Carter, California; Carter, Wyoming; Cavicchia, New Jersey; Chase, Minnesota; Christianson, Minnesota; Cochran, Pennsylavnia; Collins, California; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; DePriest, Illinois; Dirksen, Illinois; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Eltse, California; Englebright, California; Evans, California; Fish, New York; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gilchrist, Iowa; Goodwin, New York; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Kinzer, Pennsylvania; Knutson, Minnesota, Kurtz, Pennsylvania; Lambertson, Kansas; Lemke, North Dakota; Luce, Massachusetts; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Millard, New York; Mott, Oregon; Peavey, Wisconsin; Perkins, New Jersey; Powers, New Jersey; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Sinclair, North Dakota; Stalker, New York; Stokes, Pennsylvania; Strong, Pennsylvania; Swick, Pennsylvania; Taber, New York; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Treadway, Massachusetts; Wadsworth, New York; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

87 voted "aye", 9 voted "nay", 14 not recorded.

FEDERAL EMERGENCY RELIEF ADMINISTRATION

(Passed the House Apr. 21, 1933, roll call no. 19, p. 2137, CONGRESSIONAL RECORD, H. R. 4606)

Andrews, New York; Blanchard, Wisconsin; Boileau, Wisconsin; Britten, Illinois; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin,

New York; Darrow, Pennsylvania; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Eltse, California; Englebright, California; Evans, California; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gilchrist, Iowa; Guyer, Kansas; Hartley, New Jersey; Hess, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Kinzer, Pennsylvania; Kurtz, Pennsylvania; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; McFadden, Pennsylvania; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marshall, Ohio; Mott, Oregon; Muldowney, Pennsylvania; Peavey, Wisconsin; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Seger, New Jersey; Sinclair, North Dakota; Strong, Pennsylvania; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Turpin, Pennsylvania; Welch, California; Whitley, New York; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

70 voted "aye", 30 voted "nay", 13 not recorded.

MUSCLE SHOALS AND TENNESSEE VALLEY DEVELOPMENT

(Passed the House Apr. 25, 1933, roll call no. 22, p. 2361, CONGRESSIONAL RECORD, H. R. 5081)

Boileau, Wisconsin; Chase, Minnesota; Collins, California; Frear, Wisconsin; Gilchrist, Iowa; Kelly, Pennsylvania; Lemke, North Dakota; Mott, Oregon; Peavey, Wisconsin; Reece, Tennessee; Reid, Illinois; Sinclair, North Dakota; Taylor, Tennessee; Traeger, California; Welch, California; Withrow, Wisconsin; Woodruff, Michigan.

17 voted "aye", 89 voted "nay", 10 not recorded.

HOME-OWNERS' LOAN CORPORATION ACT, 1933

(Passed the House Apr. 28, 1933, roll call no. 26, p. 2620, CONGRESSIONAL RECORD, H. R. 5240)

Allen, Illinois; Andrew, Massachusetts; Andrews, New York; Bacharach, New Jersey; Bacon, New York; Beck, Pennsylvania; Beedy, Maine; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Britten, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Cavicchia, New Jersey; Chase, Minnesota; Christianson, Minnesota; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; DePriest, Illinois; Dirksen, Illinois; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Eltse, California; Englebright, California; Evans, California; Fish, New York; Foss, Massachusetts; Frear, Wisconsin; Gilchrist, Iowa; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Higgins, Connecticut; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kelly, Pennsylvania; Kinzer, Pennsylvania; Knutson, Minnesota; Kurtz, Pennsylvania; Lehlbach, New Jersey; Lemke, North Dakota; Luce, Massachusetts; McGugin, Kansas; McLean, New Jersey; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Muldowney, Pennsylvania; Peavey, Wisconsin; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, New York; Reid, Illinois; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Simpson, Illinois; Sinclair, North Dakota; Satker, New York; Swick, Pennsylvania; Taber, New York; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Turpin, Pennsylvania; Wadsworth, New York; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan;

93 voted "aye", 1 voted "nay", 16 not recorded.

MUSCLE SHOALS—CONFERENCE REPORT—TENNESSEE VALLEY AUTHORITY—ADOPTION OF REPORT

(Passed the House May 17, 1933, roll call no. 42, p. 3679, CONGRESSIONAL RECORD, H. R. 5081)

Boileau, Wisconsin; Chase, Minnesota; Gilchrist, Iowa; Kelly, Pennsylvania; Lemke, North Dakota; Peavey, Wisconsin; Reece, Tennessee; Sinclair, North Dakota; Taylor, Tennessee; Withrow, Wisconsin.

Ayes 10, nays 85, not recorded 21, present 1.

NATIONAL INDUSTRIAL RECOVERY ACT

(Passed the House May 26, 1933, roll call no. 50, p. 4431, CONGRESSIONAL RECORD, H. R. 5755)

Andrews, New York; Bacharach, New Jersey; Beedy, Maine; Blanchard, Wisconsin; Boileau, Wisconsin; Britten, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Collins, California; Cooper, Ohio; Crowther, New York; Culkin, New York; Dirksen, Illinois; Dondero, Michigan; Doutrich, Pennsylvania; Englebright, California; Evans, California; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gilchrist, Iowa; Goss, Connecticut; Hess, Ohio; Higgins, Connecticut; Holmes, Massachusetts; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Knutson, Minnesota; Lemke, North Dakota; McGugin, Kansas; McLeod, Michigan; Marshall, Ohio; Millard, New York; Mott, Oregon; Muldowney, Pennsylvania; Peavey, Wisconsin; Reece, Tennessee; Sinclair, North Dakota; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Traeger, California; Treadway, Massachusetts; Turpin, Pennsylvania; Welch, California; Withrow, Wisconsin; Wolcott, Michigan; Wolverton, Pennsylvania; Woodruff, Michigan.

52 voted "aye", 49 voted "nay", 12 not recorded, 1 present.

COINS AND CURRENCIES—1933 GOLD-CONTRACT BILL

(Passed the House May 29, 1933, roll call no. 52, p. 4606, CONGRESSIONAL RECORD, H. J. Res. 192)

Boileau, Wisconsin; Britten, Illinois; Carter, Wyoming; Christianson, Minnesota; Collins, California; Dirksen, Illinois; Dondero, Michigan; Frear, Wisconsin; Gilchrist, Iowa; Guyer, Kansas; Hope, Kansas; James, Michigan; Knutson, Minnesota; Lambertson, Kansas; Lemke, North Dakota; McGugin, Kansas; Mott, Oregon; Peavey, Wisconsin; Sinclair, North Dakota; Taylor, Tennessee; Thurston, Iowa; Turpin, Pennsylvania; Welch, California; Whitley, New York; Withrow, Wisconsin; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 28, nays 48, not recorded 40, present 1.

LIQUOR-TAXING BILL

(Passed the House Jan. 5, 1934, roll call no. 76, p. 158, CONGRESSIONAL RECORD, H. R. 6131)

Andrew, Massachusetts; Andrews, New York; Bakewell, Connecticut; Beck, Pennsylvania; Beedy, Maine; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Britten, Illinois; Buckbee, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Cavicchia, New Jersey; Chase, Minnesota; Christianson, Minnesota; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Doutrich, Pennsylvania; Eaton, New Jersey; Eltse, California; Englebright, California; Evans, California; Fish, New York; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Kinzer, Pennsylvania; Kurtz, Pennsylvania; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; Luce, Massachusetts; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Muldowney, Pennsylvania; Peavey, Wisconsin; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Sinclair, North Dakota; Snell, New York; Stalker, New York; Stokes, Pennsylvania; Strong, Pennsylvania; Swick, Pennsylvania; Taber, New York; Taylor, Tennessee; Tinkham, Massachusetts; Tobey, New Hampshire; Traeger, California; Treadway, Massachusetts; Turpin, Pennsylvania; Wadsworth, New York; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 98, nays 4, not recorded 9, present 1.

GOLD RESERVE ACT, 1934

(Passed the House Jan. 20, 1934, roll call no. 82, p. 1021, CONGRESSIONAL RECORD, H. R. 6976

Allen, Illinois; Bacharach, New Jersey; Blanchard, Wisconsin; Boileau, Wisconsin; Buckbee, Illinois; Carter, California; Carter, Wyoming; Chase, Minnesota; Christianson, Minnesota; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Culkin, New York; DePriest, Illinois; Dirksen, Illinois; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Englebright, California; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gifford, Massachusetts; Gilchrist, Iowa; Goss, Connecticut; Hartley, New Jersey; Higgins, Connecticut; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Kelly, Pennsylvania, Kinzer, Pennsylvania; Knutson, Minnesota; Kurtz, Pennsylvania; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; McLean, New Jersey; Mapes, Michigan; Martin, Massachusetts; Mott, Oregon; Moynihan, Illinois; Muldowney, Pennsylvania; Peavey, Wisconsin; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Seger, New Jersey; Simpson, Illinois; Sinclair, North Dakota; Strong, Pennsylvania; Taylor, Tennessee; Thurston, Iowa; Traeger, California; Turpin, Pennsylvania; Waldron, Pennsylvania; Welch, California; Whitely, New York; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey, Woodruff, Michigan.

Ayes 65, nays 37, not recorded 9.

CIVIL WORKS EMERGENCY RELIEF

(Passed the House Feb. 5, 1934, roll call no. 83, p. 1971, CONGRESSIONAL RECORD, H. R. 7527)

Allen, Illinois; Andrew, Massachusetts; Andrews, New York; Bacon, New York; Bakewell, Connecticut; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Britten, Illinois; Buckbee, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Cavicchia, New Jersey; Chase, Minnesota; Christianson, Minnesota; Clarke, New York; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; DePriest, Illinois; Dirksen, Illinois; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Eltse, California; Englebright, California; Evans, California; Fish, New York; Focht, Pennsylvania; Foss, Massachusetts; Frear, Wisconsin; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Kahn, California; Kelly, Pennsylvania; Kinzer, Pennsylvania;

Knutson, Minnesota; Kurtz, Pennsylvania; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; Luce, Massachusetts; McFadden, Pennsylvania; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Muldowney, Pennsylvania; Moynihan, Illinois; Peavey, Wisconsin; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Simpson, Illinois; Sinclair, North Dakota; Snell, New York; Strong, Pennsylvania; Swick, Pennsylvania; Taber, New York; Taylor, Tennessee; Thurston, Iowa; Tinkham, Massachusetts; Traeger, California; Treadway, Massachusetts; Waldron, Pennsylvania; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey.

Ayes 97, not recorded 14.

REVENUE ACT OF 1934

(Passed the House Feb. 21, 1934, roll call no. 90, p. 3082, CONGRESSIONAL RECORD, H. R. 7835)

Allen, Illinois; Andrew, Massachusetts; Bacharach, New Jersey; Bacon, New York; Bakewell, Connecticut; Beedy, Maine; Blanchard, Wisconsin; Boileau, Wisconsin; Bolton, Ohio; Burnham, California; Carter, California; Carter, Wyoming, Cavicchia, New Jersey; Chase, Minnesota; Christianson, Minnesota; Clarke, New York; Cochran, Pennsylvania; Collins, California; Connolly, Pennsylvania; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; DePriest, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Doutrich, Pennsylvania; Dowell, Iowa; Eaton, New Jersey; Edmonds, Pennsylvania; Englebright, California; Evans, California; Fish, New York; Focht, Pennsylvania; Frear, Wisconsin; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kelly, Pennsylvania; Kinzer, Pennsylvania; Knutson, Minnesota; Kurtz, Pennsylvania; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; Luce, Massachusetts; McGugin, Kansas; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Muldowney, Pennsylvania; Peavey, Wisconsin; Perkins, New Jersey; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Sinclair, North Dakota; Snell, New York; Stalker, New York; Stokes, Pennsylvania; Swick, Pennsylvania; Taber, New York; Taylor, Tennessee; Thurston, Iowa; Tinkham, Massachusetts; Tobey, New Hampshire; Traeger, California; Treadway, Massachusetts; Turpin, Pennsylvania; Wadsworth, New York; Waldron, Pennsylvania; Whitley, New York; Wigglesworth, Massachusetts; Withrow, Wisconsin; Wolcott, Michigan; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 96, nays 7, not recorded 8.

COLLATERAL SECURITY ACT

(Passed the House Mar. 3, 1934, roll call no. 98, p. 3706, CONGRESSIONAL RECORD, S. 2766)

Allen, Illinois; Andrew, Massachusetts; Andrews, New York; Bacon, New York; Bakewell, Connecticut; Beck, Pennsylvania; Beedy, Maine; Boileau, Wisconsin; Buckbee, Illinois; Burnham, California; Carter, California; Carter, Wyoming; Chase, Minnesota; Clarke, New York; Cochran, Pennsylvania; Collins, California; Cooper, Ohio; Culkin, New York; Darrow, Pennsylvania; DePriest, Illinois; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Eltse, California; Englebright, California; Evans, California; Fish, New York; Focht, Pennsylvania; Frear, Wisconsin; Gifford, Massachusetts; Goodwin, New York; Goss, Connecticut; Guyer, Kansas; Hancock, New York; Hartley, New Jersey; Hess, Ohio; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; James, Michigan; Jenkins, Ohio; Kahn, California; Kelly, Pennsylvania; Knutson, Minnesota; Kurtz, Pennsylvania; Lehlbach, New Jersey; Luce, Massachusetts; McGugin, Kansas; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Mott, Oregon; Moynihan, Illinois; Muldowney, Pennsylvania; Perkins, New Jersey; Luce, Massachusetts; McGugin, Kansas; Mapes, Michigan; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Snell, New York; Taylor, Tennessee; Traeger, California; Turpin, Pennsylvania; Wadsworth, New York; Welch, California; Whitley, New York; Wigglesworth, Massachusetts; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey.

Ayes 74, nays 19, not recorded 19.

REVENUE ACT OF 1934—CONFERENCE REPORT

(Passed House May 1, 1934, roll call no. 134, p. 7839, CONGRESSIONAL RECORD, H. R. 7835)

Boileau, Wisconsin; Cochran, Pennsylvania; Dowell, Iowa; Frear, Wisconsin; Gilchrist, Iowa; James, Michigan; Lemke, North Dakota; McGugin, Kansas; Mott, Oregon; Peavey, Wisconsin; Thurston, Iowa; Withrow, Wisconsin; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 14, nays 77, not recorded 24.

NATIONAL SECURITIES EXCHANGE ACT

(Passed House May 4, 1934, roll call no. 137, p. 8116, CONGRESSIONAL RECORD, H. R. 9323)

Boileau, Wisconsin; Christianson, Minnesota; Connolly, Pennsylvania; Dowell, Iowa; Evans, California; Frear, Wisconsin; Gilchrist, Iowa; Hope, Kansas; James, Michigan; Knutson, Minnesota; Lambertson, Kansas; Lemke, North Dakota; Mapes, Michigan; Mott, Oregon; Peavey, Wisconsin; Reece, Tennessee; Sinclair, North Dakota; Thurston, Iowa; Welch, California; Withrow, Wisconsin; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 22, nays 73, not recorded 20.

INTERNATIONAL LABOR ORGANIZATION

(Passed House June 16, 1934, roll call no. 197, p. 12362, CONGRESSIONAL RECORD, S. J. Res. 131)

Boileau, Wisconsin; Carter, California; Carter, Wyoming; Christianson, Minnesota; Cochran, Pennsylvania; Dowell, Iowa; Frear, Wisconsin; Gilchrist, Iowa; James, Michigan; Kelly, Pennsylvania; Welch, California; Withrow, Wisconsin.

Ayes 12, nays 79, not recorded 24.

SEVENTY-FOURTH CONGRESS, FIRST SESSION

APPROPRIATING $4,880,000,000 FOR RELIEF

(Passed House Jan. 24, 1935, roll call no. 11, p. 956, CONGRESSIONAL RECORD, H. J. Res. 117)

Andrew, Massachusetts; Brewster, Maine; Buckbee, Illinois; Burdick, North Dakota; Burnham, California; Carlson, Kansas; Carter, California; Collins, California; Ekwall, Oregon; Gearhart, California; Gilchrist, Iowa; Guyer, Kansas; Higgins, Connecticut; Hope, Kansas; Kahn, California; Lambertson, Kansas; Lemke, North Dakota; McLeod, Michigan; Mapes, Michigan; Marcantonio, New York; Mott, Oregon; Powers, New Jersey; Seger, New Jersey; Stefan, Nebraska; Taylor, Tennessee; Tobey, New Hampshire; Welch, California; Wolverton, New Jersey.

Ayes 28, nays 68, not recorded 7.

EXTENDING R. F. C. FOR 2 YEARS

(Passed House Jan. 31, 1935, roll call no. 12, p. 1365, CONGRESSIONAL RECORD, S. 1175)

Andrew, Massachusetts; Andrews, New York; Bacon, New York; Blackney, Michigan; Brewster, Maine; Buckbee, Illinois; Burnham, California; Carlson, Kansas; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Cole, New York; Collins, California; Darrow, Pennsylvania; Ditter, Pennsylvania; Dondero, Michigan; Doutrich, Pennsylvania; Eaton, New Jersey; Ekwall, Oregon; Engel, Michigan; Fenerty, Pennsylvania; Fish, New York; Focht, Pennsylvania; Gearhart, California; Gifford, Massachusetts; Goodwin, New York; Guyer, Kansas; Hartley, Pennsylvania; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kinzer, Pennsylvania; Knutson, Minnesota; Lehlbach, New Jersey; Lord, New York; McLean, New Jersey; Marshall, Ohio; Martin, Massachusetts; Merritt, Connecticut; Millard, New York; Mott, Oregon; Pittenger, Minnesota; Plumley, Vermont; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, Illinois; Robsion, Kentucky; Rogers, Massachusetts; Seger, New Jersey; Short, Missouri; Snell, New York; Stewart, Delaware; Taber, New York; Taylor, Tennessee; Thomas, New York; Tinkham, Massachusetts; Treadway, Massachusetts; Wadsworth, New York; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 69, nays 21, not recorded 10.

EXTENDING HOME OWNERS' LOAN ACT AND NATIONAL HOUSING ACT

(Passed House Mar. 12, 1935, roll call no. 27, p. 3604, CONGRESSIONAL RECORD, H. R. 6021)

Allen, Illinois; Andresen, Minnesota; Andrew, Massachusetts; Arends, Illinois; Bacharach, New Jersey; Bacon, New York; Blackney, Michigan; Bolton, Ohio; Brewster, Maine; Buckbee, Illinois; Burdick, North Dakota; Burnham, California; Carlson, Kansas; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Cole, New York; Collins, California; Cooper, Ohio; Crawford, Michigan; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Eaton, New Jersey; Ekwall, Oregon; Engel, Michigan; Englebright, California; Fenerty, Pennsylvania; Fish, New York; Focht, Pennsylvania; Gearhart, California; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Guyer, Kansas; Gwynne, Iowa; Hancock, New York; Hartley, Pennsylvania; Hess, Ohio; Higgins, Connecticut; Hoffman, Michigan; Holmes, Massachusetts; Hope, Kansas; Kimball, Michigan; Kinzer, Pennsylvania; Knutson, Minnesota; Lambertson, Kansas; Lehlbach, New Jersey; Lemke, North Dakota; Lord, New York; McLean, New Jersey; McLeod, Michigan; Maas, Minnesota; Mapes, Michigan; Marcantonio, New York; Marshall, Ohio; Martin, Massachusetts; Michener, Michigan; Millard, New York; Mott, Oregon; Perkins, New Jersey; Pittenger, Minnesota; Plumley, Vermont; Powers, New Jersey; Ransley, Pennsylvania; Reed, New York; Reed, Illinois; Rich, Pennsylvania; Robsion, Kentucky; Rogers, Massachusetts; Seger, New Jersey; Short, Missouri; Snell, New York; Stefan, Nebraska; Stewart, Delaware; Taber, New York; Taylor, Tennessee; Thomas, New York; Thurston, Iowa; Tinkham, Massachusetts; Tobey, New Hampshire; Turpin, Pennsylvania; Wadsworth, New York; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 94, nays 2, not recorded 6.

TO PREVENT PROFITEERING IN TIME OF WAR

(Passed House Apr. 9, 1935, roll call no. 51, p. 5516, CONGRESSIONAL RECORD, H. R. 5529)

Allen, Illinois; Andresen, Minnesota; Andrew, Massachusetts; Arends, Illinois; Bacharach, New Jersey; Blackney, Michigan; Bolton, Ohio; Brewster, Maine; Buckbee, Illinois; Burdick, North Dakota; Burnham, California; Carlson, Kansas; Carter, California;

Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Cole, New York; Collins, California; Cooper, Ohio; Crawford, Michigan; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Dirksen, Illinois; Dondero, Michigan; Eaton, New Jersey; Ekwall, Oregon; Engel, Michigan; Englebright, California; Fenerty, Pennsylvania; Focht, Pennsylvania; Gearhart, California; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Guyer, Kansas; Gwynne, Iowa; Hancock, New York; Hess, Ohio; Higgins, Connecticut; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kimball, Michigan; Kinzer, Pennsylvania; Knutson, Minnesota; Lehlbach, New Jersey; Lemke, North Dakota; McLean, New Jersey; McLeod, Michigan; Maas, Minnesota; Mapes, Michigan; Marcantonio, New York; Marshall, Ohio; Martin, Massachusetts; Michener, Michigan; Millard, New York; Mott, Oregon; Pittenger, Minnesota; Plumley, Vermont; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, New York; Reed, Illinois; Rich, Pennsylvania; Robsion, Kentucky; Rogers, Massachusetts; Short, Missouri; Snell, New York; Stefan, Nebraska; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Treadway, Massachusetts; Turpin, Pennsylvania; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 85, nays 6, not recorded 11.

SOCIAL SECURITY ACT

(Passed House Apr. 19, 1935, roll call no. 57, p. 6290, CONGRESSIONAL RECORD, H. R. 7260)

Allen, Illinois; Andresen, Minnesota; Arends, Illinois; Bacharach, New Jersey; Blackney, Michigan; Brewster, Maine; Buckbee, Illinois; Burnham, California; Carlson, Kansas; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Cole, New York; Collins, California; Cooper, Ohio; Crawford, Michigan; Crowther, New York; Darrow, Pennsylvania; Dirksen, Illinois; Ditter, Pennsylvania; Dondero, Michigan; Eaton, New Jersey; Ekwall, Oregon; Engel, Michigan; Englebright, California; Fenerty, Pennsylvania; Focht, Pennsylvania; Gearhart, California; Gifford, Massachusetts; Gilchrist, Iowa; Guyer, Kansas; Gwynne, Iowa; Hartley, Pennsylvania; Hess, Ohio; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kimball, Michigan; Kinzer, Pennsylvania; Knutson (paired), Minnesota; Lambertson, Kansas; Lehlbach, New Jersey; Lord, New York; McLeod, Michigan; Maas, Minnesota; Mapes, Michigan; Marshall, Ohio; Martin, Massachusetts; Michener, Michigan; Mott, Oregon; Pittenger, Minnesota; Plumley, Vermont; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, Illinois; Rich (present), Pennsylvania; Robsion, Kentucky; Rogers, Massachusetts; Seger, New Jersey; Short, Missouri; Snell, New York; Stefan, Nebraska; Stewart, Delaware; Taylor, Tennessee, Thurston, Iowa; Tinkham, Massachusetts; Tobey, New Hampshire; Treadway, Massachusetts; Turpin, Pennsylvania; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 77, nays 18, not recorded 5.

CONTROL AND ELIMINATION OF PUBLIC-UTILITY HOLDING COMPANIES

(Passed House July 2, 1935, roll call no. 116, p. 11050, CONGRESSIONAL RECORD, S. 2796)

Brewster, Maine; Burdick, North Dakota; Carlson, California; Christianson, Minnesota; Culkin, New York; Engel, Michigan; Fish, New York; Gearhart, California; Gilchrist, Iowa; Guyer, Kansas; Gwynne, Iowa; Hope, Kansas; Lambertson, Kansas; Lemke, North Dakota; Mapes, Michigan; Marcantonio, New York; Mott, Oregon; Robsion, Kentucky; Stefan, Nebraska; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Welch, California; Wolverton, New Jersey; Woodruff, Michigan.

Ayes, 25, nays 74, not recorded 4.

AMENDING TENNESSEE VALLEY AUTHORITY ACT

(Passed House July 11, 1935, roll call no. 122, p. 11478, CONGRESSIONAL RECORD, H. R. 8632)

Brewster, Maine; Burdick, North Dakota; Ekwall, Oregon; Gearhart, California; Gilchrist, Iowa; Higgins, Connecticut; Lemke, North Dakota; Marcantonio, New York; Mott, Oregon; Reece, Tennessee; Stefan, Nebraska; Taylor, Tennessee; Welch, California; Wolverton, New Jersey.

Ayes 14, nays 81, not recorded 8.

GUFFEY-SNYDER COAL BILL

(Passed House Aug. 19, 1935, roll call no. 170, p. 14136, CONGRESSIONAL RECORD, H. R. 9100)

Burdick, North Dakota; Dirksen, Illinois; Doutrich, Pennsylvania; Fenerty, Pennsylvania; Focht, Pennsylvania; Gilchrist, Iowa; Jenkins, Ohio; Lemke, North Dakota; Marcantonio, New York; Robsion, Kentucky; Taylor, Tennessee; Thurston, Iowa; Turpin, Pennsylvania; Welch, California; Wolverton, New Jersey.

Ayes 15, Nays 72, not recorded 16.

PUBLIC-UTILITY HOLDING COMPANY BILL—INSTRUCTING CONFEREES ON THE "DEATH PENALTY" AMENDMENT

(Passed House Aug. 22, 1935, roll call no. 189, p. 14546, CONGRESSIONAL RECORD, S. 2796)

Burdick, North Dakota; Gearhart, California; Lambertson, Kansas; Lemke, North Dakota; Marcantonio, New York; Mott, Oregon; Welch, California.

Ayes 7, nays 83, not recorded 14.

FEDERAL ALCOHOL ADMINISTRATION ACT

(Passed House Aug. 24, 1935, roll call no. 194, p. 14809, CONGRESSIONAL RECORD, H. R. 8870)

Andresen, Minnesota; Andrews, New York; Bacon, New York; Blackney, Michigan; Bolton, Ohio; Burdick, North Dakota; Burnham, California; Carlson, Kansas; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Cole, New York; Cooper, Ohio; Crowther, New York; Darrow, Pennsylvania; Ditter, Pennsylvania; Dondero, Michigan; Ekwall, Oregon; Engel, Michigan; Fenerty, Pennsylvania; Gearhart, California; Guyer, Kansas; Halleck, Indiana; Hancock, New York; Hartley, Pennsylvania; Hess, Ohio; Higgins, Connecticut; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kinzer, Pennsylvania; Knutson, Minnesota; Lambertson, Kansas; Lemke, North Dakota; Lord, New York; McLean, New Jersey; Mapes, Michigan; Marcantonio, New York; Martin, Massachusetts; Merritt, Connecticut; Michener, Michigan; Millard, New York; Mott, Oregon; Plumley, Vermont; Powers, New Jersey; Reed, New York; Reed, Illinois; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Short, Missouri; Snell, New York; Stefan, Nebraska; Stewart, Delaware; Taylor, Tennessee; Thomas, New York; Turpin, Pennsylvania; Wadsworth, New York; Welch, California; Wigglesworth, Massachusetts; Wolcott, Michigan; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 64, nays 4, not recorded 35.

REVENUE ACT OF 1935—ADOPTION OF CONFERENCE REPORT

(Passed House Aug. 24, 1935, roll call no. 199, p. 14872, CONGRESSIONAL RECORD, H. R. 8974)

Burdick, North Dakota; Carlson, Kansas; Ekwall, Oregon; Guyer, Kansas; Gwynne, Iowa; Hope, Kansas; Lambertson, Kansas; Lemke, North Dakota; Marcantonio, New York; Mott, Oregon; Pittenger, Minnesota; Rich, Pennsylvania; Stefan, Nebraska; Welch, California.

Ayes 14, nays 58, not recorded 33.

SECOND SESSION, SEVENTY-FOURTH CONGRESS

NEUTRALITY ACT

(Passed House Feb. 17, 1936, roll call no. 19, p. 2253, CONGRESSIONAL RECORD, H. J. Res. 491)

Allen, Illinois; Andresen, Minnesota; Andrew, Massachusetts; Arends, Illinois; Bacharach, New Jersey; Bacon, New York; Blackney, Michigan; Brewster, Maine; Buckler, Minnesota; Burnham, California; Carlson, Kansas; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Collins, California; Cooper, Ohio; Crowther, New York; Culkin, New York; Darrow, Pennsylvania; Dondero, Michigan; Eaton, New Jersey; Engel, Michigan; Englebright, California; Fenerty, Pennsylvania; Fish, New York; Focht, Pennsylvania; Gifford, Massachusetts; Gilchrist, Iowa; Goodwin, New York; Guyer, Kansas; Halleck, Indiana; Hancock, New York; Hartley, Pennsylvania; Hess, Ohio; Higgins, Connecticut; Hoffman, Michigan; Hollister, Ohio; Holmes, Massachusetts; Hope, Kansas; Jenkins, Ohio; Kahn, California; Kinzer, Pennsylvania; Knutson, Minnesota; Lambertson, Kansas; Lehlbach, New Jersey; Lord, New York; McLean, New Jersey; McLeod, Michigan; Mapes, Michigan; Marcantonio, New York; Martin, Massachusetts; Michener, Michigan; Millard, New York; Mott, Oregon; Pittenger, Minnesota; Plumley, Vermont; Ransley, Pennsylvania; Reece, Tennessee; Reed, Illinois; Reed, New York; Rich, Pennsylvania; Rogers, Massachusetts; Seger, New Jersey; Stefan, Nebraska; Taber, New York; Taylor, Tennessee; Thurston, Iowa; Tinkham, Massachusetts; Tobey, New Hampshire; Treadway, Massachusetts; Turpin; Pennsylvania; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolcott, Michigan; Wolfenden, Pennsylvania; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 79, nays 8, not recorded 15.

CONSERVATION OF AGRICULTURAL LAND RESOURCES

(Passed House Feb. 21, 1936, roll call no. 23, p. 2578, CONGRESSIONAL RECORD, S. 3780)

Allen, Illinois; Andresen, Minnesota; Arends, Illinois; Buckler, Minnesota; Carlson, Kansas; Christianson, Minnesota; Dirksen, Illinois; Gilchrist, Iowa; Guyer, Kansas; Gwynne, Iowa; Halleck, Indiana; Hope, Kansas; Kinzer, Pennsylvania; Knutson, Minnesota; Marshall, Ohio; Reece, Tennessee; Reed, Illinois; Stefan, Nebraska; Taylor, Tennessee; Thurston, Iowa; Welch, California.

Ayes 21, nays 61, present 1, not voting 20.

ELECTRIC HOME AND FARM AUTHORITY

(Passed the House Mar. 25, 1936, roll call no. 51, p. 4350, CONGRESSIONAL RECORD, S. 3424)

Blackney, Michigan; Burdick, North Dakota; Crawford, Michigan; Dondero, Michigan; Gearhart, California; Gilchrist, Iowa; Lambertson, Kansas; Lemke, North Dakota; Main, Michigan; Mapes, Michigan; Marcantonio, New York; Michener, Michigan; Reece, Tennessee; Stefan, Nebraska; Taylor, Tennessee; Welch, California; Wolverton, New Jersey; Woodruff, Michigan.

Ayes 18, nays 65, not voting 18.

THE DEFICIENCY BILL OF 1936

(Passed House May 11, 1936, roll call no. 92, p. 7022, CONGRESSIONAL RECORD, H. R. 12624)

Allen, Illinois; Andresen, Minnesota; Arends, Illinois; Bacharach, New Jersey; Bacon, New York; Blackney, Michigan; Brewster, Maine; Burdick, North Dakota; Burnham, California; Carlson, Kansas; Carter, California; Cavicchia, New Jersey; Christianson, Minnesota; Church, Illinois; Crawford, Michigan; Culkin, New

York; Dirksen, Illinois; Dondero, Michigan; Eaton, New Jersey; Ekwall, Oregon; Engel, Michigan; Englebright, California; Fenerty, Pennsylvania; Fish, New York; Focht, Pennsylvania; Gearhart, California; Gifford, Massachusetts; Gilchrist, Iowa; Guyer, Kansas; Hartley, Pennsylvania; Hess, Ohio; Hope, Kansas; Kahn, California; Lambertson, Kansas; Lemke, North Dakota; McLeod, Michigan; Maas, Minnesota; Main, Michigan; Mapes, Michigan; Marcantonio, New York; Martin, Massachusetts; Michener, Michigan; Mott, Oregon; Pittenger, Minnesota; Powers, New Jersey; Ransley, Pennsylvania; Reece, Tennessee; Reed, Illinois; Risk, Rhode Island; Robsion, Kentucky; Rogers, Massachusetts; Seger, New Jersey; Snell, New York; Stefan, Nebraska; Taylor, Tennessee; Thurston, Iowa; Tobey, New Hampshire; Turpin, Pennsylvania; Welch, California; Wigglesworth, Massachusetts; Wilson, Pennsylvania; Wolverton, New Jersey.

Ayes 62, nays 30, not recorded 10.

TAX BILL OF 1936—CONFERENCE REPORT

(Passed the House June 19, 1936, roll call no. 128, p. 10270, CONGRESSIONAL RECORD, H. R. 12395)

Lemke, North Dakota; Marcantonio, New York; Stefan, Nebraska; Welch, California.

Ayes 4, nays 77, not voting 19.

FROM THE SICKLE AND THE SCYTHE TO THE AIRPLANE AND THE RADIO

Mr. SNYDER of Pennsylvania. Mr. Speaker, it was my good fortune to be born on a poor farm in Upper Turkeyfoot Township, Somerset County, Pa. I say "good fortune" because it was the hardships and the experiences which I received on this farm, plus the sincerity of God-fearing parents and neighbors, that made it possible for me to be a Member of the United States Congress today.

I have contended for years that although we have many complex problems facing us—economically, socially, and otherwise—the biggest problem confronting us at all times is the problem of adjusting our individual selves to the ever-changing conditions in the sphere in which we live.

In my boyhood days we rode to the post office horseback, 2 or 3 miles away, because the roads were not good enough to drive the old buckwagon over more than once a week, when we went to town to get the coffee, spices, and matches, and a few articles like that. Other food articles for the table were grown on the farm. I well recall that one of the chief concerns of Mr. Shultz when he built a store in Casselman was how many hitching posts he was going to put around the store. The same might be said of the stores at Kingwood. These two small towns were about 2 miles from the home farm, but in opposite directions.

Well, later on the people in that community bought buggies, and still later on we had rubber-tired buggies. It was when we got these better vehicles of transportation that I would hear my parents and other fathers in that community affirm that we ought to have better roads, in order to get out and save the wear and tear on these new buggies.

At the same time we had the old buckwagon we had the scythe and the hand grain cradle. But with the improved rubber-tired buggies came the dump reaper, the mowing machine, and grain drill and other improved units of machinery for farming.

In the days of the old buckwagon we worked out our road tax. For instance, if the county assessment of road tax against our farm was $50, we would work it out. Father and the older brother would get a dollar a day, and the boys 16, 17, or 18 years old would get 50 cents a day, and $2 for a team of horses. Of course, these days started at 7 o'clock sharp, and we worked right along until 6 o'clock in the evening, with a few minutes off for what we called dinner.

Later on came the first automobiles. The prediction was in the corner store on a Saturday evening that they would not last because they were just fads. You could hear expressions to the effect that they were only for city dudes, and automobiles would never be practical in the country. At the same time someone here and there would be saying that we would have to have better roads before we would get automobiles in our community.

Well, in a short space of time some of the more prosperous ones got automobiles, and then they made demands for better roads. It was only a few years after the prosperous ones got automobiles until they were quite a few in number. As more people got automobiles, the demand for better roads grew. Today almost everyone in Upper Turkeyfoot Township and other parts of the district owns some kind of automobile, and in some cases two or three.

Mr. Speaker, I mention these settings for one purpose only. They vividly paint the picture of how we adjust ourselves from time to time as a people to keep pace with the ever-increasing adjustments in the business world and the social world around us.

It was not necessary in those buckwagon days and dump-reaper days to have traffic regulations on our highways, just as it was not necessary to have concrete ribbons as highways. However, who of us would do away with the automobile, the concrete roads, the telephone, the radio, and a thousand other modern inventions and conveniences? Of course, no one wants to do away with them. If we enjoy all these additional facilities that we did not enjoy back in those days, of course, we have to expect to pay more taxes to support a set-up that gives us such improvements.

We are not living in those days now. Pioneering as such is over. The West is conquered. The acreage is all taken up. More and more we are growing to be a commercial nation. Inventions and discoveries do the work that men used to do. It seems that the avenues for employment are not and will not be sufficient to absorb the unemployment for some time to come.

Unemployment and bad management by our bankers in the twenties, has brought us to a place where we must consider legislation we never dreamed of being necessary 20 years ago, any more than my father dreamed of airplanes flying over the old farm every hour.

In the near future Congress will have to consider much legislation that has to do with our social, industrial, and economic order. A few of the avenues in which we will be called upon to legislate might be summed up as follows. I shall use the positive. In other words, I shall express myself as being in favor of certain types of legislative procedure. Of course, no one familiar with legislation would ask you to make a specific expression on such prospective legislation, because good legislation, like oak trees, takes time For instance:

(a) I favor doing away with tax-exempt securities. I introduced a bill in the Seventy-fourth Congress to that effect.

(b) I believe in adjusting our tax structure so it will be based on ability and capacity to pay.

(c) I strongly favor the proposition that labor has a right to legitimately organize and deal, through collective bargaining, in a way similar to that set up in section 7–A of the National Recovery Act.

(d) I am convinced that we must arrive at a set-up in our economic structure whereby the farmer will get a fair profit for his commodities over and above the cost of production.

(e) I believe that we have arrived at the place in our Nation-building structure that a Government central bank could replace the Federal Reserve Bank System.

(f) I believe that we must so support our Nation-building institutions—the home, the church, and the school—that the right to worship God according to dictates of one's own conscience shall ever be enjoyed by all and that the institutions to educate our children shall be free from material pressure.

(g) I am in favor of an economic and social set-up that will give every man not only a living annual wage but a saving annual wage.

(h) I favor a sound and workable social-security program. Perhaps we could learn much from the country of Denmark along this line. In that country old-age pensions, as well as forced unemployment, are taken care of in their plan. Our own national plan and State plan are on the right road, but will be enriched as we go along.

(i) I favor the Government's taking over everything that has to do with financing and promoting the social and economic sphere in the event that we go to war with a foreign foe.

(j) I favor more rigid rules on immigration. A stricter rule in seeing to it that those aliens who are here take out

naturalization papers and get busy helping to build a better and stronger Nation. If they refuse to do that, I believe in deporting them. This does not apply to fine elderly people who came here 30 or 40 years ago and never had a chance to become adjusted. I further favor a rule that will give our own American citizens the preference when it comes to employment over aliens who have thus far refused to take steps to become American citizens.

I further favor more strict guarding of our seashores and boundary lines. It is evident that thousands of aliens are coming in every year unnoticed and unnamed.

(k) I favor further Government assistance for the farmer in lower rates of interest, as well as building him farm-to-market roads.

The farmer of today is entitled to cheap electric current, not only to light his home but to operate the necessary machinery to run a modern home on a modern farm. To this end I favor rural electrification, so that the people in my congressional district may enjoy the same cheap electrical current as the people in Tennessee and Alabama enjoy today, because of the development of the Muscle Shoals water and power project. We have the Youghiogheny watershed. When this is developed on a plan similar—but on a smaller scale—to the Muscle Shoals water and power project, the farmers in my congressional district will be able to have not only their houses and barns lighted up but all modern household and farm implements which are run by electricity, and it would cost them less to have all this than it does now to have a half dozen electric bulbs to light a few rooms.

COMPTROLLER OF CURRENCY HAS DONE A BIG JOB IN A BIG WAY

Mr. SNYDER of Pennsylvania. Mr. Speaker, history teaches us that a man does big things, but they are not appreciated until many years after he is called to the other side. However, in the case of the Comptroller of the Currency, the Honorable J. F. T. O'Connor, it is a little different. It was a tremendous undertaking to restore financial order after the bank holiday in March 1933. It was a bigger task to get conservators and receivers adjusted so as to take care of the depositors in a big way. But my observation leads me to conclude that Mr. O'Connor has done a big job well.

I cannot go into detail concerning the insolvent national banks as Mr. O'Connor found them, but inasmuch as all congressional districts are similar in basal matter, I am giving you herewith a list of all the loans obtained by conservators and receivers of the insolvent national banks in Somerset and Fayette Counties, Pa. This table shows the following: Name of bank, kind of loan, date, amount of loan, balance due.

Loans made in Somerset and Fayette Counties, Pa.

Name of town	Name of bank	Loan	Date	Amount of loan	Balance due July 3, 1936
Boswell, Pa.	The First National Bank of Boswell	First receiver's loan	Dec. 6, 1932	$72,000.00	
		Second receiver's loan	Sept. 7, 1934	95,000.00	$29,400.00
Cairnbrook, Pa.	The First National Bank of Cairnbrook	First receiver's loan	May 18, 1934	25,000.00	3,000.00
Davidsville, Pa.	The First National Bank of Davidsville	do	Jan. 20, 1933	11,000.00	
		Second receiver's loan	Sept. 6, 1934	10,000.00	
Hooversville, Pa.	The Citizens National Bank of Hooversville	First receiver's loan	June 12, 1935	50,000.00	6,400.00
Do	The First National Bank of Hooversville	Conservator's loan	May 21, 1934	27,486.10	
		First receiver's loan	Aug. 26, 1935	68,000.00	33,226.02
Rockwood, Pa.	The First National Bank of Rockwood	Conservator's loan	Mar. 16, 1934	25,000.00	
		First receiver's loan	Nov. 9, 1935	35,000.00	24,500.00
Somerfield, Pa.	The First National Bank of Somerfield	do	Aug. 20, 1932	46,000.00	
		Second receiver's loan	Aug. 2, 1933	15,000.00	
		Third receiver's loan	June 11, 1934	18,000.00	
Total				497,486.10	96,526.02
Brownsville, Pa.	The Monongahela National Bank of Brownsville	First receiver's loan	May 16, 1932	250,000.00	
		Second receiver's loan	Apr. 2, 1934	355,000.00	69,500.00
Connellsville, Pa.	Citizens National Bank of Connellsville	First receiver's loan	Oct. 31, 1934	120,000.00	63,300.00
Do	Union National Bank of Connellsville	do	Aug. 3, 1932	35,000.00	
Fairchance, Pa.	The First National Bank of Fairchance	do	Apr. 15, 1932	30,000.00	
		Second receiver's loan	Nov. 16, 1933	25,000.00	
Masontown, Pa.	The First National Bank of Masontown	First receiver's loan	Aug. 12, 1932	95,000.00	
		Second receiver's loan	Feb. 12, 1934	180,000.00	60,738.33
Point Marion, Pa.	The Peoples National Bank of Point Marion	First receiver's loan	Dec. 3, 1932	57,000.00	
		Second receiver's loan	Apr. 30, 1934	55,000.00	
Republic, Pa.	The First National Bank of Republic	Third receiver's loan	Sept. 7, 1935	32,000.00	13,902.47
Smithfield, Pa.	The First National Bank of Smithfield	First receiver's loan	May 16, 1932	8,000.00	
		do	Mar. 23, 1932	56,000.00	
		Second receiver's loan	Feb. 7, 1933	26,000.00	
		Third receiver's loan	May 28, 1934	29,500.00	11,258.08
Uniontown, Pa.	The National Bank of Fayette County	First receiver's loan	Apr. 26, 1932	715,000.00	
		Second receiver's loan	Sept. 30, 1933	1,050,000.00	
Total				3,118,500.00	218,698.88

ROOSEVELT'S ADMINISTRATION ADJUSTS R. F. C. TO HELP THE LITTLE FELLOW

Mr. SNYDER of Pennsylvania. Mr. Speaker, the Reconstruction Finance Corporation has always been a worthy institution. It was designed to render service to groups and individuals when they were financially pinched, but had assets and collateral that would eventually materialize. In other words, the R. F. C. has saved many institutions from bankruptcy.

However, the R. F. C. was revamped under the Roosevelt administration and instead of just giving loans to the bigger institutions, such as millions to the banks and millions to the railroads, it now gives thousands to the little institutions. Throughout the Nation during the past few years, institution after institution has been kept away from the sheriff's hammer because of the fine work of Jesse Jones and his aides. In the two counties in my congressional district, Fayette and Somerset Counties, Pa., I observe that the following received help from the R. F. C. since March 4, 1933. This, I think, is typical of the services rendered in every congressional district in the United States. My congressional district is not a district where many calls would be made, but if we would multiply what has been granted to my district by 435, the number of Congressmen, we would have a substantial sum indeed.

Authorizations in Fayette and Somerset Counties, Pa. (exclusive of authorizations to banks and trust companies), by the Reconstruction Finance Corporation, during the period from Mar. 4, 1933, to July 5, 1936, inclusive (exclusive of authorizations withdrawn or canceled in full)

AGREEMENT TO PURCHASE A PARTICIPATION IN A LOAN TO AN INDUSTRIAL OR COMMERCIAL BUSINESS, UNDER SECTION 5D OF THE RECONSTRUCTION FINANCE CORPORATION ACT, AS AMENDED

County	City	Name	Amount authorized	Amount disbursed
Fayette	Connellsville	Fayette Baking Co.	$12,000	

Authorizations in Fayette and Somerset Counties, Pa.—Continued

SUBSCRIPTIONS FOR PREFERRED STOCK OF BANKS AND TRUST COMPANIES, UNDER SECTION 304, TITLE III, OF THE ACT APPROVED MAR. 9, 1933, AS AMENDED

County	City	Name	Amount authorized	Amount disbursed
Somerset	Meyersdale	The Citizens National Bank of Meyersdale.	$50,000	$50,000
Do	Sipesville	The First National Bank of Sipesville.	12,500	12,500
Do	Somerset	The Peoples National Bank of Somerset.	50,000	50,000
Do	Windber	Citizens National Bank in Windber.	50,000	50,000

LOANS UNDER THE ACT APPROVED APR. 13, 1934, AS AMENDED (FLOOD RELIEF)

Somerset	Hollsopple	L. R. Allen and Nora B. Allen.	$3,500	
Do	R. D. 4, Somerset County.	D. Mishler, C. C. Mishler, and E. R. Mishler, a copartnership, trading as D. Mishler & Sons.	6,000	

Amounts made available for relief under the Emergency Relief and Construction Act of 1932, as amended, and disbursements for relief under the Federal Emergency Relief Act of 1933 are not broken down by counties.

ADJOURNMENT

Mr. O'CONNOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 17, 1936, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GREENWOOD: Committee on Rules. House Resolution 549. A resolution providing for the consideration of S. 3055; without amendment (Rept. No. 2995). Referred to the House Calendar.

Mr. MANSFIELD: Committee on Rivers and Harbors. H. R. 12764. A bill to create a Division of Stream Pollution Control in the Bureau of the Public Health Service, and for other purposes; with amendment (Rept. No. 2996). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 12224. A bill to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of disbursing officers or agents of the Government for payments made pursuant to certain adjustments and increases in compensation of Government officers and employees; without amendment (Rept. No. 2997). Referred to the Committee of the Whole House on the state of the Union.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 12913. A bill to protect for American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestral conductors the artistic and earning opportunities in the United States, and for other purposes; without amendment (Rept. No. 3000). Referred to the Committee of the Whole House on the state of the Union.

Mr. WERNER: Committee on Indian Affairs. Senate Joint Resolution 207. Joint resolution to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); without amendment (Rept. No. 3001). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEVER: Committee on the Public Lands. S. 3866. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; without amendment (Rept. No. 3002). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 12789. A bill to authorize the exchange of certain lands within the Great Smoky Mountains National Park for lands within the Cherokee Indian Reservation, N. C., and for other purposes; without amendment (Rept. No. 3003). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOTT: Committee on the Public Lands. S. 4241. An act to provide for the sale of a certain isolated tract of the public domain in the State of Oregon; without amendment (Rept. No. 3004). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIMOND: Committee on the Public Lands. H. R. 9275. A bill to permit mining within the Glacier Bay National Monument; with amendment (Rept. No. 3005). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 12892. A bill to quiet title and possession with respect to certain lands in Lawrence County, Ala., to wit: All of fractional section 25 which lies south of the Elk River Shoals Canal and the NW¼ sec. 36, T. 3 S., R. 7 W., Huntsville meridian; without amendment (Rept. No. 3007). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 11940. A bill conferring jurisdiction on certain courts of the United States to hear and determine the claim of the owner of the coal hulk *Callixene*, and for other purposes; with amendment (Rept. No. 2998). Referred to the Committee of the Whole House.

Mr. BEITER: Committee on War Claims. H. R. 12280. A bill to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co., in lieu of the Bowers Southern Dredging Co.; with amendment (Rept. No. 2999). Referred to the Committee of the Whole House.

Mr. GREEVER: Committee on the Public Lands. S. 3733. An act authorizing the issuance of a patent to certain lands in the State of Montana to Florence Kerr Facey; without amendment (Rept. No. 3006). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Immigration and Naturalization. H. R. 10514. A bill for the relief of Lena Hendel, nee Lena Goldberg; without amendment (Rept. No. 3008). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORITZ (by request): A bill (H. R. 12987) to provide for occupational representation in Congress, prevent election frauds, to allow poor citizens to compete with the wealthy for congressional office, provide for life of political parties, registration of candidates, and for other purposes; to the Committee on Elections of President, Vice President, and Representatives in Congress.

By Mrs. NORTON (by request): A bill (H. R. 12988) to provide for the extension of Prospect Street in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GREEN: A bill (H. R. 13000) to reenact the law providing for disability allowances for World War veterans, and to restore former service-connected disability status; to the Committee on World War Veterans' Legislation.

By Mr. GUYER: Resolution (H. Res. 550) authorizing the Committee on the Judiciary to study bankruptcy laws and to recommend legislation to place such laws on sounder basis; to the Committee on Rules.

By Mr. MEAD: Resolution (H. Res. 551) authorizing the Committee on the Post Office and Post Roads to investigate

the fair and proper basis of compensation for postmasters of the fourth class and the fair and proper basis of compensation for carrying mail on star routes; to the Committee on Rules.

By Mr. THURSTON: Joint resolution (H. J. Res. 627) reappropriating the unexpended balance of an appropriation for chinch-bug control and making the same available for chinch-bug control and for grasshopper control; to the Committee on Appropriations.

By Mr. MASSINGALE: Joint resolution (H. J. Res. 628) reappropriating the unexpended balance of an appropriation for chinch-bug control and making the same available for chinch-bug control and for grasshopper control; to the Committee on Appropriations.

By Mr. CELLER (by request): Joint resolution (H. J. Res. 629) proposing that Congress shall have power to make laws to regulate agriculture, commerce, industry, and labor; to the Committee on the Judiciary.

By Mr. LUCKEY: Joint resolution (H. J. Res. 630) to investigate corporations engaged in the manufacture, sale, or distribution of agricultural implements and machinery; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Joint resolution (H. J. Res. 631) to limit (prohibit) outside activities of officers, teachers, and other employees in the public schools of the District of Columbia (receiving compensation at a rate in excess of $2,000 per annum) in competition with persons in private occupations or professions; to the Committee on the District of Columbia.

By Mr. PALMISANO: Joint resolution (H. J. Res. 632) to authorize further stay in pending proceedings under the immigration and naturalization laws against certain groups of foreign-born persons; to the Committee on Immigration and Naturalization.

By Mr. BELL: Concurrent resolution (H. Con. Res. 56) authorizing the printing of additional copies of the report of the Select Committee Investigating Old Age Pension Plans and Organizations, together with additional copies of the hearings held before said committee; to the Committee on Printing.

By Mr. PATMAN: Concurrent resolution (H. Con. Res. 57) authorizing the printing of additional copies of the hearings held before the special committee, appointed to investigate the lobbying activities of the American Retail Federation, of the House of Representatives (H. Res. 203, 74th Cong., 1st sess.); to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITZPATRICK: A bill (H. R. 12989) for the relief of Cristofaro Sapienza; to the Committee on Immigration and Naturalization.

By Mrs. JENCKES of Indiana: A bill (H. R. 12990) granting a pension to Claude A. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 12991) for the relief of the heirs and creditors of Charles W. Sumner, deceased; to the Committee on Claims.

Also, a bill (H. R. 12992) granting a pension to James William Westerfield; to the Committee on Pensions.

Also, a bill (H. R. 12993) granting a pension to Wanneta May Dempsey; to the Committee on Pensions.

Also, a bill (H. R. 12994) for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky; to the Committee on Military Affairs.

By Mr. LEE of Oklahoma: A bill (H. R. 12995) for the relief of William E. Burch; to the Committee on Military Affairs.

By Mr. LUDLOW: A bill (H. R. 12996) for the relief of John S. Sherman; to the Committee on Claims.

Also, a bill (H. R. 12997) granting a pension to Gussie Dawson; to the Committee on Invalid Pensions.

By Mr. LUNDEEN: A bill (H. R. 12998) for the relief of U. S. Pratt and Della Pratt; to the Committee on Claims.

By Mr. SISSON: A bill (H. R. 12999) granting an increase of pension to Catherine Lockwood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11107. By Mr. CONNERY: Petition of the Housing Association of Metropolitan Boston, Inc., endorsing the passage of the Wagner-Ellenbogen bills providing for housing projects; to the Committee on Banking and Currency.

11108. Also, petition of the town of Hadley, Mass., approving Federal aid and maintenance for projects in the New England flood-stricken areas; to the Committee on Flood Control.

11109. Also, petition of the city of Cambridge, Mass., endorsing passage of the Wagner-Ellenbogen housing bill; to the Committee on Banking and Currency.

11110. By Mr. GOODWIN: Petition of the Kingston (N. Y.) Council, No. 124, of the Sons and Daughters of Liberty, urging upon Congress immediate passage of the Reynolds-Starnes immigration restriction and alien deportation bill; to the Committee on Immigration and Naturalization.

11111. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation requiring the marking of articles made of imitation leather; to the Committee on Labor.

11112. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation requiring the marking of articles made of imitation leather; to the Committee on Labor.

11113. By Mr. PFEIFER: Petition of the American Gold Star Mothers of the World War, Inc., New York City, urging the passage of the Copeland joint resolution (S. J. Res. 115); to the Committee on the Judiciary.

SENATE

WEDNESDAY, JUNE 17, 1936

(Legislative day of Monday, June 15, 1936)

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

FILING OF CONFERENCE REPORTS

Mr. ROBINSON. Mr. President, I ask unanimous consent that during the recess of the Senate conferees or conference committees may be privileged to file reports with the Secretary of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I have no objection to that request.

The VICE PRESIDENT. Without objection, the order is entered.

HOUR OF MEETING AND ORDER FOR CONSIDERATION OF CALENDAR TOMORROW

Mr. ROBINSON. Mr. President, yesterday a unanimous-consent agreement was entered that when the Senate assembled on today it should proceed to the consideration of unobjected bills on the calendar, beginning with No. 2218. I ask unanimous consent that that order be postponed until tomorrow, and that when the Senate completes its labors today it take a recess until 10 o'clock a. m. tomorrow.

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

DEATH OF SENATOR DUNCAN U. FLETCHER, OF FLORIDA

Mr. ROBINSON. Mr. President, before taking the formal order which it is customary in the Senate to enter of record I desire to make a brief statement.

Senator DUNCAN U. FLETCHER has been a Member of this body for many years. During the period of his service he has exemplified exceptional diligence and notable ability. Even after his health had become somewhat impaired he was so persistent in the performance of the tasks assumed