

J. D. VanHooser v. University, supra; Hughes v. State Board of Health (260 Ky. 288; 84 S. W. (2) 54), and perhaps others. Cases in other jurisdictions in point are *Atkins v. Kansas* (191 U. S. 207); *Jahn v. Seattle* (207 Pac. 667); *People v. Orange Co. Road Construction Co.* (68 N. E. 129). These deal with hours of labor. Dealing with wage scales may be noted *Jahn v. Seattle; Malette v. Spokane* (137 Pac. 496); *Interstate Power Co. v. Cushing* (12 Fed. Supp. (806) Okla.); *Iowa Southern Utilities Co. v. Laomi* (11 Fed. Supp., 581 (Iowa)). In *Heim. v. McCall* (239 U. S. 175); *Cornelius v. Settle* (213 Pac. 17) it was held not in violation of constitution or statute for a city or State to give preferential employment to citizens of the State engaging in public construction.

Lastly, appellant contends that because of the limitation of '4 of the act of 1934, and generally the Commission is limited to expenditures of money, proceeds of the operation of the project hence cannot at the expense of the city proceed with plans, including the making of surveys. From a reading of the act we find that it is provided that the Commission shall be paid small stipends and by ordinance expenses in carrying out preliminaries. The act could not nor does it appropriate the city's money. The ordinance does appropriate limited compensation and expenses. As we read the act the Commission may not incur any obligations beyond the extent of moneys on hand arising from operation. We express the opinion that since the legislative body of the city is given the power to create the agency herein created and appoint the agents to carry out a public purpose it would follow that it had the power to provide compensation as well as to provide for functioning expenses. To hold otherwise would be to render the act impotent, and even should we hold otherwise the act in other respects would not be vitiated.

From a careful survey of the record, we are of the opinion that neither the act, ordinance of the city, nor the rules and regulations of the Commission transcend any fundamental laws, any statute, or ordinance of first-class cities, hence we conclude that the court below properly sustained the demurrer to and dismissed appellants' petition.

Affirmed: The whole court sitting.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate a message from the President of the United States, submitting several nominations in the Army, which was referred to the Committee on Military Affairs.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment in the Regular Army.

Mr. BLACK, from the Committee on Education and Labor, reported favorably the following nominations:

Paul H. Nystrom, of New York, to be a member of the Federal Board for Vocational Education (appointed during the recess of the Senate);

Edwin S. Smith, of Massachusetts, to be a member of the National Labor Relations Board for a term of 5 years from August 27, 1936 (reappointment); and

Donald Wakefield Smith, of Pennsylvania, to be a member of the National Labor Relations Board for the unexpired portion of the term of 3 years from August 27, 1935, vice John Michael Carmody, resigned.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

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

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of A. P. Morgan, Jr., to be State administrator, Works Progress Administration, for Alabama.

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

That completes the calendar.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 18 minutes p. m.) the Senate took a recess until Monday, March 1, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 26 (legislative day of Feb. 24), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Frederick Harrison Koerbel, Coast Artillery Corps, with rank from January 5, 1929.

First Lt. Paul Edwin Meredith, Infantry, with rank from April 1, 1933.

TO FINANCE DEPARTMENT

Maj. Chester Price Haycock, Infantry, with rank from August 1, 1935.

PROMOTION IN THE REGULAR ARMY

TO BE CAPTAIN

First Lt. Dean Schamber, Medical Corps, from December 30, 1936.

CONFIRMATION

Executive nomination confirmed by the Senate February 26 (legislative day of Feb. 24), 1937

WORKS PROGRESS ADMINISTRATION

A. P. Morgan, Jr., to be State administrator in the Works Progress Administration for Alabama.

SENATE

MONDAY, MARCH 1, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 26, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Copeland	Lee	Pope
Andrews	Davis	Lewis	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Lcgan	Robinson
Bachman	Ellender	Loneragan	Russell
Bailey	Frazier	Lundeen	Schwartz
Barkley	George	McCarran	Schwellenbach
Bilbo	Gerry	McGill	Sheppard
Black	Gibson	McKellar	Smith
Bone	Gillette	McNary	Stelwer
Borah	Green	Maloney	Thomas, Utah
Brown, Mich.	Harrison	Minton	Townsend
Brown, N. H.	Hatch	Moore	Tydings
Bulow	Hayden	Murray	Vandenberg
Burke	Herring	Neely	Van Nuys
Byrd	Hitchcock	Norris	Wagner
Byrnes	Hughes	Nye	Walsh
Capper	Johnson, Calif.	O'Mahoney	Wheeler
Caraway	Johnson, Colo.	Overton	White
Chavez	King	Pepper	
Clark	La Follette	Pittman	

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY] and the junior Senator from West Virginia [Mr. HOLT] are absent from the Senate because of illness.

The Senator from Texas [Mr. CONNALLY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from California [Mr. McADOO], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained from the Senate.

The senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent from the Senate because of important official business.

Mr. BYRD. I announce that my colleague the senior Senator from Virginia [Mr. GLASS] is absent because of illness.

Mr. AUSTIN. I again announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

PROPAGANDA AGAINST PROPOSED REORGANIZATION OF FEDERAL JUDICIARY

Mr. ROBINSON. Mr. President, out of order, I ask leave to address the Senate for a few minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Arkansas will proceed.

Mr. ROBINSON. Mr. President, some days ago the attention of the Senate was called to propagandist efforts that are being made to misinform the country touching the President's proposal for the reorganization of the Federal courts. When I made that suggestion there was no definite proof available for my use to support the conclusion then stated. The evidence was at that time circumstantial rather than direct and express. One could observe what was taking place in many newspapers and other publications and could realize that there was some concert of effort touching the subject matter of court reorganization. In this country we have absolute freedom of speech and freedom of the press, and I trust that, through all the years while our Republic exists, this condition will continue to prevail. Those who avail themselves of the privileges guaranteed by our Constitution, of the rights, if you please, secured by that great instrument owe some duty to themselves and to the country.

I am prompted by a species of propagandism relating to the subject of the reorganization of the Court as recommended by the President to call the attention of the Senate to what I believe to be an untruthful, unfair, and deliberately dishonorable effort to influence public opinion on this question.

Let me say at once that there is ground for controversy. Those who do not believe in the program and reforms which have been brought forward during the administration of President Roosevelt have the right to oppose them, to express their views in every practicable way, to present their arguments—just as much right as has anyone who does believe in them and who advocates them.

As an illustration of what is going on I point to a message which I received this morning and which has probably been received by every other Member of this body and by every Member of the House of Representatives. In an envelope bearing the return address of Theo. Mahn, Alma, Nebr., under date of February 25, are contained representations and suggestions which show a deliberate and organized effort to mislead those who are charged with the responsibility of determining the issues involved in the proposed legislation relating to reorganization of the Federal judiciary.

The letter comes in an envelope marked, as has been stated already, but is addressed from Wichita, Kans. It is entitled "The Crisis Hour Is Here" and reads as follows:

WICHITA, KANS., February 12, 1937.

DEAR CHRISTIAN FRIEND: You have been reading in the newspapers about Mr. Roosevelt's shocking demand that he be allowed to "pack" the United States Supreme Court with radicals who would serve as his personal puppets.

This is the most ominous development toward the dictatorship—

"Dictatorship" being in capitals—

ever to occur in the history of our country. According to the consensus of best opinion it means one thing: Franklin Roosevelt wants—

"Wants" is in capitals—

to be an absolute dictator—

"Dictator" again in capitals—

of the United States. Therefore, press dispatches from both Moscow and Rome (the seats of communism and fascism) are praising

his attempt to render the Supreme Court impotent. Both Communists and Fascists know that, if he succeeds, constitutional government will be destroyed in the United States and personal liberties will be abolished.

The Defender Magazine has the largest and most select group of Protestant readers in the United States. It is, therefore, natural that we should express ourselves in unison during the present crisis. In fact, there are indications that God has brought us together for just such a specific work at this particular time.

Mr. Roosevelt virtually controls both the Congress and Senate. If he succeeds in usurping the powers of the Court, the Constitution will become a dead letter.

Then in capitals:

In other words, the end of Christian Americanism is today in sight!

That is the end of the capitals. Continuing in quotation:

May the God of our fathers come to our rescue. I plead with you to make this a subject of daily prayer. Pray for a Nation-wide awakening. Many people are stupefied. They can't seem to realize what is going on about them. Pray that they awaken before it is too late!

Robert A. Taft, son of the former President, speaks correctly when he says, "Mr. Roosevelt's plan is an attempt to secure personal control of the entire Government." A noted southern leader says, "If this bill is passed, it will give Roosevelt more power than Mussolini * * *."

Enclosed find six blanks entitled "Hands Off the Supreme Court!" Sign three of them. Mail two of them quick—

"Quick" is in capitals—

to the two Senators from your State and rush the third to the Congressman from your district.

Give the remaining three blanks to some friend or relative in your neighborhood and have them do the same thing. If everyone to whom I am sending this letter will act on this suggestion immediately—

"Immediately" is in capitals—

one-half million—500,000—of these signed statements will pour in upon Washington within the next few days. Such a tremendous impact will not be ignored!

"Not" is in capitals.

Truly "in union there is strength."

And when you mail your blanks be sure to back them up with prayer.

Yours in Christ,

GERALD B. WINROD.

It sounds like one of the old appeals from the Ku Klux Klan of years gone by. It is a deliberate effort to influence unfairly the minds of Senators and Representatives and to distort public opinion concerning the question at issue.

That is not all of this propagandist's effort. There are several slips, some of them yellow—appropriately colored—some of them pink, some of them green; and the language on these slips, in capital letters, at the top of the slip, is "Hands Off the Supreme Court."

The slip reads:

DEAR SIR: Believing that the proposals to revise and weaken the United States Supreme Court would prepare the way for dictatorship in our country, I earnestly urge you to use your influence against the measure.

The word "against" is in capitals. Then follows a blank for signature.

Accompanying the slips and the circular letter which I have read is a memorandum, as follows:

The names of the two Senators from Nebraska are Hon. G. W. NORRIS and Hon. E. R. BURKE. Address them in care of the Senate Office Building, Washington, D. C.

Now, I may say to the senior Senator from Nebraska [Mr. NORRIS] we have found out who he is and where he is from. [Laughter.]

The names of the Congressmen from Nebraska are HENRY C. LUCKEY, C. F. McLAUGHLIN, K. STEFAN, C. G. BINDERUP, and H. B. COFFEE. The Congressmen should be addressed in care of the House Building, Washington, D. C.

This is the conclusion of the propaganda to which I am now referring. It shows a deliberate effort to prejudice the minds of the American people and to put pressure on the Members of the Congress to induce them to respond to a stimulated and false public opinion.

I do not intend at this time to enter into an argument on the questions involved in the proposed legislation. My sole purpose is to show that the fight against the proposed legis-

lation is not being honestly or fairly conducted. The "brother in Christ" who wrote that article is, in my opinion, neither honest nor fair, and he is not a brother in anything worth recognizing in this country.

Of course, he has the right to oppose the reorganization of the courts. Of course, he has the right to make any argument that addresses itself to his mind as forceful or fair in connection with the subject, but if there is anyone here who believes that that argument is a fair argument, I should like to have him interrupt me now to say so.

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

Mr. ROBINSON. Yes; I yield to the Senator from Nebraska.

Mr. BURKE. Does the Senator from Arkansas mean to intimate by reading this letter that he thinks either the senior Senator from Nebraska or the junior Senator from Nebraska would be influenced in any respect by the letter?

Mr. ROBINSON. Mr. President, I do not intimate anything. I say what I have to say, and what I assert is that an unfair and dishonest effort is being made to influence Senators and Representatives. I do not, of course, know what effect it will have on the mind of the junior Senator from Nebraska [Mr. BURKE]. I think I know something of what effect it will have on the mind of the senior Senator from Nebraska [Mr. NORRIS].

Mr. BURKE. If the Senator from Arkansas will yield for just one moment, I will tell him what effect it would have on my mind.

Mr. ROBINSON. All right; I shall be glad to yield.

Mr. BURKE. Before the reading of the message of the President to this body was concluded, I knew what my position in the matter was—one of undying opposition to the proposal—and it does not require any letter from a "brother in Christ" or anyone else to show me the error in the proposal.

I should like, however, to ask the Senator from Arkansas just one question. Does he consider the propaganda to which he has just referred any more dangerous to the free expression of opinion in this country, or to the ability of Senators and Representatives to make up their own minds, than the announced radio address of the Works Progress Administrator tonight on the other side of the question, appealing to the thousands upon thousands of W. P. A. workers over the country? What about that kind of propaganda?

Mr. ROBINSON. Mr. President, the Senator from Nebraska has asked me what I think about the speech of the Works Progress Administrator to be delivered tonight. I do not know what he is going to say and therefore must ask to be excused from expressing an opinion on the merits of the speech.

Mr. BURKE. If the Senator—

Mr. ROBINSON. Hold on just a minute. This is my time.

Mr. BURKE. It is.

Mr. ROBINSON. I think the Works Progress Administrator has the right to speak on the subject. Does the Senator from Nebraska think he has no right to speak on the subject?

Mr. BURKE. I think he has a perfect right to speak on it, and I think the gentleman, whoever he was, who wrote that letter had a perfect right to send the letter to the senior Senator from Nebraska or anyone else to whom he wished to send it; and to intimate that there is anything unfair about it seems to me altogether without foundation.

Mr. ROBINSON. At last the Senator from Nebraska has answered the question I asked him. He had previously gone afield and talked about various subjects, but finally he comes to the issue. I asked him, and I asked other Senators, whether they think that is fair and honest propaganda; and I construe the Senator's answer to mean that he does regard it as fair and honest propaganda.

Mr. BURKE. I do not approve of some of the expressions used in the letter; but if that is what the gentleman had in his mind, I think he has a perfect right to express it.

Mr. ROBINSON. Oh, he has expressed it. I am not questioning his power to say anything he pleases. I am

pointing out the fact that it is dishonest and unfair propaganda.

The Senator from Nebraska [Mr. BURKE] has answered both ways, according to my interpretation of his answer. He first implied that the statement was a fair one, but now he says he does not approve of the statements embraced in the letter. Of course, we shall go forward debating this question, and, of course, from time to time differing views will be expressed in regard to it.

Mr. NORRIS. Mr. President—

Mr. ROBINSON. I yield to the senior Senator from Nebraska.

Mr. NORRIS. I should like to clear in my own mind the connection that Mr. Mahn has with this letter. I happen to be very well acquainted with the gentleman. The Senator says the letter comes in his envelope. I assume that the letter was sent by Mr. Mahn to the Senator from Arkansas, and perhaps to other Senators, simply for their information.

Mr. ROBINSON. No; that is the point in my calling the attention of the Senate to the fact that while the letter comes from Wichita, Kans., under date of February 12, and is signed by Gerald B. Winrod, it is mailed to me—not to the senior Senator from Nebraska, but mailed to "Hon. JOSEPH T. ROBINSON, United States Senator, Washington, D. C.", in an envelope bearing the following marking:

"After 5 days return to Theo. Mahn, Alma, Nebr."

What it shows is that Mahn is permitting to be sent out, in his envelopes, this scurrilous and unfair propaganda.

Mr. NORRIS. Mr. President, that is what I wanted to bring out.

Mr. ROBINSON. What is it that the Senator wants to bring out?

Mr. NORRIS. I know nothing whatever about it; but my idea is that Mr. Mahn has sent that letter to the Senator from Arkansas in order that the Senator may know the propaganda that is going on.

Mr. ROBINSON. Mr. President, perhaps the Senator is right; and if he is, I owe an apology to Mr. Mahn.

Mr. NORRIS. I think the Senator does.

Mr. ROBINSON. Very well.

Mr. NORRIS. Will the Senator yield further?

Mr. ROBINSON. Certainly.

Mr. NORRIS. I happen to know Mr. Mahn. He is a perfectly honorable, respectable citizen of Harlan County, Nebr. Mr. Roosevelt had no more loyal supporter in the State than Mr. Mahn. He was absolutely a wholehearted supporter of Mr. Roosevelt; and my own idea is, without knowing anything about the matter except what the Senator has read, that Mr. Mahn wanted to be sure that the Senator from Arkansas knew of the propaganda that was going on, and sent the letter to him for that purpose.

Mr. ROBINSON. As I said a moment ago, the senior Senator from Nebraska may be entirely correct. When I received this matter in an envelope marked "Return to Mahn", it was my inference that Mr. Mahn was sponsoring the propaganda.

Mr. NORRIS. Oh, no!

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

Mr. ROBINSON. Certainly.

Mr. CLARK. I merely desire to suggest to the Senator that the whole matter might be cleared up if the Senator could tell us, from the correspondence which he has on his desk, whether or not this gentleman signed one of those slips.

Mr. ROBINSON. He did not sign anything on those slips.

Mr. CLARK. That would seem to bear out the conclusion of the senior Senator from Nebraska.

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

Mr. ROBINSON. Certainly.

Mr. NORRIS. Without having any evidence on the subject except my knowledge of the man, I am just as well convinced as I am that we are here that the ideas and sentiments expressed in that letter are just as foreign as they possibly could be to any idea that Mr. Mahn would hold. I have known him for a great many years. He may be wrong in the method he has pursued, although he is a very intelligent man. I should have said, without any evidence coming to

me, that in the whole United States there is not a firmer or a better friend of President Roosevelt than Theodore Mahn.

I do not pretend to explain anything except that, as the matter appears to me from my knowledge of the man, I reached the conclusion that the purpose of sending the letter to the Senator from Arkansas was to give him information of what was going on, with which Mr. Mahn had no part whatever.

I will say to the Senator that I shall be very glad—and I think I shall be able, too—to find out just exactly how Mr. Mahn feels; and if I have not correctly stated his sentiments, I shall be very glad to state them correctly, either to the Senator or to the Senate.

Mr. BYRNES. Mr. President—

Mr. ROBINSON. Just one moment. In view of the statement of the senior Senator from Nebraska that he knows Mr. Mahn, in whose envelope these messages were sent, and that he thinks Mr. Mahn did not intend to contribute to the propaganda, but desired to inform me of what was being carried on, I will state that it is my purpose to write immediately to Mr. Mahn and find out what his thought was in sending this matter to me. It may be that he did not desire to identify himself with the controversy. There was nothing in the enclosure which would enable one to place a construction on his attitude; and, for that reason, not knowing Mr. Mahn, I assumed that he was lending himself to the propaganda. The important point is, however, that the purpose of Mr. Gerald B. Winrod is to scatter the doctrines of that letter and send those slips throughout the various States.

There is a significance in the fact that the letter emanates from Wichita, but the information supplied me comes from Nebraska. Evidently the proponents of this propaganda believe that they can accomplish something by sending it into other States, which they have a perfect right to do, than the State in which they live and operate. It shows an effort at Nation-wide unfair and, as I conceive it, dishonest propaganda.

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

Mr. ROBINSON. I yield.

Mr. NORRIS. I do not want the Senator or the Senate to get the idea that, because I have come to the defense of Mr. Mahn, I agree in any sense with the letter which the Senator has read. I condemn it just as much as does the Senator, and would do so on either side of any controversy. I have no sympathy with it whatever.

Mr. ROBINSON. I understand that.

Mr. NORRIS. I simply wished to correct any erroneous idea which might go out as to Mr. Mahn.

Mr. ROBINSON. The Senator has done a service in pointing out the fact that the purpose of Mr. Mahn in sending the letter to me, or in permitting it to be sent in his envelope, is to disclose the fact that such propaganda is in progress.

Mr. LA FOLLETTE. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON. I yield.

Mr. LA FOLLETTE. I have been receiving in my mail a very large number of these same slips, but in two or three envelopes I have received from citizens of Wisconsin the enclosure of the letter which the Senator from Arkansas has received and the slips, unsigned, which I assumed they have sent to me for the purpose of indicating what they had received from this gentleman in Kansas.

Mr. ROBINSON. I yield now to the Senator from South Carolina.

Mr. BYRNES. I simply desired to ask the Senator how the envelope was postmarked.

Mr. ROBINSON. The envelope is postmarked "Alma, Nebr., February 25, 6:30 p. m., 1937", and on the corner of the envelope is the statement, "After 5 days return to Theo. Mahn, Alma, Nebr."

Mr. BYRNES. This good gentleman from Nebraska has not signed the letter or the slips?

Mr. ROBINSON. Oh, no; and he did not send any letter or explanation with the message which came to me.

Mr. BYRNES. It was the gentleman from Wichita who addressed the Senator as "Brother in Christ"?

Mr. ROBINSON. He did not address it specifically to me. It is a circular letter being sent out quite generally and is addressed to "Dear Brother in Christ."

Mr. BARKLEY. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. I yield.

Mr. BARKLEY. What title does the signer of the letter use to indicate that he is the chairman of that organization?

Mr. ROBINSON. He merely signs it "Yours in Christ, Gerald B. Winrod."

Mr. President, I shall conclude what I have to say on this occasion by stating that I do not think any Senator from Nebraska, nor do I believe any Member of the House of Representatives from Nebraska or from any other State will be influenced or controlled by such propaganda as that to which I have referred, and my object in making the propaganda public is to give everyone the opportunity to know its source and to know its character.

REORGANIZATION OF THE JUDICIARY—NOTICE OF ADDRESS BY SENATOR LOGAN

Mr. LOGAN. Mr. President, I merely rise to give notice that as soon, after the Senate shall meet tomorrow, as I can secure recognition, I shall at some length discuss the proposal to reorganize the Federal judiciary.

PROPAGANDA—REORGANIZATION OF THE JUDICIARY

Mr. BURKE. Mr. President, in further reference to the subject of the propaganda in reference to court reform and as throwing some light on the matter of effective propaganda, I ask unanimous consent to have printed in the RECORD an editorial from the Sioux City (Iowa) Tribune, a strong independent paper, which has on most matters supported the present administration.

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

[From the Sioux City (Iowa) Tribune]

BETTER BE CAREFUL

An inkling comes to us from Washington that certain Members of Congress are keeping an eagle eye upon the activities of the 50,000 or more members of the various county and township soil-conservation committees in connection with the Supreme Court fight.

This interest is said to be predicated upon the fact that these committee members rendered heroic service in behalf of the Democratic ticket last November, and that Secretary Wallace and the Farm Bureau Federation have come out in support of the President's Supreme Court proposals.

The close relationship between Secretary Wallace, the Farm Bureau, and the personnel of the soil-conservation committees has been the subject of comment over a period of 4 years, ever since the old A. A. A. was first set up.

First "grass roots" reaction to the Supreme Court proposals that reached Congress were quite evidently spontaneous expressions of free-thinking farmers. Lately, it is said, there is such an unanimity of thought and expression in the letters reaching Congress that some of the Members think they can "smell a mouse."

The administration made such a hullabaloo a year ago about the mass-propaganda methods employed by the utilities companies that it might do well to restrain some of its own enthusiastic bureaus if they attempt to step out of the role they were created to perform.

We have no personal knowledge that anything of the sort has been done or attempted, but the lineup and the affiliation are so evident, and the fight is growing so desperate, that it would not be surprising if some enthusiastic persons sought to use the farmers' committees in this way.

We credit farmers generally with having enough good sense and independence of thought not to permit themselves to be used as the unwitting agents of either an administration or an anti-administration scheme. We also know that 50,000 paid agents of the Government could, if they wished, make enough noise to sound like 500,000—and the "boys" have their jobs at stake, or they think they have.

And so it might be well for the committee members to think twice before engaging in propaganda work, lest some Senator get a bee in his bonnet and call for a Senate investigation of their activities. In the heat of such an intense battle as now is raging in Washington that could happen.

Mr. POPE. Mr. President, in connection with the different types of propaganda relating to the reform of the Supreme Court, I ask unanimous consent to have printed in the RECORD a letter written by Frank E. Gannett. I ask that this

letter be printed in the RECORD in view of the matter which the Senator from Arkansas [Mr. ROBINSON] has placed in the RECORD, as well as the matter which was placed in the RECORD by the Senator from Nebraska [Mr. BURKE].

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

THE GANNETT NEWSPAPERS,
Rochester, N. Y., February 13, 1937.

DR. JOHN R. HAYNES,
Los Angeles, Calif.

DEAR DR. HAYNES: "There is no liberty if the power of judging be not separated from the legislative and executive powers."

This was said while adoption of our Constitution was under discussion.

Today this principle is attacked and in danger, although its vital truth is as self-evident now as then. Life tenure was assured to judges because the founders of this Government knew that to preserve government under law independence of the judiciary is indispensable.

The fight to protect our Supreme Court from subordination to the Executive can be won. It requires organization, national and local; immediate aggressive action and enough money to carry the cost of awakening public opinion. I have joined with others in organizing a national nonpartisan, nonpolitical committee to carry on this fight.

1. Will you sign and circulate the attached petition?

2. Will you volunteer to help organize a nonpartisan local committee to cooperate with us in your own congressional district? The outcome in Congress will depend upon how well and quickly public opinion is mobilized in every congressional district and State. Will you protest to your Senators and Congressmen at once, sending me a copy?

3. Will you make a contribution to help carry the expenses of a national organization?

Prompt mass action is essential. Please show this letter to friends and business associates. Enlist their cooperation with yours.

Please write me your suggestions and viewpoint and also return the enclosed blank by earliest mail.

Yours sincerely,

FRANK E. GANNETT.

SUGAR-QUOTA SYSTEM (H. DOC. NO. 156)

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

To the Congress of the United States:

The expiration on December 31, 1937, of the quota provisions of the Jones-Costigan Act and Public Resolution No. 109, of June 19, 1936, and the existence of the public problems which have arisen as a result of discontinuance of the processing tax on sugar and benefit payments to sugar-beet and sugarcane producers, make it desirable that the Congress consider the enactment of new legislation with respect to sugar. The Jones-Costigan Act has been useful and effective and it is my belief that its principles should again be made effective.

I therefore recommend to the Congress the enactment of the sugar-quota system and its necessary complements, which will restore the operation of the principles on which the Jones-Costigan Act was based. In order to accomplish this purpose adequate safeguards would be required to protect the interests of each group concerned. As a safeguard for the protection of consumers, I recommend that provision be made to prevent any possible restriction of the supply of sugar that would result in prices to consumers in excess of those reasonably necessary, together with conditional payments to producers, to maintain the domestic industry as a whole and to make the production of sugar beets and sugarcane as profitable as the production of the principal other agricultural crops. In order to protect the expansion of markets for American exports, I recommend that no decrease be made in the share of other countries in the total quotas.

It is also highly desirable to continue the policy, which was inherent in the Jones-Costigan Act, of effectuating the principle that an industry which desires the protection afforded by a quota system or a tariff should be expected to guarantee that it will be a good employer. I recommend, therefore, that the prevention of child labor and the payment of wages of not less than minimum standards be included among the conditions for receiving a Federal payment.

I recommend that adequate provision be made to protect the right of both new and old producers of small acreages of sugar beets and sugarcane to an equitable share of the benefits offered by the program. In this connection I suggest also that you consider the advisability of providing for payments at rates for family size farms higher than those applicable to large operating units.

Quotas influence the price of sugar through the control of supply, consequently under a quota regulation of the supply of sugar a tax may be levied without causing any adverse effect, over a period of time, on the price paid by consumers.

I recommend to the Congress the enactment of an excise tax at the rate of not less than 0.75 cent per pound of sugar, raw value. I am definitely advised that such a tax would not increase the average cost of sugar to consumers. An excise tax of this amount would yield approximately \$100,000,000 per annum to the Treasury of the United States, which would make the total revenue from sugar more nearly commensurate with that obtained during the period 1922-29. It is also estimated that the total income of foreign countries from the sale of sugar in the United States under the quota system would not be less than that obtained during 1935, and, like the total income of domestic-sugar producers, it can be expected to increase in future years as our consumption requirements expand.

In considering the enactment of any tax the Congress has regard for its social and economic effects as well as its ability to raise revenue. The social and economic effects of an adequate excise tax on sugar are so important to the welfare of the various groups affected as to constitute a necessary complement to the quota system. For this reason I recommend that neither the quotas nor the tax should be operative alone.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 1, 1937.

PROPOSED CHILD-LABOR AMENDMENT TO CONSTITUTION

The VICE PRESIDENT laid before the Senate a letter from the Governor of New Mexico, transmitting a joint resolution of the Legislature of that State, ratifying the proposed amendment to the Constitution of the United States, empowering the Congress to limit, regulate, and to prohibit the labor of persons under 18 years of age, which, with the accompanying resolution, was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
EXECUTIVE DEPARTMENT,
Santa Fe, February 23, 1937.

HON. JOHN GARNER,

President of the Senate, Washington, D. C.

DEAR MR. GARNER: Pursuant to the resolution of the Thirteenth Legislature of the State of New Mexico, I am enclosing herewith signed copy of House Joint Resolution No. 4, introduced by Mrs. Luella McGaffey-Brown, Mrs. George Ringle, and Mrs. Charles R. Love, entitled "Ratifying the proposed amendment to the Constitution of the United States, empowering the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age."

Yours very truly,

CLYDE TINGLEY,
Governor of New Mexico.

[Enclosure]

House joint resolution ratifying the proposed amendment to the Constitution of the United States empowering the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age

Be it resolved by the Legislature of the State of New Mexico:

Whereas at the first session of the Sixty-eighth Congress of the United States it was resolved by the Senate and the House of Representatives in Congress assembled that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all interests and purposes as a part of said Constitution, namely:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of all persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Therefore be it

Resolved, That the Legislature of the State of New Mexico does hereby ratify the above-recited proposed amendment to the Constitution of the United States; and be it further

Resolved, That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States; to the Presiding Officer of the United States Senate; to the Speaker of the House of Representatives of the United States.

ALVAN N. WHITE,

Speaker of the House of Representatives.

Attest:

GEORGE W. ARMJO,
Chief Clerk of the House of Representatives.

President of the Senate.

Attest:

EVA ELLEN SABIN,
Chief Clerk of the Senate.

Approved by me this 23d day of February 1937.

CLYDE TINGLEY,
Governor of New Mexico.

DRAFTS OF PROPOSED LEGISLATION BY THE INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate several letters from the Acting Secretary of the Interior, which, with the accompanying papers, were referred to the Committee on Public Lands and Surveys, as follows:

A letter transmitting a draft of proposed legislation to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes;

A letter transmitting a draft of proposed legislation to amend an act entitled "An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930; and

A letter transmitting a draft of proposed legislation to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414).

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate letters from the Secretary of Labor and the Assistant Administrator of the Federal Emergency Administration of Public Works, respectively, submitting the information requested by Senate Resolution 82 (agreed on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying statement transmitted by the Assistant Administrator of Public Works, were referred to the Committee on the Judiciary.

PERSHING HALL

The VICE PRESIDENT laid before the Senate a letter from Julian M. Thomas, Esq., counsel for the American Legion Building, Paris, Inc., transmitting a resolution adopted by the board of directors of the American Legion Building, Inc. (a Delaware corporation), former owner of Pershing Hall, Paris, France, favoring recognition by the Government of certain existing commitments in connection with the transfer of title of Pershing Hall to the Government of the United States, which, with the accompanying paper, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Memorial 6

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon convened in regular session, respectfully request and petition as follows:

Whereas the white-pine blister rust was imported from Europe to the New England States, from which point it has spread to Idaho, Washington, California, and to Oregon; and

Whereas the white-pine blister rust, if uncontrolled, will kill all five-needle pines, including sugar pine, which is the most important timber species in many Oregon counties; and

Whereas the loss of sugar pine will mean the loss of employment for thousands of men now engaged in lumbering operations in Oregon, and heavy loss in assessed values of the counties: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That we, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon,

respectfully petition the Congress of the United States and the Secretary of Agriculture and the Chief of the Bureau of Entomology and Plant Quarantine that Federal funds that are now or which hereafter are made available for the control of white-pine blister rust be expended on private and State-owned timberlands as well as upon timberlands owned by the Federal Government; and be it further

Resolved, That a copy of this memorial be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, to the Secretary of Agriculture, to the Chief of the Bureau of Entomology and Plant Quarantine, and to each member of the delegation in Congress from the State of Oregon, and that the secretary of state of the State of Oregon hereby is instructed to transmit the same.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Commerce:

Senate Joint Memorial No. 5

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon in regular session assembled, respectfully request and petition as follows:

Whereas the Columbia River heretofore has been the source of the largest supply of salmon in the United States; and

Whereas the average annual pack of salmon on the Columbia River now is approximately \$10,000,000; and

Whereas thousands of workers and inhabitants of the Northwest are dependent on the salmon industry for a living; and

Whereas the United States Government has erected and is erecting large dams at Grand Coulee, Bonneville, and Rock Island, and has constructed a number of irrigation projects and such dams and irrigation systems act as a barrier and a menace to the salmon in proceeding to or attempting to gain the spawning grounds; and

Whereas it is absolutely necessary that salmon be permitted to proceed to their natural spawning grounds or that artificial propagation be immediately greatly increased in order to preserve the annual production of salmon; and

Whereas the action of the United States in building such dams and other projects on the Columbia River is about to destroy the salmon industry on and along the Columbia River and its tributaries: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, do hereby respectfully request and petition the Congress of the United States to make an immediate appropriation of not less than \$500,000, payable one-half to the fish commission of the State of Oregon and one-half to the bureau of fisheries of the State of Washington, the same to be expended by the States of Oregon and Washington for the purpose of building fish hatcheries above and below the Bonneville Dam, and for the purpose of promoting in other necessary ways the artificial propagation of salmon in order to replace in some measure the damage occasioned to the industry by the barriers placed in the Columbia River by the United States Government; and be it further

Resolved, That an additional annual appropriation of \$150,000 to each State also be provided in order to properly maintain such hatcheries; and be it further

Resolved, That your memorialists most respectfully urge that such appropriation be made immediately, as every delay results in a further destruction of salmon, and if delayed too long will result in a total extinction of this fish on the Columbia River, as it has become extinct in other streams and rivers simply for lack of funds to provide artificial propagation; and be it further

Resolved, That a copy of this joint memorial be forwarded by the chief clerk of the senate to the President of the United States, to both Houses of Congress of the United States, and to each Member of the Oregon delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Commerce:

To the Honorable Congress of the United States; to Hon. Harold L. Ickes, Secretary of the Interior; and Hon. Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of Alaska, respectfully represents:

That there was passed by the Congress of the United States and approved June 30, 1932, an act governing the operation of roads, trails, and bridges in Alaska, found in section 321b, title 48, United States Code, and also section 3, 47 Statutes at Large, page 446, and which act gives the Secretary of the Interior the power, by order or regulation, to make rules and regulations governing the use of roads, trails, and other works in Alaska, including the fixing and collection of tolls where deemed necessary and advisable in the public interests; and

Whereas, pursuant to the power and authority vested in him by virtue of the act aforesaid, the Honorable Secretary of the Interior, by order no. 905, dated March 25, 1935, has promulgated a set of regulations for the use of highways in Alaska and the operation of motor vehicles, section 2 of which regulations reads as follows:

"2. Tolls: For the transportation of merchandise or freight over the Richardson Highway there shall be charged and collected at or adjacent to the McCarty Ferry on the Tanana River, tolls equal to 2½ cents per ton of such merchandise or freight passing that point, multiplied by the number of miles such merchandise or freight has been or is being carried over the said highway. No vehicle hauling such merchandise or freight shall be allowed to pass the designated toll station except upon payment of the tolls as herein provided. It shall be the duty of the Governor of Alaska, as ex-officio Commissioner for the Interior Department, to cause the collection of the tolls to be made in such manner as may be found most convenient and practicable, and all moneys so collected shall be deposited in the Treasury of the United States as miscellaneous receipts"; and

Whereas the imposition of said tolls upon the Richardson Highway between Valdez and Fairbanks, and between other points on said highway, has worked a great hardship upon the residents of Fairbanks and interior Alaska by adding to the freight rates normally required a toll of approximately \$8 per ton on all freight shipped over the Richardson Highway from Valdez to Fairbanks, Alaska; and

Whereas said rate is discriminatory and unjust and adds to the cost and expense of doing business and to the cost of living of all the people in Fairbanks and other points in the interior of Alaska:

Now, therefore, your memorialist respectfully prays that section 321b, title 48, United States Code; section 3, 47 Statutes at Large, page 446, providing that tolls may be fixed and collected on highways in Alaska, be repealed; and, pending such repeal, that the Honorable Secretary of the Interior be requested to suspend the operation of the regulation contained in order no. 905 requiring tolls to be paid for transportation of merchandise or freight over the Richardson Highway.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States and the Honorable Secretary of the Department of the Interior:

Your memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents:

That the Government of the United States has expended more than \$50,000,000 in the construction of a railway from Seward to Fairbanks, Alaska; and

That the railway was expected to serve as an arterial transportation unit to derive its revenue from so-called feeder highways originating at the railway tracks; and

That it was known and believed at the time the railway was constructed that large areas of undeveloped mineral lands existed within the convenient reach of said railway; and

That it was contemplated at that time to build highways tributary to said railway to encourage the development of the resources and justify the construction of said railway; and

That the Government of the United States subsequently established a farm colony at Palmer on said railway for the purpose of developing the arable lands in that vicinity and establishing a permanent population along said railway; and

That said colony is a success and will prove to be a credit to Alaska and evidence of the wisdom of Congress; and

That the future prosperity of said colony is directly dependent upon more people to consume its products; and

That those people must of necessity be those who are engaged in other industries, rather than those who may till the soil and become at least independent of the Palmer colonists if not actually competitors; and

That such other industries are restricted to the development of the mineral lands together with the incidental and related activities; and

That the area east of the Matanuska Valley, for a distance of 150 miles, is known to be favorable for gold and other metalliferous deposits; and

That the area is now inaccessible from the railway for any kind of vehicular traffic; and

That a road from the Matanuska Government colony at Palmer to Copper Center on the Richardson Highway would pass directly through the area referred to and open it up to miners and prospectors; and

That the miners and prospectors would contribute toward the prosperity of the colony at Palmer and to the railway and its other communities; and

That there are no unusual or insuperable conditions existing that would render highway construction either difficult or expensive:

Now, therefore, your memorialist, the Legislature of the Territory of Alaska, respectfully urges that immediate steps be taken toward the construction of said highway.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

Whereas the Congress of the United States has enacted an act known as the Bankhead-Jones Act, and enacted on the 29th day of June 1935, being Public No. 182, Seventy-fourth Congress; and

Whereas the purpose of the act is to furnish funds to facilitate research into the basic laws and principles relating to agriculture, and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges; and

Whereas the provisions of the act make available to the several States and Territories certain funds subject to the assent of the States and Territories; and

Whereas the State of Minnesota, in order to avail itself of its proportions of the funds, desires to assent to the provisions of the act: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the house of representatives concurring), That the State of Minnesota does assent to the provisions of the said Bankhead-Jones Act, and the assent is hereby given, and that the secretary of state is hereby directed to send certified copies of this resolution to the Honorable John N. Garner, President of the Senate of the United States, and Hon. William B. Bankhead, Speaker of the House of Representatives of the United States, and two copies to the Secretary of Agriculture, Henry A. Wallace.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Foreign Relations:

Resolution memorializing the Congress of the United States and the President of the United States of the dangers possible and probable in the livestock industry from revision of the sanitary covenants with certain foreign countries

Whereas livestock and livestock products produced by the American farmer represents more than half of the annual income of the American farmer; and

Whereas the present Secretary of Agriculture when he assumed office stated that our cattle population exceeded our domestic demand by over 1,000,000 head; and

Whereas the duty of 6 cents per pound now existing on importations of beef does not adequately prevent its importation, due to the extremely low cost of production in South American countries; and

Whereas sanitary covenants existing with certain foreign nations, due to the existence of foot-and-mouth disease, have prevented the importations of animals from those countries and have so far benefited the American farmers in keeping out that most dreaded disease to cattle; and

Whereas any relaxation of any of our national sanitary laws that would admit in the slightest degree any importation of livestock or livestock meat products from Argentina or any other country infested with foot-and-mouth disease, the most dreaded and feared disease known to veterinary science, from which the economic loss is terrific; and

Whereas there is now before the Foreign Relations Committee of the United States Senate for ratification a convention agreement between the United States of America and the Republic of Argentina, with reference to sanitary regulations concerning plant and animal products and if recommended and passed will result in the greatest disaster to the livestock industry ever experienced in this country by jeopardizing the health of our breeding herds and flocks: Therefore be it

Resolved, That the Senate of the State of Minnesota, and the House of Representatives concurred here, that we hereby respectfully petition the Senate of the United States and urge the President of the United States to refrain from the relaxation of the sanitary requirements by means of covenant and otherwise with countries where it is known that foot-and-mouth disease exists; it is therefore

Resolved, That the secretary of the State of Minnesota is hereby instructed to forward a copy of this resolution to the President of the Senate of the United States, to the members of the Foreign Relations Committee of the Senate of the United States, and to the President of the United States.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Agriculture and Forestry:

Assembly joint resolution memorializing the Congress of the United States and the Resettlement Administration to provide adequate credit for restocking ranches in Nevada and other Western States, so as to restore their earning powers and land values, with the rate of interest on such loans reduced to the minimum

Whereas the stock ranches in Nevada and other Western States, comprising the livestock area of the Western States, have suffered a decided depreciation in the livestock therein; and

Whereas farming in these States is largely incidental to the livestock business, requiring an adequate livestock population in order to maintain the farms, without which farming in this area is doomed to bankruptcy: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That the Congress of the United States be memorialized to provide, through the Resettlement Administration, adequate credit for restocking farms and ranches in Nevada and other Western States at a minimum rate of interest; and be it further

Resolved, That certified copies of these resolutions be transmitted to the President of the Senate of the United States and the Speaker of the House of Representatives, and that copies thereof be transmitted to each of our Senators in the United States Senate,

to our Representative in Congress, and to the Resettlement Administration at Washington, D. C.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Interstate Commerce:

Be it resolved by the Senate of the State of North Dakota (the house of representatives concurring therein)—

Whereas there has been introduced in the House of Representatives of the Congress of the United States, H. R. 1668, known as the Pettengill fourth-section bill, providing for repeal of the long-and-short-haul clause of the fourth section of the Interstate Commerce Act; and

Whereas the repeal of the long-and-short-haul clause would permit railroad companies to assess lower rates and charges for long hauls than for shorter hauls over the same route; and

Whereas the charging of a higher rate for a short haul than for a longer haul, the shorter being included within the longer, is now forbidden on North Dakota intrastate traffic in section 4720, Compiled Laws of North Dakota for the year 1913; and

Whereas the passage of this bill would result in increased freight rates and charges on articles moving in interstate commerce to and from North Dakota, particularly on grain, lignite, and other commodities, to the detriment of producers, shippers, and consumers of the State of North Dakota; that it would encourage discriminations in rates against small shippers in favor of large shippers that would be against the public interest, and would, we believe, be in the end detrimental to the best interests of the railroads themselves: Now, therefore, be it

Resolved by the senate of this twenty-fifth legislative assembly (the house of representatives concurring therein), That the Congress of the United States is hereby respectfully memorialized and urged to deny the passage of H. R. 1668 when, as, and if presented for its consideration; be it further

Resolved, That the Senators and Representatives of the State of North Dakota in the Congress of the United States be requested to put forth every honorable effort to defeat this bill upon presentation to the Congress of the United States, and that copies of this memorial be forwarded forthwith to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives of the State of North Dakota.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of Indiana, favoring the enactment of legislation to continue the Federal Emergency Administration of Public Works and to make the necessary appropriations therefor, which was referred to the Committee on Education and Labor.

(See concurrent resolution printed in full when presented by Mr. VAN NUYS on Feb. 26, 1937, p. 1641, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Middlesborough (Ky.) Rotary Club, favoring the adoption of a comprehensive flood-control program in the Ohio Basin, which was referred to the Committee on Commerce.

He also laid before the Senate petitions of sundry citizens of the State of Tennessee, praying for the enactment of legislation for the relief of citizens in the flood-stricken areas of western Tennessee, especially in Dyer, Lake, and Lauderdale Counties, which were referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted by the Council of the City of Cleveland, Ohio, favoring the enactment of adequate antilynching legislation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the mayor and Board of Aldermen of the City of Natchez, Miss., favoring the enactment of legislation to reorganize the judiciary and to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by District Lodge, No. 34, International Association of Machinists, of Cincinnati, Ohio, and the Detroit Democratic Club, of Detroit, Mich., favoring the prompt enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by Lodge No. 416, Brotherhood of Railroad Trainmen, of Ennis, Tex., and Firestone Lodge, No. 7, United Rubber Workers of America, of Akron, Ohio, favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Oswego County (N. Y.) Bar Association, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate the memorial of members of the Preachers' Meeting of the Washington District of the Methodist Episcopal Church, Washington, D. C. (signed by its president and secretary), remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. MURRAY presented a joint memorial of the Legislature of the State of Montana, favoring the enactment of legislation for the creation and establishment of the so-called Townsend recovery plan, and for benefits to be paid to all persons over the age of 60 years, which was referred to the Committee on Finance.

(See memorial printed in full when laid before the Senate by the Vice President on Feb. 15, 1937, p. 1192, CONGRESSIONAL RECORD.)

Mr. LODGE presented 20 memorials, numerously signed by sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented two memorials of sundry citizens of Lowell and Worcester, Mass., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. VANDENBERG presented a resolution adopted by the Forest Grange of Mecosta County, Mich., protesting against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Bar Associations of Bay, Ingham, and Jackson Counties, Mich., protesting against the enactment of proposed legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Calhoun County (Mich.) Bar Association, favoring the enactment of certain proposed legislation to reorganize the judicial branch of the Government, and opposing the enactment of other legislation pertaining to the subject, especially the proposal to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. LONERGAN presented a resolution adopted by a town meeting of citizens of Easton, Conn., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Be it resolved, That we, the voters of the town of Easton, peaceably assembled at a town meeting do hereby express our disapproval of the action of the President of the United States in requesting Congress to give him authority to increase the Supreme Court of the United States by appointing six additional Supreme Court Judges, thereby depriving us of our liberties obtained for us by our founding forefathers; be it further

Resolved, That pursuant to the foregoing motion, we, the voters of the town of Easton peaceably assembled at a town meeting direct our town clerk to file the foregoing petition for the redress of our grievances as outlined with Congress, our President, our Senators, and Congressmen in accordance with article 1 of the Bill of Rights as contained in the Constitution of the United States.

Mr. WAGNER presented a resolution adopted by members of Local Union No. 301 (New York), United Electrical and Radio Workers of America, which was referred to the Committee on Education and Labor, as follows:

Whereas millions of workingmen are today engaged in carrying out their constitutional rights of free assembly, speech, press, and organization, for the purposes of collective bargaining; and

Whereas the tremendous corporations which employ these millions of workingmen have conducted and are conducting a policy of stifling these constitutional rights through espionage, coercion, and the employment of strikebreakers, stool pigeons, operatives, and the like; and

Whereas the United States Senate, through its subcommittee of the Committee on Education and Labor, is conducting an investigation into the unlawful activities of these corporations; and

Whereas the splendid work of this subcommittee, known as the La Follette committee, is in danger of being discontinued because of lack of funds: Be it

Resolved, That the 6,000 members of Local No. 301 of the United Electrical and Radio Workers of America demand that you, as a duly elected Member of the United States Senate or House for the State of New York, work toward and vote for a substantial appropriation to facilitate the further work of the La Follette committee.

Mr. WAGNER also presented a resolution adopted by the advisory committee of the Long Island Cooperative Egg Auction, Inc., Central Islip, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the spread between prices of feed and prices of eggs and poultry is of vital importance to poultry farmers; and

Whereas we believe that the present plight of our poultry farmers is due in a large measure to the relationship between feed costs and returns on poultry products: Be it

Resolved, That we, the advisory committee of the Long Island Cooperative Egg Auction, Inc., representing 750 poultrymen on Long Island, wholeheartedly recommend that the existing tariff on corn be reduced until the present emergency is past.

Mr. WAGNER also presented a resolution adopted by American Legion Philippines Post, No. 1164, Brooklyn, N. Y., which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Whereas the Navy Department have been authorized by the President and the Congress of the United States for the construction of two new battleships is now before the Secretary of the Navy for consideration; and

Whereas the allotment of one of these ships to the Brooklyn Navy Yard will be of great benefit to the unemployment situation in the city of Brooklyn, by giving the navy-yard workers an active part in the naval construction program of the Navy Department in order that a steady employment may be maintained: Now, therefore, be it

Resolved, That the Philippines Post, No. 1164, American Legion, in regular meeting duly held on Sunday afternoon, February 21, 1937, at 308 Fulton Street, Brooklyn, N. Y., go on record as strongly in favor of the construction of one of these ships at the Brooklyn Navy Yard; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to Senator COPELAND, to Senator WAGNER, and to the Secretary of the Navy, with the hope that a policy of more in keeping with their duty to the welfare of our citizens and consequently with the maintenance of steady employment of those who are now employed by the navy yard may be kept securely as a necessary measure to remedy the present condition of unemployment.

ARGENTINE SANITARY CONVENTION

Mr. CAPPER. Mr. President, I received today from Hon. Frank J. Ryan, secretary of state of Kansas, a copy of House Concurrent Resolution No. 13, adopted by the Kansas Legislature, memorializing the Senate to refuse ratification of the Argentine Sanitary Convention. I have expressed my opposition to ratification of this convention several times on the floor of the Senate and shall continue to oppose it. The effect of it would be to let down the bars to imports of livestock and fresh meat from the Argentine, now under quarantine because of the prevalence of foot-and-mouth disease in that nation. I ask that the resolution be printed in the RECORD and appropriately referred.

The concurrent resolution was referred to the Committee on Foreign Relations, as follows:

House Concurrent Resolution 13

Concurrent resolution memorializing the Senate of the United States to oppose ratification of the Argentine sanitary agreement which is intended to modify existing regulations on imports of livestock and meats from South American countries where foot-and-mouth disease exist or where the disease has not been uncommon

Whereas since livestock producers in the United States are mindful of the havoc created by and the widespread destruction resulting from the recent California outbreak and the Texas outbreak in 1924-25 and the 1914 outbreak of foot-and-mouth disease infesting 21 States and the District of Columbia; and

Whereas since the only dependable safeguards from outbreaks of the disease in this country are the maintenance of rigid sanitary restrictions and a continuance of present embargoes prohibiting imports of live animals or dressed meats from countries where that disease is known to exist or from countries adjacent to territory where the disease is known to exist: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas (the senate concurring therein), That these bodies hereby vigorously oppose any modification of the existing Federal laws governing the movement of livestock or livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible disease of livestock which does not now exist in the

United States, or from any foreign country which accepts foot-and-mouth disease merely as an inevitable inconvenience and which makes no serious or determined effort to combat it; be it further

Resolved, In order that the livestock industry of the United States may be protected from hazards resulting from the introduction of foot-and-mouth disease into this country, the Senate of the United States be, and is hereby, urged to oppose ratification of the Argentine sanitary agreement; be it

Resolved further, That the Secretary of State be, and he is hereby, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein, and to the President of the United States, and to the legislatures of the various States now in session.

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 1095) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 138) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (H. R. 2503) to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg., reported it without amendment and submitted a report (No. 139) thereon.

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

H. R. 194. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr. (Rept. No. 140):

H. R. 3675. A bill to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga. (Rept. No. 141); and

H. R. 3148. A bill granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala. (Rept. No. 142).

BILLS INTRODUCED

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

By Mr. BORAH:

A bill (S. 1729) granting a pension to Asa Overby; to the Committee on Pensions.

By Mr. DAVIS (by request):

A bill (S. 1730) to exempt the sale of commodities for governmental or charitable use from certain provisions of the antitrust laws; to the Committee on the Judiciary.

By Mr. REYNOLDS:

A bill (S. 1731) for the relief of Elizabeth Hanford; to the Committee on Pensions.

A bill (S. 1732) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. M. L. Perry, of Lumberton, N. C., and to Dr. N. E. Jackson, of Laurinburg, N. C.; to the Committee on the District of Columbia.

By Mr. WAGNER:

A bill (S. 1733) for the relief of Louise Fox; to the Committee on Foreign Relations.

By Mr. HUGHES:

A bill (S. 1734) to authorize the presentation of a Distinguished Service Cross to Gilder D. Jackson, Jr.; to the Committee on Naval Affairs.

By Mr. LOGAN:

A bill (S. 1735) to create a Federal Coal Trade Commission and define its powers and duties, to provide for the cooperative marketing of coal, and for other purposes; to the Committee on Mines and Mining.

By Mr. WHEELER (for himself and Mr. FRAZIER):

A bill (S. 1736) to repeal the act entitled "An act to conserve and develop Indian lands and resources, to extend to Indians the right to form business and other organizations, to establish a credit system for Indians, to grant certain rights of home rule to Indians, to provide for vocational education for Indians, and for other purposes", approved June 18, 1934, and the act of June 15, 1935, supplementary thereto; to the Committee on Indian Affairs.

By Mr. BARKLEY:

A bill (S. 1737) granting an increase of pension to Katharine C. Feland; to the Committee on Pensions.

ACCOUNT OF STATE OF VERMONT—REFERENCE TO COMMITTEE ON CLAIMS

Mr. AUSTIN. Mr. President, I ask unanimous consent that Senate Joint Resolution 21, directing the Comptroller General to readjust the account between the United States and the State of Vermont, being Order of Business No. 28 on the calendar, be referred to the Committee on Claims.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the joint resolution will be referred to the Committee on Claims.

FINANCING AND MANAGEMENT OF RAILROADS—LIMIT OF EXPENDITURE

Mr. WHEELER submitted a resolution (S. Res. 86), which was referred to the Committee on Interstate Commerce; and subsequently from that committee he reported the resolution without amendment, and it was referred to the Committee to Audit and control the Contingent Expenses of the Senate, as follows:

Resolved, That there is hereby authorized to be expended from the contingent fund of the Senate for the continuance during the fiscal year 1937 of the investigation authorized by Senate Resolution No. 71, Seventy-fourth Congress, first session, as supplemented by Senate Resolution No. 227, Seventy-fourth Congress, second session, \$150,000 in addition to the amounts heretofore authorized for said investigation: *Provided*, That any balance remaining unexpended on June 30, 1937, under this authorization shall continue to be available for the expenses of the said investigation during the fiscal year 1938.

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS—PRINTING OF HEARINGS

Mr. HARRISON submitted the following resolution (S. Res. 87), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed 1,000 additional copies of the hearings held before said committee during the first session of the Seventy-fifth Congress on the joint resolution (H. J. Res. 96) entitled "Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended."

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR GEORGE

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered on Feb. 28, 1937, by Senator GEORGE regarding the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

POLITICAL PHILOSOPHY OF THE PRESIDENT—ARTICLE BY ARTHUR KROCK

[Mr. BYRNES asked and obtained leave to have printed in the RECORD an article by Arthur Krock relative to the President's political philosophy and program, published in the New York Times of Feb. 28, 1937, which appears in the Appendix.]

REORGANIZATION OF THE SUPREME COURT—ADDRESS BY GOVERNOR LA FOLLETTE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered on Feb. 27, 1937, by Gov. Philip La Follette, of Wisconsin, on the proposed reorganization of the Supreme Court, which appears in the Appendix.]

INDUSTRIAL LEGISLATION AND THE CONSTITUTION—ADDRESS BY RT. REV. JOHN A. RYAN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address on the subject "Industrial Legislation in the Constitution", delivered by Rt. Rev. John A. Ryan, D. D., before the Manchester City Club, Manchester, N. H., Feb. 22, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY FRED BRECKMAN

[Mr. BAILEY asked and obtained leave to have printed in the RECORD a radio address on the subject "Looking to Our Foundations", relating to the proposed reorganization of the Federal judiciary, delivered by Fred Breckman on Saturday, Feb. 20, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—LETTER OF THOMAS F. KONOP

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a letter on the subject of the reorganization

of the Federal judiciary written by Thomas F. Konop, dean of the College of Law at the University of Notre Dame, published in the Madison (Wis.) Times, Feb. 26, 1937, which will appear hereafter in the Appendix.]

THE CONTINUOUS DISCHARGE BOOK—ARTICLE BY WILLIAM M'FEE

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an article appearing in the New York Sun on Jan. 16, 1937, entitled "McFee on Ships", which appears in the Appendix.]

PERMANENT PANAMA EXHIBIT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a resolution from the manufacturers and jobbers of the United States, and an editorial from the Boone Trail Herald, of Winston-Salem, N. C., on the matter of the permanent Panama exhibit, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, communicated to the Senate the intelligence of the death of Hon. HENRY E. STUBBS, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

The message announced that the House had passed the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

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

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.) approved August 31, 1935."

PEACE AND NEUTRALITY ACT

Mr. PITTMAN. Mr. President, I dislike very much to interfere in any domestic war in considering a bill that is intended to keep us out of foreign wars. I realize, however, that war, whether foreign or domestic, is far more interesting than peace. Therefore, I apologize for interfering in any way whatever with the domestic political war that is going on in this country and in the Senate.

I am satisfied, however, that there will be no need for particular hurry in conducting that fight. I think possibly it will last a long time. I hope no one will be killed in connection with it. I do not believe we shall lose the lives of as many persons as we lost by submarine warfare in the World War. There may be some who will be killed politically, but I do not think anyone will be physically injured.

I hope, therefore, that we may be peace-minded possibly for a day or 2 days while the Senate is considering what is, in my opinion, the most important peace legislation that has ever been submitted to this body.

Having presented on behalf of the Foreign Relations Committee of the United States a report recommending the enactment of Senate Joint Resolution No. 51, and the matter now being before the Senate for consideration, I feel it my

duty briefly to discuss the provisions of this joint resolution and its effect.

The committee deemed it advisable to include in one amendment the existing so-called neutrality law and the amendments approved by the committee. This process of amendment, if and when the amendment is adopted, will then in one act contain the entire law relative to the subject. It will then be unnecessary to follow the original act through its various amendments in determining the existing law at the time of the examination of our statutes at some future date. This procedure in considering the proposed act certainly expedites its consideration and the determination of its effect.

Without hesitation, and at the very start, I admit that the amendment proposes an entire new peace policy for our Government. It goes beyond any legislation ever adopted in this or any other country; and yet I contend that nothing in this proposed legislation prevents free commerce with the world, except as we have heretofore restricted it in existing law, or is discriminatory, unneutral, or constitutes a surrender of the freedom of the seas. The resolution reenacts the existing law providing for an embargo against the export of arms, ammunition, or implements of war to any belligerents. This act has already been construed by the State Department, and the construction has been adopted and proclaimed by the President of the United States.

When such construction was under consideration by the President, at the time he was considering putting into effect such embargo act as against Italy and Ethiopia during the recent war between those foreign states, he called upon the State Department for a construction of the act as to what was included in the definition of "arms, ammunition, and implements of war." The State Department advised the President that from the procedure before the Foreign Relations Committee of the Senate, and from the discussion on the floor of the Senate prior to the adoption of the act, it was clear that it was the intent of both the committee and the Senate—and therefore of Congress, as the House of Representatives passed such act subsequently to its passage through the Senate—that such definition was intended to include only those articles and materials set out and described in the convention entitled "A convention for the supervision of the international trade in arms and ammunition and in implements of war, signed at Geneva, Switzerland, on June 17, 1925", which convention had been advised and consented to by the United States Senate June 6, 1935, prior to the approval of said embargo act. So the President adopted such construction, and, in his proclamation putting in force such embargo act as to Italy and Ethiopia on the 5th day of October 1935, defined and set out in detail the articles and materials which under the act constitute arms, ammunition, and implements of war as defined and set out in said convention.

I am satisfied that the President will continue to give such definition to the phrase "arms, ammunition, and implements of war." If, however, any Senator is in doubt with regard to this matter, I should personally have no objection to an amendment which would state positively that the definition of arms, ammunition, and implements of war is and shall be the definition given by the President in his said proclamation of October 5, 1935.

The resolution extends the embargo act to foreign states wherein civil strife exists of such a magnitude or conducted in such manner that the export of arms, ammunition, and implements of war to such states would endanger our peace. It is not intended that such embargo should be applied to foreign states wherein there is insurrection or strife of an insignificant character. The strife must be of such magnitude or conducted in such a manner that the export of arms, ammunition, or implements of war from our country to such foreign state will endanger the peace of the United States; and the President must find such facts to exist, and so proclaim, before such provisions with regard to such state in which civil strife exists go into effect.

I need not argue to the Senate the necessity of vesting such authority in the President. We have already considered and enacted a similar measure with regard to the un-

fortunate civil strike existing in the state of Spain. Finally, all the major powers have followed our example with regard to such strife in Spain.

The existing law is also amended by declaring that any licenses for the export of arms, ammunition, or implements of war become immediately and ipso facto void as to authority to export such materials to any belligerent countries after the President shall have issued his proclamation as provided in section 1 of the act, designating such belligerent countries. This special provision is for the purpose of putting licensees upon notice.

Section 5 of the existing law, being section 6 of the resolution under consideration, is amended by including armed merchant vessels with submarines in the provision which prescribes that submarines may enter our ports only under such conditions and limitations as the President may prescribe. This control by the President over armed merchant vessels constitutes a new policy for the United States. Under the customs of most nations, including our own, prior to the World War, it was admitted that merchant vessels might be armed for defensive purposes. The advent of the submarine as a new naval craft and a peculiar instrument of naval warfare necessitated further consideration of this subject. A submarine is a frail craft, with a light steel shell. It is capable of being destroyed while on the surface by a single shot from a small cannon mounted upon a merchant ship. The Germans, therefore, during the World War, contended that such guns so mounted on merchant ships were weapons of offense as against submarines, and therefore justified them in treating such vessels as vessels of war.

Mr. Lansing, Secretary of State under President Wilson, in discussing this subject in his note to the Allies on January 18, 1916, said:

Even a merchant ship carrying a small-caliber gun would be able to use it effectively for defense against a submarine * * *. Consequently the placing of guns on merchantmen at the present day of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

This opinion is concurred in by Prof. John Bassett Moore and other distinguished writers upon international law. Our existing law prohibits the use of our ports and territorial waters by belligerent vessels for the purpose of naval operations. It therefore appears proper that the President be authorized to place upon such armed merchantmen entering our territorial waters such conditions and restrictions as he deems necessary to enforce obedience to our laws.

The existing law with regard to travel by our citizens on the vessels of belligerents has been entirely changed in principle by the pending joint resolution. The existing law provides that our citizens may travel upon belligerent vessels, but only at their own risk. Section 9 of the pending joint resolution makes it unlawful for citizens of the United States to travel at all on belligerent vessels except under such rules and regulations as the President may prescribe. It is the policy of Congress, as proposed in this resolution, that our citizens shall not travel upon belligerent vessels except in great emergencies. The President, therefore, will be strict in making exceptions in favor of any citizen, and therefore the act is practically prohibitory.

The chief cause of the loss of lives of our citizens on the high seas prior to our entry into the World War was the travel of American citizens on passenger vessels of warring countries and the destruction of our freight vessels in German war zones by submarines. Take the horrible sinking of the *Lusitania* as an example. It was a British merchant vessel. It was carrying munitions of war to Great Britain. It was prepared to act as an offensive vessel of war. It was sunk by a German submarine on May 7, 1915, in the established German war zone off the coast of Ireland.

In that frightful catastrophe 128 innocent, peaceful, happy citizens of the United States met terrible death. There was no excuse for our citizens being upon that British vessel. This was nearly a year after the World War had commenced. There was no legitimate excuse for our citizens traveling as passengers on any belligerent ships. They not

alone endangered their own lives but endangered the peace of this country, as the loss of the lives of our citizens inflamed the minds of the people of our country to the point of war. Their excitement and their resentment ended in war. President Wilson, in his war message said:

I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be.

We had no law at that time to prohibit American citizens from traveling on belligerent vessels.

And after we were shocked again and again by the destruction of the lives of more of our citizens traveling on belligerent vessels. It was these murders of our citizens that our Government and our people most condemned and which inflamed the minds of our people for war. It was this destruction of the lives of our citizens that was one of the chief causes that dragged us into that terrible and futile war. The President so announced in his war message. I do not admit that this was the only cause for our entering the World War, because, unhappily, the German Government, through its Embassy in our country and through its officers enjoying privileges and immunities and while the guests of our Government, and while peace existed between the United States and Germany, sought a conspiracy with Mexico, our neighbor, and Japan, both friendly countries, to join Germany in war against us, when Germany became engaged in war with the United States, which it expected and for which it was preparing.

It is admitted that such travel by our citizens upon belligerent vessels was not a violation of neutrality nor of any law. Surely, however, this reasonable restriction upon our citizens by their own Government and for their own safety, and for the protection of the peace of our country, cannot be seriously urged as a surrender of any freedom of the seas.

I have now discussed all of the material amendments to the existing law. There are three entirely new provisions in the pending resolution which places restrictions upon our citizens and our commerce with relation to belligerents. These three provisions establish a new peace policy for the United States. I will not deal with these provisions in the order in which they appear in the resolution, but in a manner that I consider a better sequence in this debate.

Mr. NYE. Mr. President, does the Senator from Nevada wish to complete his general statement before yielding to interruptions? There is one amendment to the existing law the meaning of which I should like to ascertain. If the Senator, before he proceeds with his statement as to the amendment of existing law, would answer a question as to that amendment I should like to know what is its meaning. I refer to the first section of the bill in its present form. There has been eliminated this language:

* * * to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.

The language substituted for that is—

* * * to any such belligerent state, or to any neutral state for transshipment to, or for the use of, a belligerent state.

It may not be material, but I was anxious to know why that language had been changed.

Mr. PITTMAN. I should prefer to go into that later on, because I am only making this statement so that there may be a consecutive discussion of what is in the measure, and I am sure that if I get off the line by entering into a discussion of the matter referred to by the Senator from North Dakota I would be, perhaps, too long on that phase of the subject.

Mr. NYE. Very well.

Mr. PITTMAN. Section 10 of the pending resolution prohibits the arming of American merchant vessels engaged in commerce with belligerents. This is a new provision and adopts a new policy in the aid of the preservation of peace and the protection of the lives of our citizens. I deem this,

next to the provision prohibiting travel by American citizens on belligerent vessels, the most important provision to be contained in the act.

Under modern naval warfare, as exemplified during the World War, and which we have no reason to believe will not be so conducted in the next world war, no merchant vessel was safe from sinking without notice by a submarine, whether such vessel carried contraband or noncontraband. This applies to neutral vessels as well as to belligerent vessels. Prior to the World War there was one international custom—sometimes called international law—which was universally respected. That was the rule with regard to visit and search. Ships of war of belligerents under such rule were permitted peacefully to visit and search a merchant vessel to ascertain its destination and to determine whether it was transporting contraband of war to the enemy.

This procedure of visit and search was always conducted in a peaceful manner without injury to the ship or those on board, unless the ship attempted to escape or to resist. If contraband cargo was found on board it could be confiscated. No neutral vessel could be sunk except in the event of attempted escape or resistance. In other cases where it was permitted to sink a vessel the rules strictly provided that such merchant vessel could not be sunk until the safety of those on board was provided for.

With the use of submarines during the World War as new and unusual instruments of naval warfare the situation changed. The seas were controlled by the surface war vessels of Great Britain and her allies. Germany possessed only one type of war vessel that was capable of preventing contraband cargoes from reaching her enemies. This was the submarine.

Germany contended that her submarines could not follow the humane rule of visit and search because she asserted that such customary visit and search would require a submarine to come to the surface, stop the merchant vessel, and place officers aboard for the purpose of determining whether the vessel was carrying contraband; and the submarine upon the surface could be sunk with one shot of a small cannon. She asserted that the merchant vessels of her enemies were so armed, and that by reason of the misuse of neutral flags by such enemies she was unable to distinguish between neutral ships and belligerent ships. Unfortunately these assertions were true.

In reply to these arguments on behalf of the German Government the United States Government called upon that Government to cease submarine attacks against merchant ships, since they could not be made according to the accepted rules of humane naval warfare. To this Germany retorted that her enemy, Great Britain, was resorting to every method to cut off from Germany the necessities of life through the violation of the accepted customs of naval warfare, particularly with regard to the establishment of paper blockades under the designation of "military areas" and the illegal seizure of cargoes upon neutral ships. She contended therefore that it was essential and justifiable for her to retaliate against her enemies.

Again, unfortunately, the charges made by Germany against Great Britain were true. Great Britain, on the other hand, attempted to justify her violation of such accepted customs of naval warfare by charging that Germany also was violating the accepted customs of naval warfare, particularly with regard to visit and search, through the destruction of merchant vessels without notice and without providing for the safety of those on board; and that therefore she—Great Britain—found it necessary to retaliate against Germany.

Our Government protested against the wrongful acts of both governments toward our neutral ships and our neutral commerce. The protests were ignored; the illegal acts continued. Property of American citizens was confiscated and the lives of American citizens taken. This assumed right of retaliation served to set aside what was termed "international law", being those accepted customs of naval warfare by nations generally which time and time again had been confirmed by treaties between various powers.

What remedy did we have? Was there any law that we could impose upon any of the belligerent governments against their will? If so, what law? Was there any court having jurisdiction over such controversies to which the belligerents or the neutrals had agreed to submit such controversies for adjudication and final determination? I know of no such courts nor of any such agreements.

Great Britain, on November 3, 1914, announced:

They therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant ships of all kinds, traders of all countries, fishing craft, and other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

Our Government protested to Great Britain against the establishment of this military area, and particularly with regard to strewing the North Sea with powerful and destructive mines without regard to endangering the safety of neutral ships engaged in neutral trade with neutrals. It called to the attention of the British Government the fact that the declaration of The Hague of 1907, which Great Britain and many other governments had ratified, prohibited the use of such mines. Great Britain responded that such convention and declaration was of no force and effect, as it had not been ratified by Russia. Great Britain recognized no international law with regard to the subject and excused herself from the effect of a convention that she, through her representatives, had ratified.

Germany, therefore, contended that she had a right to violate any such rule in retaliation against Great Britain.

So again we have an example of all accepted customs of nations which we may call international law and age-long concepts confirmed in many treaties between various governments which were held subservient to the right of retaliation.

Where was our international law?

Therefore Germany, on January 31, 1917, in retaliation against Great Britain, as she alleged, established a war zone around Great Britain, France, Italy, and the eastern Mediterranean. In giving public notice of the establishment of this zone, she declared:

Under these circumstances Germany will meet the illegal measures of her enemies by forcefully preventing, after February 1, 1917, in a zone around Great Britain, France, Italy, and the eastern Mediterranean, all navigation, that of neutrals included, from and to England, from and to France, etc. All ships met with in that zone will be sunk.

There was no question of contraband involved here. Any neutral vessel entering the zone with or without its knowledge accidentally or deliberately carrying neutral cargo to a neutral country would be sunk without notice. Of course, our Government protested violently against such brutal proclamation and the inhuman acts that were declared would be committed under it. The same answers were made by Germany. Germany stood on the supreme law of the right of retaliation and so our Government, having no remedy save war, sought to bring about an adjustment between Germany and her enemies so that such destruction might be avoided. On January 7, 1916, Mr. Robert Lansing, Secretary of State, wrote to President Wilson as follows:

MY DEAR MR. PRESIDENT: I have been thinking over, as I know you have, some means of placing submarine warfare on a basis which will prevent the horrors which have characterized it in the past.

I think that I appreciate the German point of view in regard to the danger to a submarine in attacking an armed merchant vessel, and have prepared a memorandum on the subject, which I enclose.

If the argument has merit the method of reaching a settlement on a basis which would safeguard human life would seem to be an agreement by Germany and Austria not to torpedo enemy vessels without putting the people on board in safety, provided they did not continue to flee, in consideration of an agreement by the Entente Powers not to permit their merchant ships to carry an armament.

I am sure the Teutonic Powers would agree to this, and I cannot see how the Entente Powers could reasonably object to such an arrangement, particularly in view of the fact that there is no case recorded, to my knowledge, of a submarine being destroyed by gunfire from a merchant vessel.

This plan would be practically a modus vivendi and could be made reciprocal on account of the activities of British submarines in the Baltic.

Would you advise my attempting to obtain such agreements?

Faithfully yours,

ROBERT LANSING.

The President approved of this plan. On January 18 Mr. Lansing addressed identical letters to the British Ambassador and the French, Russian, and Italian Ambassadors and the Belgian Minister. In that letter Mr. Lansing said:

While I am fully alive to the appalling loss of life among non-combatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which would control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the interruption of enemy commerce, since those instruments of war have proved their effectiveness in this particular branch of warfare on the high seas.

Then in his letter he laid down five rules governing the conduct of submarines and merchantmen. I will only quote one other paragraph from these letters which I think discloses the whole proposition. Mr. Lansing says:

It would, therefore, appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited and prevented from carrying any armament whatsoever.

In presenting this formula as a basis for conditional declarations by the belligerent governments, I do so in the full conviction that your government will consider primarily the humane purpose of saving the lives of innocent people rather than the insistence upon a doubtful legal right which may be denied on account of new conditions.

All of the governments so addressed declined to accept or consider such proposals. The President then announced to the world that he intended to stand on our rights under international law. This announcement had no effect upon the situation. The sinking by submarines continued and the violation of all our rights under the accepted customs of nations with regard to naval warfare proceeded with renewed vigor.

On the 13th day of March, 1917, the President proclaimed armed neutrality and ordered the arming of our merchant vessels. This was the gravest mistake that our Government made. It was even a foolish act. A cannon on a merchant ship is no defense against a submerged submarine and only invited attack as was subsequently proven. From the beginning of the war down to the date of the proclamation for the arming of our ships, only seven lives were taken of American citizens by reason of the sinking by submarines of American merchantmen. Between that date and our entry into the war on April 6, 1917, from such cause we lost the lives of 63 citizens. President Wilson, in his war message, recognized the failure of armed neutrality. In that address he said:

When I addressed the Congress on the 26th of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks, as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea.

I can conceive of no argument against the adoption of the section of the resolution prohibiting the arming of our merchant ships. While there is grave danger of another world war, and while I expect to see submarines used as commerce destroyers in the next war in the manner they were used in the last, I do not believe that any belligerent country, when they know that our merchant ships are not armed, and that they are so identified otherwise than by the flag that their nationality will be certain, and that they will stop upon demand and submit peaceably to visit and search, will sink our merchant vessels without notice, and without complying with the humane customs of visit, search, and seizure universally accepted by nations. If this is true, then this provision, together with the provision prohibiting American

citizens traveling upon belligerent ships, should eliminate the danger of the loss of life of our citizens, and remove the greatest cause that could incite us to war.

I now come to the discussion of subsection (a) of section 2. This subsection grants to the President authority to prohibit American merchant ships from transporting to belligerents articles and materials other than and in addition to arms, ammunition, and implements of war, when he shall find and proclaim that the placing of such restrictions is necessary to promote the security or preserve the peace or neutrality of the United States, or to protect the lives and commerce of nationals of the United States. Such restrictions do not apply until the President has issued his proclamation as to the existence of war, and has named the belligerents. When this has been done, and the restrictions are so placed on our ships, they apply to transportation to all belligerents equally and alike.

Let us keep in mind the fact that the restrictions provided for in subsection (a) of section 2 apply solely to American vessels. The chief object of such restrictions upon American vessels in the event of a widespread war in which we are neutral is to protect the lives of our seamen on American merchantmen transporting freight to belligerents or for transshipment to belligerents. We must look to our experience in the World War in attempting to protect the lives of our citizens in the next world war.

Under the accepted rules of naval warfare prior to the World War, neutral ships on the high seas could be stopped, visited, and searched to ascertain if there was contraband on board; and the belligerent ship, if it found contraband on board, had the right to confiscate that contraband. The belligerent ship, however, had no right to attack the neutral ship unless it attempted to escape or resisted peaceful visit. Even in those cases, under the customary rules of naval warfare, where the belligerent was permitted to sink the ship, it was absolutely necessary that it first provide for the safety of those on board. If that had been the rule pursued during the World War by submarines, there might have been danger of the loss of cargoes, but no danger to the lives of the seamen on board. Unfortunately the German submarines did not abide by the time-immemorial rules of visit, search, and seizure. They not only violated these universally accepted rules but they violated the rules of blockade. Of course, a neutral vessel under the accepted rules was subject to the danger of being sunk if it tried to run a blockade; but a blockade was defined to exist only when a port was invested by an enemy, or the entrance of the port was so commanded by enemy war vessels that a neutral ship could not enter without danger of destruction.

Germany, however, established what she called a war zone, in which any ship entering was considered a trespasser, and subject to being sunk just as though it were running a blockade. This war zone consisted of a line somewhere out upon the high seas surrounding Great Britain, France, Russia, and Italy. No merchant ship could tell when it entered such zone. Its establishment made it practically impossible for a neutral vessel to reach any neutral ports without encountering the danger of passing through the so-called war zone.

Germany justified herself in establishing this war zone because Great Britain had theretofore established a similar war zone taking in the whole North Sea, which she denominated a "military area." Then Germany proceeded to sink merchant vessels within this zone with submerged submarines and without notice, without making any provision for the protection of the lives of seamen on board such vessels. Of course our Government protested violently against this brutal and inhumane treatment, but protest accomplished nothing. Germany contended that the merchantmen of her enemies were armed, and that these arms could sink a submarine with one shot if the submarine came to the surface and attempted to visit a merchantman for the purpose of search. She further contended that as her enemies used the American flag and other neutral flags for the purpose of decoying the submarines to destruction, she could not recognize an American flag; and so the destruction of American freighters went on, with the destruction of the lives of our seamen. We protested to Great Britain against the use of

our flag by her and by her allies, but it was, and is, a customary deception practiced by all naval vessels, and Great Britain would not agree to discontinue it.

I have heretofore discussed the provision in this resolution prohibiting the arming of our merchant ships, and requiring proper identification of our ships other than by the use of the flag. If this provision should be adopted, I am convinced that no submarine would sink our ships without notice, and that they would follow the humane and customary rule of visit and search. If such should be the case, then there would be no necessity for the enforcement of this restriction on American ships. It is true that some of the goods on board might be confiscated, and American ships might desire to take that risk; but, in any event, the lives of our seamen would be preserved.

Subsection (b) of section 2 deals with an entirely different subject from that treated in subsection (a), which I have just discussed. It applies to the export and transport of goods to belligerents by any American citizen and upon any vessel, whether it be American, neutral, or belligerent. Subsection (b) can best be described by quoting the exact language. It reads as follows:

(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

Mr. JOHNSON of California. Mr. President, will the Senator yield there?

Mr. PITTMAN. I yield.

Mr. JOHNSON of California. The Senator, I think, answered this query once in the committee; but, in order that there may be no mistake, I desire to have it of record here. In either American bottoms or foreign bottoms, if that provision be complied with, the goods may be transported?

Mr. PITTMAN. They may undoubtedly be transported in anything except American vessels. Under the other section there might be restrictions on the transportation of some of the goods that would not apply to foreign vessels.

Mr. JOHNSON of California. But the subsequent section which the Senator has just read contemplates, does it not, that either in American bottoms or in foreign bottoms there may be transportation of the goods?

Mr. PITTMAN. It does.

I particularly call attention to the first sentence.

It shall be unlawful to export or transport to any belligerent country, and so forth and so forth.

That makes it unlawful for any citizen to export without complying with the conditions, or any ship to transport until the conditions have been complied with. The provision also applies equally to any and all belligerents.

This is a mandatory statute. There is no discretion granted to any agency to relieve any citizen or any ship of the restrictions of the law. This subsection does not place an embargo upon the shipment of any article or material. It is not the intention of the pending joint resolution to place an embargo upon any exports or upon the transportation of any exports except arms, ammunition, and implements of war. It permits our citizens to sell their products for export and transportation abroad, even to belligerents. It requires, however, that the sale must be made in the United States and that title to and possession of such products must be executed to someone else other than a citizen

of the United States before such goods may be placed upon any vessel for transportation to a belligerent country. Our Government, of course, is interested in seeing that this law is obeyed. It is therefore provided that proof of such transfer of title and possession shall be made by an affidavit of the seller and filed with the collector of the port from which such articles or materials are to be exported. And it permits our Government to require such additional proof under such rules and regulations as the President may prescribe. The object of this reasonable provision is to avoid controversies between our Government and belligerent governments with regard to the charges of our citizens that their goods on the high seas were illegally destroyed or confiscated. These controversies are unfortunate and frequently lead to war. Goods transported to belligerents or for their use are destroyed or confiscated on the grounds that they constitute contraband of war. The definition of contraband of war is quite uncertain and has always been and still is a controversial question as between governments. Grotius in his work in 1625 in discussing contraband divided materials into three classes, namely:

- (1) Those that were of use only in war;
- (2) Those that were of no use in war but served only for pleasure; and
- (3) Those that were useful both in war and in peace.

He held that the first was contraband of war subject to seizure and confiscation; that the second was free; and that the third became contraband of war if the belligerent could not protect himself without seizing it.

This rule has generally been followed, both by the Continental Congress and by the United States Government, in the treaties that they entered into. In modern times the distinctions between the classes of material were sometimes designated as contraband, noncontraband, and conditional contraband. Notwithstanding this generally accepted rule, governments have constantly differed in time of war as to what articles should be placed upon the free list. Our Government, in its treaty of amity, commerce, and navigation with Great Britain in 1794 rather departed from an attempt to describe noncontraband of war. In that treaty it was stated:

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default the government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention. (Maritime Commerce I: 194-195.)

This treaty divided materials into contraband of war and conditional contraband of war. It provided, however, that when goods were seized on the grounds that they had ceased to be conditional contraband of war, and were claimed to be contraband, that the seizing government should speedily and completely indemnify the owners of such goods for such confiscation.

By the declaration of London, which was the latest attempt of governments to agree upon the subject of contraband, contraband was divided into three classes, namely, absolute contraband, conditional contraband, and noncontraband, with the proviso that any belligerent government upon notice to neutrals might take the materials on the conditional contraband list and add them to the absolute contraband list.

It is interesting to note that in the list of conditional contraband was included foodstuffs, forage and grain, clothing, fabric for clothing, boots and shoes suitable for use in war, vehicles of all kinds available for use in war and their component parts; vessels, crafts, and boats of all kinds; railway material, both fixed and rolling stock; and material for telegraphs, wireless telegraphs and telephones; fuels, lubricants, barbwire, and so forth.

Now let it be remembered also that Prussia, America, Austria, France, Great Britain, Italy, Japan, the Nether-

lands, and Russia all took part through their duly appointed representatives in preparing and agreeing upon that declaration. It was advised and consented to by the United States Senate. It was not ratified and approved by some of the other governments, including Great Britain. Therefore, when the World War commenced all of the belligerent powers declared it of no force and effect and proceeded to violate the very principles with regard to contraband therein established. Great Britain, France, and the other allies immediately issued and proclaimed a list of contraband which included very nearly every material in existence.

Apparently at first they overlooked a few articles and then proceeded to add these articles to the list.

Great Britain, in April 1916, publicly declared that as Germany had incorporated all of its civil population in its military forces and had taken over absolute control of food supplies, she would abolish the distinction between goods absolutely contraband and goods conditionally contraband so long as such conditions existed.

This declaration with regard to contraband, was approved and complied with by Great Britain's allies. It must be remembered that in addition to constituting practically all materials contraband, Great Britain and her Allies asserted the doctrine of continuous voyage and declared, therefore, that anything was contraband—meaning all materials—that was shipped "to order", or that was shipped to an agent of one of its enemies in a neutral country—and they construed anyone in a neutral country who they had reason to believe had transshipped goods into their enemy's country in the class of an agent of their enemy. And so did all of the belligerents finally define contraband, and all adopted the same procedure in applying the doctrine of continuous voyage.

Was this a violation of the generally accepted customs of nations, sometimes called international law? It was certainly subject to serious controversy. Under the generally accepted rule contraband becomes absolute contraband through the doctrine of continuous voyage if it is shipped to a belligerent government or if it is shipped into a belligerent country for the use of the belligerent government in carrying on war, or if it is shipped into a neutral country with its ultimate destination a belligerent country for the use and benefit of the armed forces.

Who is to determine these facts while war is in progress? How can a remedy be exacted during such war? It is possible that after the war the government alleged to be a violator of the laws of neutrality may agree to submit such controversies to arbitration. Such remedies are indefinite and certainly do not relieve the situation during the continuance of the war.

We are dealing in this legislation with what we consider restrictions that will keep us from being involved in such controversies, for fear that the controversies may lead to war, rather than attempted adjustment of matters after war.

The United States is not in a position sincerely further to protest against the action of the belligerent governments with regard to contraband, because just as soon as we entered the World War we issued and proclaimed an absolute contraband list which included substantially every material essential to the industry and life of the people of a country; and we also adopted substantially the same definition with regard to contraband that was originally adopted by Great Britain and her allies.

The Navy Department pointed out in 1918 that in the instructions from the President to the Navy Department relative to what should be contained in the contraband list there was no express distinction between absolute and conditional contraband; that destination was the deciding factor.

I have submitted this fleeting description of the history of the evolution of contraband so that we may understand the effect upon shipments of any material from our country to a belligerent country, or for transshipment to or for the use of a belligerent country. We cannot safely export any of the products of the United States to any belligerent country or to nearby neutral countries in the event of another widespread war conducted in the manner in which the World

War was conducted without subjecting such goods to seizure and confiscation. If these products are so seized, there is not the slightest doubt in my mind that if our citizens own them at the time they are seized and confiscated, they will contend that such seizure was contrary to international law, when there is no such thing. They will become excited and violent. They will contend that their neutral rights have been violated. They will protest that they have been denied their rights to the freedom of the seas, and that it is the duty of our Government in the protection of its honor and dignity and the property of its citizens to go to war, if necessary, to protect those alleged rights.

In the very nature of things, the ships of any country may do anything desired and transport any goods on the open sea, because no country owns or has any jurisdiction over the sea beyond its territorial limits. This very situation made it advisable for governments to attempt to have an understanding with regard to the reasonable use of the open seas by all countries, and so certain customs of nations arose, and, so long as they did not threaten their defeat in war, governments abided by them. The rights on the open sea were divided as between the rights of the belligerents and the rights of the neutrals. Naturally, countries fighting for their very existence, for their liberty, and for the lives of their nationals seek to prevent any aid reaching their enemies that threatens their own defeat; and so when belligerents make the rules of naval warfare they make them very restrictive upon neutrals. On the other hand, when countries are at peace and have no fear that they will be dragged into a war and become belligerents, they fight against every restriction upon their citizens and upon their ships and commerce. This is what happened during the World War, when we were at peace; and such was what happened when we became belligerents. There is no law on this subject in the sense that a law is something prescribed by a government that has the jurisdiction to prescribe it and the right to enforce it. There is no law in the sense in which we generally define the word, unless the power is granted to some tribunal to adjudicate the facts as applicable to the law and to render a decision.

International law, of course, can be made by governments through treaties. It has been done many times. Even then it is only international law as between the governments bound by the treaty. It is not binding upon governments not parties to the treaty. It is contended, of course, by distinguished writers upon international law that it does exist, and that disobedience to it does not deprive it of its status as law. I contend that it does cease to be a law if it is disobeyed by governments at pleasure, and there is no treaty to bind them and no method of enforcing judgment and decision. For many years international lawyers have been attempting to codify international law, and they have not yet succeeded in determining what constitutes international law with regard to any vital subjects. I suppose that will be denied, and I shall take up that subject later when I come to it.

We cannot, therefore, effectively determine what are our neutral rights as against belligerents, what constitutes contraband of war, save and except for ourselves; and until we can determine these questions we cannot determine what are our rights as to the freedom of the seas. We can determine for ourselves what our rights are, but we cannot determine that question for the belligerents nor anyone else. If the belligerents do not agree as to what we contend to be our rights in commerce and upon the open seas, we have no remedy that I know of when diplomatic efforts fail except to go to war. I say "determine." We may lose lives all during a foreign war and finally get into it, and after the war is over we may try to collect something. Sometimes other countries will let us pay.

The chief object of this joint resolution is not to attempt to determine neutral rights nor belligerent rights, because they can be determined only by the agreement of governments. By this joint resolution we neither assert a neutral right nor do we admit a belligerent right. Those are matters that we shall probably discuss during the next war and after that war. In the meantime, we simply seek to

place upon our citizens, our exports, and our commerce such reasonable restrictions as will tend to eliminate some of the major causes that drag peaceful nations into war. By every provision contained in the pending resolution, it mandatorially applies equally and alike to each and all belligerents. It grants no discretion whatsoever in this matter.

Subsection (b) of section 2 does not deprive any belligerent of the opportunity to receive the products of our country except arms, ammunition, and implements of war. It does not prevent any citizen of our country or anyone within our country from selling his products to anyone for transportation anywhere. It simply provides that the sale must be made in this country to some foreigner or foreign government, and that the product must be the property of a foreign government or national when it leaves our ports and when it is destroyed or confiscated on the high seas. This, therefore, is not unneutral. It certainly is not surrendering any right on the high seas that is of any benefit to any citizen of the United States. We shall continue to insist upon our rights and, if necessary, we shall retaliate against the government or governments whom we believe to be violating those rights.

Mr. President and Senators, we are liable to forget the terrible sacrifices of the lives of our boys during the World War; the blinding, the maiming, and the destruction of the health of those who so pitifully came back to us. Their sorrow, their suffering, and their bodily and mental anguish cannot be even appreciated by us. The grief, the inconsolable grief of the mothers and fathers, brothers, and sisters of those young men who were destroyed in youth and vigor, and those who came back bodily wrecks, should never happen again if by any human sacrifice we can prevent it.

Such a war may come again; in fact, the world today is preparing for such a war. If it comes, let us not be in the position we were in before we entered the last World War. Let us not drift along through diplomatic correspondence and protestation with regard to neutral and belligerent rights while the destruction of the lives of our citizens goes on, until eventually there is repeated the death and destruction and misery and grief that we experienced and the conditions that we have suffered ever since the last great war.

I sincerely believe that the enactment of this joint resolution will keep us out of the next great foreign war. I appeal for the passage of this resolution.

Mr. VANDENBERG. Mr. President, I have listened with the greatest interest to the sustained and persuasive statement made by the able chairman of the Committee on Foreign Relations. With at least 90 percent of it I am in complete and cordial agreement; and I now state that I think the Senator from Nevada has put the country under a debt to him for the open-minded way in which he has undertaken the composition of the difficulties which his committee confronted. I rise to agree with almost everything he has said, but to dissent with equal vigor and prayerfulness at one very important point in the joint resolution; and at that point I shall offer what I believe to be a corrective amendment.

Mr. President, the Senator from Nevada quoted frequently from the observations of the late Secretary Lansing. I may say in passing that I think one of the most illuminating exhibits that have come to light as an aftermath of our experience in the World War is a memorandum from the late Secretary Lansing which was written on May 3, 1915, and which has just come to the surface through gift of Princeton University. Speaking of the quick disillusionment of neutrals in 1914 and 1915 in respect to their faith in neutral rights, Mr. Lansing said—and this is out of the life story of America in the World War, and it comes at first hand from the man who was in key position to know—

It did not take many days to show that this belief—

Namely, the belief in the rights of neutrals—

was unwarranted. New means of communication, new methods of locomotion, new engines of destruction untested in actual war, and the consequent changes in military and naval operations created new conditions to which the long-established rules of war did not and could not apply.

The result was a general uncertainty as to what belligerents could properly claim as justified by these changes and to what extent neutral rights were affected. As the war progressed and

increased in magnitude and intensity, it became more and more apparent that the existing rules were inadequate, until the standard of conduct which had developed during previous wars seemed to melt away.

Mr. President, we stand in that particular gap this afternoon. It is still true that the existing rules as the world has undertaken to make them and apply them in respect to war for the hundreds of years past no longer stand in the same relationship to physical facts that they did heretofore. The standards of conduct heretofore apparent and heretofore available as precedents have melted away. There is need for a new rule, and, in my humble judgment, the report which has been submitted by the able Senator from Nevada from the Committee on Foreign Relations, with one notable exception, does lay the basis for a new rule of conduct which will extend to the American people, so far as is practicable by statute, as complete a degree of quarantine against other people's wars as it is possible to write in black and white.

I will continue for a moment with this revealing document of the late Secretary Lansing, which has just come to publication. Mr. Lansing became a realist in the midst of his travail and work. Remember this was written during the heat of the controversy.

What does a government whose people are dying by thousands for the sake of their country care about a legal right of property? What is the observance of law compared to a nation's life? How much do commercial interests weigh against the sacrifice of human life? That is the attitude of the governments of warring Europe. Can we blame them for their indifference to our legal rights? Can we blame them for their bitter complaints that we are mercenary, selfish, and unsympathetic when we insist that our rights shall be respected, if to do so seems to conflict with their efforts against their enemies?

Then Secretary Lansing says in this memorandum:

Unless this Government is prepared to back up its threats with force it is useless to make them. No one believes that we could go as far as that, if it can be honorably avoided. There is only one way to avoid the issue, and that is to adopt a conciliatory and amicable tone. Even that may fail to give partial relief, but it is the only way to obtain any relief under present conditions.

So, Mr. President, it seems to me that the thing we are undertaking to do in respect to this new permanent neutrality code is to change the conditions under which we shall confront our next challenge and our next crisis if, God forbid, it comes.

In that connection I wish to read one sentence from the late Admiral Sims, who certainly was about as belligerent and dependable a patriotic defender of America as ever wore its uniform and about as far from being a pacifist as a man could be. Admiral Sims said:

If war arises, we must choose between two courses—it is a choice of profits or peace. Our trade as a neutral must be at the risk of the traders. Our Army and Navy must not be used to protect that trade and our country must remain at peace.

That is a very extreme statement of the objective, but, so far as its philosophy is concerned, I subscribe to it completely, namely, that our traditional neutrality policy for 150 years has subordinated peace to commerce, and now we are proposing to subordinate commerce to peace.

Mr. BONE. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. BONE. May I presume to contribute a little further to the statement the Senator has made concerning Admiral Sims, who added, what I think is a self-evident truth, that if we are going to preserve the doctrine known as "freedom of the seas" we must prepare to underwrite it by force of arms, by the use of the Army and Navy. He makes that very plain, and certainly he speaks with authority, having commanded the American fleet during the World War; and, I take it, if any man knows what this is all about Admiral Sims should know. In other words, we must prepare to underwrite trade under the "freedom of the seas" doctrine with the lives of our boys. I do not think there can be any escape from that conclusion, which Admiral Sims has made very plain. The election is before us right now. I know the Senator agrees with my views in that respect; at least I think he does.

Mr. VANDENBERG. I do agree with the Senator. I think our problem is: Are we willing to pay the price for neutrality? Are we willing to pay the price for a quarantine which has reasonable promise of success?

Mr. BONE. President Roosevelt made that very apparent in a speech delivered by him not long ago when he said we must deliberately make the election between peace and profit.

I hope I am not intruding on the Senator's time.

Mr. VANDENBERG. Not at all.

Mr. BONE. But it seems to me that the worst perversion of logic is to refer to so-called war profits as real profits.

We loaned nations in Europe \$12,000,000,000 with which to buy goods from our people, and we are now paying the \$12,000,000,000. The debt was translated into bonds on which every Member of the Senate will pay in his income-tax payments within the next few days. It seems to me that of all the stupid perversion of logic is to talk about war profits. To be sure, the Du Ponts made great profits during the war, sufficient to buy control of General Motors and Remington Arms, and to obtain all the worth-while chemical patents in the country, and it must give us a thrill of exultation to know that when we pay our income taxes we are helping the Du Ponts buy all that property. In other words, they cashed in, and the whole country has sweated in the income tax to pay the profits that grew out of the war. That is why I am so much in sympathy with the Senator's viewpoint.

Mr. VANDENBERG. I thank the Senator from Washington for his observation.

The Senator from Nevada has so completely covered the affirmative case in behalf of the joint resolution as submitted that I am quite content to rest my agreement with him upon what he has said, but I would not be satisfied if I should fail briefly to assert the faith that is in me in connection with the particular thing we are now undertaking to do.

I want to register my complete approval of the following affirmative steps which find themselves embodied in this proposed act:

First. I unequivocally endorse the complete mandatory embargo upon loans, credits, arms, ammunition, and implements of war to all peoples in a given crisis. This substantially demonetizes the commercial motive and the profits impulse in whatever degree they may have operated or may hereafter operate, to affect our own domestic status in respect to other people's wars. Furthermore, it automatically removes an inevitable source of international resentments and frictions which, like creeping paralysis, can climax in a deadly menace to our own tranquility.

Second. I endorse without reservation the complete, mandatory prohibition against American travel in belligerent ships except for a brief period of evacuation after war starts. Whenever a citizen insists needlessly upon going into danger it is the inevitable psychology of the circumstance that he carries his country into precisely the same element of danger. His rights should summarily stop where they intrude upon the rights and safety of 125,000,000 of his fellow citizens back home. "Freedom of the seas" for the individual, in other words, is infinitely less important than "freedom from the war" which might finally have to be fought to vindicate a fruitless principle.

Third. I unequivocally endorse the mandatory so-called "cash and carry" formula respecting the shipment of commodities, other than arms, ammunition, and implements of war, to all belligerents. Under this practice, the commodities are not our goods if they get into subsequent trouble, and consequently their destruction is not an invasion of our rights if anything happens to them. Therefore we avoid the resultant issue which could otherwise lead us into war in defense of a commercial interest that is not worth the hazard involved. True, this reverses and circumscribes traditional practice; but it is far more honorable, as it is also far more practicable, to change the rule ahead of any necessity for its use than to cling to an old practice which asks for trouble, and usually gets it, and which, far too often,

involves us in equivocal interpretations of our own rules when we try ultimately to avoid some of the precise responsibilities which the old rules would perpetuate.

Fourth, I unequivocally endorse the addition of armed merchantmen to that group of belligerent vessels, along with submarines, which the President may prohibit from entering our ports; and the mandatory prohibition against arming our own merchantmen when engaged in trade with belligerent countries. The latter provision will eliminate a large measure of incentive to friction and trouble, yet it will not rob our own ships of any realistic defenses.

I believe so deeply in all of these provisions of the joint resolution that I probably ought to dwell at greater length upon them and extend my argument, lest what I shall now emphasize in respect to the sections of the measure which I criticize should seem to be my dominating theme. But if necessary, this can come later. It is simply because the distinguished chairman of the Foreign Relations Committee has so conclusively covered these strong points that I leave them with this brief endorsement. The brevity of the endorsement in no sense bespeaks any limitation upon the enthusiasm with which I approve the sections to which I have referred. Indeed, it is my profound belief in the wisdom of all these other portions of the bill that leads me the more earnestly to seek to save it from what I believe to be an utterly serious fallacy and weakness of the one portion which I shall now briefly discuss and in connection with which I wish to offer an amendment.

I move to amend the joint resolution by striking out section 2 (a) commencing on page 8, and sections 2 (c) and 2 (d) on page 10. If this amendment carries, there will be need for a slight correction in section 2 (b) at the top of page 10. But the motion in its present form suffices to raise the general issue which I present to the Senate.

Mr. BORAH. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. BORAH. May I submit an inquiry to the Senator at that point?

Mr. VANDENBERG. Certainly.

Mr. BORAH. I understand the Senator has moved to strike out subdivision (a) of section 2, and subdivisions (c) and (d).

Mr. VANDENBERG. That is correct.

Mr. BORAH. But he would leave intact subdivision (b)?

Mr. VANDENBERG. That is correct.

Mr. KING. Mr. President, I did not understand with respect to subdivision (b).

Mr. VANDENBERG. I hope that will remain in the resolution.

Under section 2 (a) the President decides for himself whether commodities (other than arms, ammunition, and implements of war) shall be allowed to travel to belligerents in American ships; and also to decide what commodities shall or shall not be prohibited to American transport.

Under section 2 (c) this Presidential authority expands as the theater of war enlarges.

Under section 2 (d) the President can change his mind about these matters as often as he pleases, and manipulate the embargo accordingly—all within the rule, of course, that his decisions are "necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States."

Since nothing is certain but uncertainty under this fluid power, it is my conviction that it is impossible to use such a power, under such circumstances, to promote our security or preserve our peace or to protect the lives and commerce of our nationals. On the contrary, I believe the very existence of such a fluid power is inherently an almost unescapable threat to all of these cherished objectives no matter how faithfully any President may seek to act.

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

Mr. VANDENBERG. Certainly.

Mr. BONE. I do not know that I understood the full extent of the Senator's motion, but I take it he would also want to strike out subdivision (d) of section 2 since it relates wholly to subdivision (a)?

Mr. VANDENBERG. I have moved to strike subdivisions (a), (c), and (d).

Mr. BONE. I thank the Senator.

Mr. VANDENBERG. In what I have said thus far regarding the hazard of this discretionary floating Presidential authority, there is no reflection upon the wisdom or the patriotism with which a President might try to use this discretionary power. Let those virtues always be presumed to exist in the White House. The trouble is implicit in the formula itself because we cannot escape the trouble so long as the formula stands. I desire to prove what I mean by that statement.

The subdivisions which I have moved to strike out create a double discretion and this double discretion, in my view, is a double invitation to exercise an unneutral authority; or, let us more scrupulously say, an authority which, when used, will be interpreted as unneutral by whichever belligerent is the more adversely affected. This interpretation will result, in the natural course of human events, no matter how impartially the President may think he has acted and no matter how nobly meditated his action may be. The vice of the matter is inherent in any neutrality decision which is postponed until after the necessity for its application has arisen.

In any given war status, after hostilities are under way, if the President exercises the first of these discretions and takes American ships out of belligerent trade in goods other than munitions, he is bound to hurt one belligerent more than another; and no matter how devotedly he may have thought solely to consult American interests, the effect of his decision will be to precipitate resentment, if not reprisal, from the belligerent which gets the worst of it.

Nor is that all. If the President exercises the second of these discretions and picks and chooses the American commodities—other than munitions—which shall not be carried on our ships, leaving other American commodities that can be carried on our ships, he brings us face to face with a double jeopardy. One, he enrages the belligerent which is principally penalized by his selection of commodities to be proscribed. Two, he morally underwrites the traffic in commodities that are not proscribed, and thus substantially vitiates the effect of the other provisions in the joint resolution which intend that all belligerents shall buy at their own risk. On this latter score this section of the pending measure is incompatible with the balance of the joint resolution. On the former score it can easily be so unneutral, in net effect, as actually to be an invitation to war instead of a warrant for peace. Indeed, under extreme provocation the exercise of such a power could be tantamount to a potential declaration of war itself. Use of such a power can be equivalent to sanctions. Most Americans are opposed to sanctions. Sanctions, in any degree, are not the American road to peace. They are the route into other peoples' wars.

If we learned one thing more than another in our perplexing experiences when we were trying to keep out of the World War, it surely was that basic neutrality decisions cannot be safely made after the necessity for them arises. The inevitable forces of human nature, the inevitable human reactions, make it impossible. Such decisions are at the mercy of belligerent resentment and reprisal abroad. They are at the mercy of commercial pressures at home. I pity the President who would try to use the particular discretion which I discuss. I pity the country's neutrality and the success of its quarantine against other peoples' wars if he should attempt to use it. I think it is inconsistent with the philosophy of the balance of the joint resolution and incompatible with its objectives. My only consolation, if it shall stay in the resolution which I otherwise so heartily applaud, is that the difficulty of its use probably would preclude its use. But if it be not used even the refusal to use it could stir up a hornets' nest of rival clamor. From any viewpoint it is better out than in.

Under the final paragraph which my amendment would delete, the invitation to uncertainty reaches its logical conclusion. The President "may from time to time change, modify, or revoke" his permits to American ships and to commodities carried on them. That, in my view, would be

an utterly dangerous manipulation. It would be playing with fire. It would spell serious jeopardy to every objective we are attempting to promote in this measure.

I do not believe there is any tenable middle-ground in dealing with the transportation factor in this equation. We must either write the law so that it orders all American ships out of this trade with belligerents—which would be a needless extreme and one requiring profound study before being embraced—or we must eliminate the present effort to reach shipping in the present joint resolution. The theory of the balance of the resolution, as respects general commodities intended for belligerents, is the theory of transferred risk—namely, that title passes to the foreigner ahead of export. They are foreign commodities—not American commodities—if anything happens to them. The foreigner not only owns them but he, the foreigner, arranges for their transport. The only appropriate specific limitation upon that transport, so far as we are concerned, it seems to me might be to further emphasize the doctrine of “transferred risk” as was proposed in Senate Joint Resolution 60, Clark et al, by voiding any American insurance contracts on an American ship in such trade precisely as it is proposed to void American insurance on the cargo—although, in my judgment, the latter voidance is substantially adequate for all practical purposes.

Mr. BONE. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. BONE. At this point in the Senator's argument I wish to suggest that while I am wholly in sympathy with the viewpoint expressed by the Senator and the provisions of the joint resolution which he is discussing at this point, of which he approves, there is always a possibility of very serious trouble arising out of the fact that while the vessel itself might be destroyed by a submarine, by an airplane, or by a war vessel, and while we divorce ourselves from any liability on the part of the Government to make a claim as to the cargo itself, or to lay the foundation upon which a claim could be predicated and which might cause trouble, nevertheless, if the vessel itself were sunk, it is property of the same general type and character as the cargo.

If we are going to divorce ourselves from responsibility, it has seemed to me highly desirable, if we are going to be logical, to divorce ourselves from responsibility for the vessel itself, because we might be dragged, as we were before, into endless controversies over cargoes and vessels that were injured in this trade, and the destruction of a vessel might readily lend itself to another misunderstanding, as well as the destruction of the cargo.

I feel that it is only the course of logic and horse sense to deprive the vessel itself—the engine, the hull, the whole vessel itself—of the protection which we strike from the cargo; that is, if we are going to be realistic about this matter, and not go to war because some fellow's dollars are injured in war trade.

Mr. VANDENBERG. I think the Senator carries his argument to a logical conclusion. My difficulty is that there are many other national considerations involved in ships upon the sea which I cannot too lightly dismiss with a simple willingness further to detach ourselves from war trade. It seems to me that if we emphasize the philosophy of transferred risk we have gone a substantial distance in the direction of the goal which we are seeking to reach. So long as subsection (b) of section 2 remains in the joint resolution we have the emphasis upon transferred risk; and the American vessel which goes to sea with foreign goods under those circumstances, particularly if it has to buy foreign insurance in the same connection—and that was the basis of the Clark-Bone-Nye-Vandenberg proposal—it seems to me, is on notice that it is proceeding at its own risk to a degree which would sharply delimit the repercussion if something should happen.

What I wish to say to the Senator from Washington, however, is that if he would achieve the purpose to which he addresses himself in his inquiry to me he certainly cannot do it under the language as it is written in the joint reso-

lution, because this proposal is neither flesh nor fowl; it is half of one thing and half of the other.

Mr. BONE. Mr. President—

Mr. VANDENBERG. I yield further to the Senator from Washington.

Mr. BONE. The thing that disturbs me in this connection, and the thing that is going to rise like Banquo's ghost to disturb all of us if another war occurs in Europe and we are dragged in again because the huckster finds himself in trouble, is surely going to arise under this joint resolution, because the moment the cargo is shipped and title to the cargo has passed from the American vessel and is vested in the belligerent or his agent, if that cargo then be carried in a ship flying the American flag, more surely will that ship be attacked on the high seas; more certainly will we invite an attack on that ship by that very process.

Suppose every belligerent nation knew that every cargo that went from an American port belonged to a belligerent nation but was being shipped in a vessel flying the American flag. Just what is the nation with its back to the wall going to do in a case of that kind? Let us conjure up an imaginary picture.

Mr. VANDENBERG. Let me interrupt the Senator just at that point to ask him how he has helped himself in respect to the problem he now describes by the language now in the joint resolution, which is simply a fluid power in the hands of the President to say, “This ship may go; that ship may not go. This ship may carry cotton; that ship may not carry copper.” Does the Senator think he has arrived at any safety zone by that sort of a discretion?

Mr. BONE. Oh, no! I repudiate the thought that there could be any safety in that sort of business.

Mr. VANDENBERG. That is the provision of the joint resolution.

Mr. BONE. That is putting in the hands of one man virtually the right to determine the terms and conditions upon which we might very readily declare war.

Mr. VANDENBERG. Of course I wish to be quite fair about the matter. We are insisting that the President find, as a fact, that there is a jeopardy to American peace when he does it.

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

Mr. VANDENBERG. I yield to the Senator from Nevada, of course.

Mr. PITTMAN. I think the Senator's speech is as fluid as he says the section is. He says the section says that the President may say, “This ship may take cotton and that ship may not take cotton. This ship may take that and that ship may not take that.” That may be quite definite to the Senator's mind; but, as a matter of fact, any order the President makes will apply to all American ships.

Mr. VANDENBERG. Yes.

Mr. PITTMAN. The President cannot say that one ship may take cotton and the other copper. I do not want that misunderstood.

Mr. VANDENBERG. I did not intend to draw the distinction the Senator draws. I was simply illustrating the fact that cotton might be permitted to go and copper might be prohibited, or one commodity might be licensed and another commodity might be proscribed. There is no question about that.

Mr. President, that is the point at which I quarrel with the joint resolution. I have said all I wish to say about it, except that in conclusion I desire to quote the observations of one who I think is probably as wise a patriarch upon these problems as we still have under the American flag, Mr. John Bassett Moore. With direct application to the sections of the joint resolution which I am moving to strike out, I read the following:

It is the discretion given to the President which has drawn sharp and weighty criticism from Mr. John Bassett Moore, the greatest living American authority on international law.

I am reading from Mr. Lippmann:

If I understand his objection, it is that to let the President have the power to decide whether a nation may have oil or copper or wheat when it is fighting for its life is to give him power to intervene in the war and perhaps to decide who is to win. Judge

Moore argues that the injured nation would regard whatever the President did as an unfriendly act, as tantamount to waging war on the side of its enemies. "Nothing," he says, "could more surely tend to involve us in war." Moreover, he suggests that to leave the President with such undefined power would mean that he would become the center of furious pressure from Americans who sympathized with one side or the other.

Mr. President, for these reasons, which I have very briefly submitted, I shall ask in due season for a roll call on the amendment striking these sections from the joint resolution. I think the joint resolution is stronger without the sections to which I have been drawing attention. I think without these sections the joint resolution makes a thoroughly splendid advance in the direction of quarantining America against other people's wars. We have probably reached a point in a foreshortened world where we cannot be isolationists, but we certainly have not reached a point where we cannot be insulationists.

Mr. PITTMAN. Mr. President, I do not wish to take up much of the time of the Senate; but I desire to answer very briefly the arguments presented by the Senator from Michigan in his motion to strike out subsection (a) of section 2.

The Senator has read a published statement by Mr. John Bassett Moore that the action of the President in placing an embargo upon American ships carrying certain goods might be considered unneutral by some of the warring countries, and might lead us into war.

In the first place, I desire to say that I have always denied that that was a reasonable policy that we should consider at all. I think we have a right to protect our safety first; and then, if some government wishes to attack us by reason of our relations with our own citizens, let it attack. We shall not be responsible for such war; it will be on our side of the ocean; we shall have the advantage, and we shall win. I think there is a whole lot more fear in the minds of the people that two warring forces are going to seek to drag us into the war. We do not fear attack.

Germany did not try to drag us into the last war, on the other side of it, although practically all of our exports were going to Great Britain and her allies. Germany had the alternative of deciding whether she should stop sinking merchantmen and destroying commerce which was going to Great Britain and thereby keep us out of the war, or whether she should keep on destroying the commerce and thereby bring us into the war. Her statesmen advised Germany to stop the submarine destruction and thus keep us out of the war, but her naval and army officers gave the contrary advice; and so we went into the war. If, however, we have this constant threat of doing this or doing that in the form of a restriction on our own nationals and our own ships, and therefore by reason of this fear we refrain from protecting the lives of our citizens, we are liable to have war. We have no fear some belligerent is going to sneak around and attack us because we try to keep out of the war.

In the first place, it is totally unreasonable. There have not been many widespread wars where the opposing forces were not quite evenly matched. This is brought about through alliance for balance of power. The next world war I have in mind would be the same kind of a world war we had 20 years ago. Every one of the countries engaged in the last World War would be in it and perhaps others. Just exactly how they would be divided, I do not know, but there would be plenty of divisions. Neither side will desire to force us on the other side.

I say again that there is nothing we can do toward restraint of our citizens or our own commerce that will induce either side in a coming war to commit an act of war against us, and they would not have done it in the World War if they had known what the result was to be. The statesmanship of Germany regrets today that they ever continued with the submarine warfare and forced the United States into the war against it; there is no question about that.

Even if it could be held that it is unneutral for us during war to withhold the shipment of products to the countries which had generally been receiving them, that could not happen under the proposed law, even with subsection (a) of section 2 in it, because subsection (b) of section 2 allows

foreign belligerents to get anything they want in this country. They can come and get it in their own ships; they can come and get it in the ships of any other neutral. If we should absolutely prohibit our ships from going out of our harbors, no belligerent would be injured at all. The only one who could be injured would be the shipping company, and in certain cases I would rather we should pay hundreds of millions of dollars in the form of bonuses to shipping companies than to have the lives of seamen taken as they were taken during the last war. This subsection is inserted in order to save the lives of seamen.

The property of our citizens would be saved under subdivision (b). The subdivision I am discussing, subsection (a), is to save the lives of seamen, and it will not be used unless it is necessary to save the lives of seamen, but if it were necessary, and I were in control, rather than send the sailors on our merchant vessels into the danger zone in the ocean, unmarked and mysterious, and have submarines sink them without notice, in the nighttime, and with no precautions to protect their lives, I would rather tie up every one of our ships in the harbors of this country and pay the ships a bonus for having injured them. But I do not believe that any ship would be injured if we should not allow them to carry a solitary thing to a belligerent country during a war such as the one we had before.

As far as belligerents are concerned, they will be seeking big ports like ours. The ports on the Pacific and South Atlantic will be abandoned by many ships, as they were during the last World War. Shipping to every place except to the big ports will be gone. There is no doubt but that our merchant marine can easily and rapidly transfer its commerce from belligerent ports to neutral ports of the world.

In such a world war as the one we had before there are going to be great inducements to American ships to sail into belligerent ports, and I would not let them sail into belligerent ports under the conditions which existed in the last war. But if the conditions are different, if there is some respect on both sides shown for us during the next world war, no such act as that proposed will be necessary.

Again, no such act will be necessary if we do not allow our ships to arm. Never again will a belligerent submarine sink our neutral ship that is known to be unarmed. This provision is not intended to prevent cargo destruction; it is intended to prevent the destruction of seamen.

I am unwilling that there should not be some provision in the measure to protect the lives of seamen on our freight ships.

Mr. BONE. Mr. President, I should like to inquire concerning the matter of vessels flying the American flag handling cargoes of the character contemplated in subsection (b) of section 2.

Mr. JOHNSON of California. Mr. President, will not the Senator speak a little louder? All I am fit for in this debate today is to listen, and I should like to hear what is said.

Mr. BONE. I apologize to the Senator. Subsection (b) of section 2 requires any shipper to divest himself of title, but I assume without question that an American vessel might transport such cargo.

Mr. PITTMAN. I think so; it is not prohibited.

Mr. BONE. I wish to suggest again that it seems to me there would be every impulse on the part of a belligerent to want to destroy a vessel carrying cargo the title to which had vested in a belligerent nation that was engaged in war with the nation having the submarine or the airplane out in the open. Therefore the sailors on a ship flying the American flag carrying that type of cargo might certainly more likely subject themselves to the danger of being destroyed than if the cargo belonged to American citizens. It would seem that way to me. I suggest that to the Senator, because I am sure he must have thought of that particular phase of this controversy. I am wondering whether it would not be the part of wisdom, since we are withdrawing protection by this means from one form of property, to withdraw it from the other form of property, which is the vessel itself.

Mr. PITTMAN. I see the Senator's point, but the very minute the title is transferred to a foreign government, or to the agency of a foreign government, or to a national of a foreign government, we get that much closer to the question of contraband, and if the goods are contraband, they are subject to destruction.

POSTPONEMENT OF STAR-ROUTE CONTRACT AWARDS

The PRESIDING OFFICER (Mr. LEE in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, which were, in line 4, to strike out "any star-route contract" and insert "star-route contracts for which bids have been received in the first contract section", and in line 5, to strike out "31" and insert "1."

Mr. HAYDEN. Mr. President, at the request of the chairman of the Committee on Post Offices and Post Roads, the senior Senator from Tennessee [Mr. MCKELLAR], who is occupied in a hearing, I move that the Senate concur in the House amendments. The effect of the main amendment is to accomplish all that is desired. The only star-route contracts which are involved and which can be postponed relate to the northeast section of the United States.

Mr. KING. Mr. President, for my information, what is the principle involved, and what was the source of the controversy between the House and the Senate?

Mr. HAYDEN. There is no source of controversy. The House merely defines in a better way what is sought to be done.

Mr. KING. As I recall, when the bill was before the Senate the Senator from Tennessee objected to it.

Mr. HAYDEN. No; the Senator from Tennessee favors the enactment of the proposed legislation. It is by his request that I am moving that the Senate concur in the House amendments.

Mr. KING. If it meets the views of the Senator from Tennessee, I have no objection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona that the Senate concur in the amendments of the House to Senate Joint Resolution 84.

The motion was agreed to.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935."

Mr. BORAH. Mr. President, section 1 of the pending measure provides, in general, that when the President finds a state of war to exist between foreign governments he shall issue a proclamation to that effect, and it shall be unlawful thereafter to ship arms, munitions, and implements of war to the belligerent countries or to neutral countries for the purpose of reshipment. I think all the members of the Committee on Foreign Relations are entirely favorable to that provision. It seems to me a wise provision.

The next important section provides that practically the same rule shall prevail where the President finds that civil strife has reached such magnitude as to endanger the peace of the United States. That also, I think, has the entire approval of the committee.

There is a provision also which prohibits the making of loans or the establishing of credits for belligerents. There is

also a provision which prevents American citizens from traveling on belligerent ships, and a provision relative to arming merchant ships. As I understand, there was no controversy in the committee on those questions, and I very heartily approve them myself.

I regret, however, that I am unable to follow the Senator from Nevada, the chairman of the Committee on Foreign Relations, with reference to subdivisions (a) and (b) of section 2. The subject of neutrality is a difficult subject on which to legislate, and in my judgment the chairman of the committee has, with a great deal of patience, industry, and ability, worked out a very desirable measure except as to two provisions. But these two subdivisions seem to me to establish an entirely new national policy, and if they are to have that effect, certainly we ought not to pass them without very thorough discussion as to their probable bearing upon the interests of our people.

Something has been said already in regard to subdivision (a) of section 2. I desire now to call attention to subdivision (b) of section 2. This is to be a statute, not to be put into operation in the discretion of the President, but is to be an established law of the country. It becomes a rigid statute when the President issues his proclamation under section 1. The President is given no discretion as to its terms or as to its operation.

I read subdivision (b) of section 2:

(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

The section is well drawn to accomplish the purpose which the able Senator has in mind. I make no technical objection to the section. But I inquire what will be the effect of this provision if it is made the established law? A great deal has been said, Mr. President, and it occurred today in the debate, about making profits out of war. I think the able Senator from Michigan [Mr. VANDENBERG] said that we had in the past sacrificed peace to profits, and now we are going to sacrifice profits to peace. Now, Mr. President, this provision does not sacrifice any profits. If foreigners come and buy, our people may sell at any figure at which the purchasers are willing to buy, and make any amounts of profits that war conditions enable them to make. Great Britain could come here and buy all our cotton or all our copper, if she were prepared to buy and pay for it, or as the able Senator from Nevada [Mr. PITTMAN] has said, buy anything that she desires, except arms, munitions, and implements of war, and the question of profits would obtain just the same as if the goods were carried in our ships or sold abroad by our agents. The question of profits, in other words, is not eliminated in any sense. We are making profits out of war. If we will just simply keep ourselves off the ocean the question of how much we make out of the war has no limitation upon it whatever. We seek to avoid all risks, all danger, but we make certain to get all the profits.

I ask, Who will make these profits? Why, the big corporations of the country. There is no one else who in all probability can meet these situations and supply the materials which will be necessary. The great oil companies can make their profits. The steel interests can make their profits. The munitions makers in an indirect way can make their profits. It will result, in my humble opinion, in the

great corporate interests of this country furnishing supplies to those nations to whom they wish to furnish the supplies, to any nation that wants them and to which they are willing to sell. A perfect combination can be made between a nation and the great corporations of this country to supply anything that the nation in question needed. They would run the war.

What would have been the result at the beginning of the World War, with the American interests and other people's interests in that situation being what they were, had this provision been the permanent law of the land at that time? Americans could have supplied the Allies with whatever the Allies desired, and their profits might have been anything that they could make, and there would have been no limit upon the transactions whatever. Or they could have supplied the Central Powers.

Now, what becomes of the question of making profits out of war?

Mr. VANDENBERG. Mr. President—

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

Mr. BORAH. I yield.

Mr. VANDENBERG. The references that I was making to the subject of demonetizing war go chiefly to the other sections of the bill, which, I am sure the Senator will readily agree, do circumscribe the possibility of making profits.

Mr. BORAH. I thoroughly agree with all the provisions of the bill with the exception of subdivisions (a) and (b) of section 2. I cannot speak too highly of the measure as it stands so far as these other provisions are concerned. It is well drawn and covers the subject, and covers it effectively, and I am thoroughly in accord with it. But I ask the Senators to consider seriously how this new proposition is going to work. It makes us an ally with Great Britain in such a war as came up the last time. It makes us an ally with Japan upon the Pacific coast. What other nations, which do not have the navy to protect the purchases, can come here and get them? It is a program for nations with large navies. It spells the doom of small nations.

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

Mr. BORAH. I yield.

Mr. PITTMAN. What provision would the Senator suggest that would prevent us from becoming an ally to Japan and Great Britain in that particular way that he suggests?

Mr. BORAH. If we were carrying the material ourselves, or selling the material ourselves, we could sell it to any nation or carry it to any nation we might choose, however small or incapable the nation might be as a naval power. Only those nations which are capable of coming and getting the material, those who have the big navies of the world, can come and operate under this provision.

Mr. PITTMAN. I cannot quite agree with the Senator. It does not say that no ships except belligerent ships can come and get the goods. There might be 50 neutrals in the next war. There were 50 neutrals during the last war. The ships of neutrals can come and get the goods.

Mr. BORAH. Mr. President, if Great Britain or Japan were interested in the question, there would be very few neutrals who would enter into transactions contrary to their interests.

Mr. PITTMAN. There were very few neutrals that helped Germany during the World War.

Mr. BORAH. Certainly. They were whipped into line. But I am sure the Senator will agree that if the nations which have great navies now desire to command this situation, they can do it.

Mr. GERRY rose.

Mr. PITTMAN. They can command it whether the goods are paid for here or are not paid for here.

Mr. BORAH. Mr. President, I do not agree with that proposition. The United States is one of the great powers of the world. It cannot be dictated to unless it consents to be dictated to on every question which arises upon the part of other nations. We might be perfectly willing to

carry these goods under different terms than those which Great Britain would permit.

Mr. PITTMAN. I do not disagree with anything that the Senator has said with regard to those governments that have control of the sea, by which their navies, generally speaking, can control where the goods can go; but as concerns the effect had upon them I do not see what difference it would make whether the goods are paid for in this country or paid for somewhere else.

Mr. BORAH. I now yield to the Senator from Rhode Island.

Mr. GERRY. I agree heartily with what the Senator from Idaho is saying, that the real crux of the question is the control of the sea. If our Navy is strong enough, we can dictate to any belligerent country. We cannot be second to any if we really want a carrying out of neutrality. That is fundamental.

But what I had in mind when I rose to my feet was to ask the Senator from Idaho a question. One of the final acts that brought us into the World War was the German declaration enlarging and extending the blockade. One of the things that has been troubling me with reference to this joint resolution is this: If we have the cash-and-carry plan, it seems to me we have eliminated all the rules of blockade so far as we are concerned, or our interests are concerned, and that ships of neutral nations or the belligerent nations that are carrying goods right from our ports are liable to search and seizure immediately outside our ports. Of course, during the World War Great Britain had warships outside our ports before we came into the war. But it seems to me that the danger is much greater, especially with our coastwise shipping. Possibly we may be carrying goods to South American ports which are not blockaded, there being no line of blockades which will cause the search and seizure to be made much closer to our own waters, and our own shipping will be interfered with because, as the chairman of the committee stated, during the World War even in the blockade area it was very difficult for the German submarines to determine what was neutral shipping and what was not.

Mr. BORAH. I thank the Senator from Rhode Island.

What tendency has this to keep us out of war?

Mr. PITTMAN. It prevents an excitement in this country on the part of our citizens if they lose their goods. There was considerable excitement of that nature during the World War.

Mr. BORAH. Yes. Now, Mr. President, let us assume that the condition is such as it was in the beginning of the World War, because we are not concerned about the little wars that happen in the different parts of the world which do not concern us. As the Senator from Nevada stated, he is thinking about a world war, a conflict involving great nations. Let us suppose that two or three nations, such as Russia and Germany and Japan, are fighting with their backs to the wall, that all have strong navies, and one of the belligerents comes here to buy our goods at our ports; it would transfer the war to our shores. Does the Senator suppose that one belligerent will stand idly by and see the goods loaded upon ships which are carrying them to its opponents?

Mr. PITTMAN. Why did they not transfer the war to our ports during the last war?

Mr. BORAH. They did come very near doing so. They were right in our ports on two or three different occasions. Had this law been in operation, I fear the scene would have been closer home.

Mr. PITTMAN. Did they not move supplies themselves, and did they not have the right to come outside our ports, as they have now, and is it not a matter of fact that they selected the areas in which they destroyed commerce?

Mr. BORAH. I am speaking now in case we did not undertake to go on the ocean, but the ships of some belligerent nation came here for the purpose of carrying away our goods. I say that another belligerent nation will not stand idly by and see those goods loaded upon the ships of its enemy.

Mr. PITTMAN. The belligerent ships of Great Britain herself were here all the time before we went into the war.

Mr. BORAH. We were not then operating under any law such as the one now proposed.

Mr. PITTMAN. But they were here, and they were not attacked outside of our ports. There were 10 times as many neutral belligerent ships moving our goods as there were American ships moving our goods.

Mr. BORAH. The next war, Mr. President, will, in all probability, be fought as much by airplanes as it will by ships, and perhaps more so, and the transaction by which we transfer our help to some belligerent will take place where the airplanes can reach us just the same as they could reach us upon the ocean.

I cannot conceive of a nation fighting for its life not making any effort to prevent our supplying its enemy, and if the effort should be made it seems to me the inevitable result would be to draw the war closer to our shores than if we should undertake to carry the goods ourselves. I do not see how it prevents profits in war; I do not really see how it really contributes to peace. I see how the great corporations of this country would be practically in control of supplying materials to belligerent nations.

Mr. PITTMAN. If the Senator will pardon me, I do not think that it has any control over profits, and I do not think that it has any effect on the goods at all, except that when they are destroyed, as goods were destroyed during the last war, it will not be our goods that will be destroyed; and, of course, every time the goods of an American citizen are destroyed during a war he thinks it is wrong and he certainly makes a complaint. It will eliminate that controversy as to the destruction of property which in the past we have claimed was illegally destroyed.

Mr. BORAH. If the able Senator will permit me to say so, it seems to me that it puts us at once in alliance with those big-navy nations which can come and get the goods.

Mr. PITTMAN. Our merchant marine is so small even now by comparison with the merchant marine of Great Britain that they would not have to depend on our carrying the goods any more than they depended on our carrying the goods during the last war.

Mr. BORAH. And our merchant marine will always be small if we indicate our willingness to get off the sea every time there is a howl that danger is upon us.

Mr. PITTMAN. We did not get off the seas the last time, and we came out of the war victorious; but I hope we shall never again have to win such a costly and futile victory.

Mr. GERRY. Mr. President, does not the Senator think, though, that when we adopt such a policy as he has indicated, under which neutrals and belligerents carry goods from our shores, and they are not carried by our shipping, the nations engaged in war will not fear American reprisals so much and will come closer and closer to our ports, and especially after we have enacted legislation such as this, which fundamentally states that we want to avoid war at all cost and that we are not preparing to protect ourselves?

Mr. BORAH. I quite agree with the Senator.

Mr. PITTMAN. Mr. President, I should like to submit a further suggestion. I think that the economic proposition will appeal to many people more strongly than anything else; and if we should compel the people of this country to take cash instead of taking some of the notes of the people of foreign nations that would be a very good thing, would it not?

Mr. BORAH. Yes; that would be a very good thing. When we can get cash from the people over there, let us take it rather than agreements to pay.

Mr. PITTMAN. Let us, then, put it on purely economic grounds.

Mr. BORAH. Furthermore, Mr. President, we do not undertake to deal with neutral trade. Our ships may carry all kind of materials to neutral ports, that is, if they are not for transshipment. Let us bear in mind that our first great controversy of the last war arose over the interference of certain belligerents with our shipments to neutral ports. There was not a scintilla of evidence produced then or later

that such shipments were designed for transshipment. The belligerents went upon the ocean, found our flag and our ships, they took them into their ports and unloaded them, even if they were bound for a neutral port. The first great difficulty which President Wilson had was not with interference with shipping to belligerents but with shipping to neutrals. If in this instance we are going to keep out of war upon the theory of the bill, keep away from the danger of war, we must stop our shipping on the sea, because other nations at war will not discriminate as between neutral or belligerent ports, as they failed to do in the World War. Furthermore let us suppose our ships upon the ocean carry goods to neutrals what will be the attitude of these belligerents whose antagonists are being supplied by the United States. They will not be neutral ships in their eyes, they will be the ships of a nation which they regard as in alliance with their antagonist.

Mr. PITTMAN. I agree with the Senator that it is quite true that, through the doctrine of continuous voyage, which we have confirmed, we had a great deal of controversy over whether goods destined for a neutral country were for transshipment. I agree with him also that we can never entirely remove the controversy between neutrals and belligerents over shipments of goods to a neutral country, at least to a country which is nearby, as we know from experience.

I do not want to go any further than we have gone in section (b); that is, with regard to shipments to a belligerent country; and if the Senator from Idaho does not think that is safe enough, I do not know of any amendment he can offer except to prohibit the sale of goods to any country.

Mr. BORAH. The Senator misunderstands my position if he thinks I want to put any more handicaps on our shipping; I do not; but what I am saying is that this measure, as well said by the Senator from Nevada, is not one for protecting neutral rights; it is a joint resolution designed to keep us out of war. I am undertaking to show that if we, as a great nation, are furnishing materials to a belligerent nation, and other belligerent nations are concerned, it will inevitably draw us into the war. It may not be a war upon the ocean, but it will be a war to stop our supplying the materials. They will drop their bombs upon our manufacturing plants; they will destroy our manufacturing plants. If their backs are to the wall, they will not sit idly by and see the great United States throw all its war materials into the laps of belligerent nations.

Mr. PITTMAN. Is not that what we did during the World War? I do not see where the change comes in. If there should be a world war again and the commodities we produce should be shipped abroad, the same situation would arise as during the World War, for the great navies would control the shipments. Therefore the only question I am considering is whether or not, in the tremendous destruction of property which will be involved, the property will belong to our citizens, who are going to have it paid for before it leaves our ports.

Mr. BORAH. It seems to me we are going to have the war closer to us rather than to have it farther away.

Mr. PITTMAN. If the war was brought closer to our shores, it would not result in the destruction of the property of our citizens.

Mr. BORAH. It would do so if they destroyed the manufacturing plants.

Mr. PITTMAN. But they did not destroy the manufacturing plants during the last war.

Mr. BORAH. They certainly tried to do so.

Mr. PITTMAN. The Senator is proceeding on the theory that they want to invite us into war.

Mr. BORAH. No; I am not proceeding on that theory; I am proceeding on the theory that no belligerent nation will permit us to supply material necessary for its belligerent opponent to carry on its war if it can prevent it.

Mr. PITTMAN. How are we going to prevent supplying it unless we place an embargo on all of it?

Mr. BORAH. Mr. President, I am not one of those who believe that it is possible to provide a complete remedy against war, but what I am saying is that, in my opinion,

while the Senator has drawn an excellent measure, which does in many instances diminish the possibilities of war, it does not, in my opinion, fit in with the philosophy of the rest of the joint resolution.

Mr. PITTMAN. And I do not think there will be any change whatever with regard to bombing our country or where the goods go, whether or not they are paid for in this country; but I think it is the best thing that it is possible to do. It does not change the character of the goods; it does not change the effect of the goods; it does not change where the goods shall finally go; it does not have any effect upon what belligerents will do about them. I cannot see that it makes any difference in those respects; but if we strike it out, they can pay for the goods with draft attached and if we leave it in they pay for the goods on this side, and I do not think anybody will draw any distinction as to the goods.

Mr. BORAH. Of course, it is a matter of more or less conjecture as to what will happen; I agree to that; but suppose, for instance, Japan was engaged in a war with Russia; Japan could come to our shores, if she had the money, and could get whatever she wanted, for she has a big navy. Russia, in all probability, could not because she has not the navy. In that sense we would be practically, so far as carrying on the war is concerned, in alliance with Japan.

Mr. PITTMAN. It would make no difference whether the goods were paid for in this country or paid for outside this country.

Mr. BORAH. It might be so, but if Russia had an opportunity, she would certainly seek in every possible way to make it impossible for us to supply those goods to Japan.

Mr. PITTMAN. Would she not do that whether the goods were paid for in this country or not paid for?

Mr. BORAH. Then, I am wondering what we are accomplishing by this measure.

Mr. PITTMAN. We are trying to keep some of our American citizens from losing any more property. That should have an economic appeal, for they make a tremendous row when they lose it.

Mr. BORAH. If it transfers the controversy with reference to the property from the high seas to the ports and shores of the United States, we are not saving the property of our citizens.

Mr. PITTMAN. But we have not transferred it to our ports.

Mr. BORAH. That is what is going to be done under the provisions of the pending joint resolution.

Mr. PITTMAN. The main object of a belligerent who cannot get the goods is to destroy the goods, whether they are paid for or not. If it had been their naval strategy to come in front of our doors and search our vessels, they would have done so. It would be very difficult for Japan to come 7,000 miles and maintain a blockade of our shores. It would be very difficult for Great Britain to maintain a blockade 3,000 miles from her shores. They found it much easier as a matter of naval strategy to utilize the North Sea as the point of concentration to watch freight going to Germany than to come along our shore, which is 2,000 miles in length, and undertake a blockade.

Mr. BORAH. It is apparent to me that no nation except a great naval nation could obtain these supplies from the United States, and it is perfectly clear to me that only the great corporations could furnish those supplies. It may not be so clear that it would transfer the contest to these shores, but I think the probabilities are that it would. We are into the business of making profits out of war; we will be in practical alliance with the nations with big navies. If that does not get us into trouble, I do not know what would.

Mr. PITTMAN. I do not see where the difference comes, whether the goods are paid for or not paid for, as to their control by a corporation. I do not quite see that point.

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

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. BORAH. I yield.

Mr. GERRY. Is there not the question that with our ships not carrying the goods, it is much more apt that the nations which are suffering the most will use their sub-

marines along our coast? That is what I am really afraid of, and that they may interfere with our coastwise traffic. We are thus more apt to get the country into war than we would be if there was a blockade far away from our shores, carrying out under the rules of blockade.

Mr. PITTMAN. Nobody carried out the rules of blockade during the last war, and I do not think they will again.

Mr. GERRY. I do not think they will carry out the rules of search and seizure.

Mr. PITTMAN. I do not think they will if our ships are armed. I have been interested to know why the Senator from Idaho thought, if the goods were paid for before they left our shores, it would tend to increase control of them by our large corporations.

Mr. BORAH. Because they are the only ones who can take advantage of the situation.

Mr. PITTMAN. Does the Senator mean in the matter of paying for them?

Mr. BORAH. I mean supplying them. In other words, they are prepared to supply the raw materials and may choose the nation to whom they will sell. They might refuse to sell to Germany and choose to sell to Great Britain. They are the only ones who can supply oil and steel and, in large measure, cotton, and they may choose to whom they would sell.

Mr. PITTMAN. Does not that occur whether the goods are paid for in advance or not? Control of oil, control of copper, and control of the matter of transportation is in the hands of a very few people. I do not see what difference control over it has whether the goods are paid for before they leave our shore or afterward. I do not know how we could change that.

Mr. BORAH. If we combine the great navies of the world, the great naval nations of the world, with the great corporations of the world who are in control of the raw materials, they have control of the war.

Mr. PITTMAN. And so they had during the last world war.

Mr. BORAH. I do not care to discuss some things that happened in the last world war, but we are much wiser now since that experience.

Mr. PITTMAN. I agree with everything the Senator has said except I do not see where the paying of our farmers for their wheat will really change the whole transaction.

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

Mr. BORAH. I yield.

Mr. SCHWELLENBACH. I should like to submit an idea to the Senator from Idaho on the specific point of the effect of making foreign nations pay for the goods before the goods leave our shores. The Senator said it would result in the large corporations having control. I should like to suggest this idea. We have a large amount of wheat produced in this country, we will say. If it must be paid for before it goes upon a boat, then the title to it passes. It seems to me that with their facilities for credit, with the possibilities the large corporations have of extending credit to the nations of the world, the belligerent nations would be less likely to profit than they would if we did not insist upon the goods being paid for before they leave here. In other words, if they have to get the cash, then anybody in the United States can sell, the small corporation as well as the large corporation. The small corporation can produce its little amount and know that when its product gets to a seaport it will receive its pay. That small corporation cannot set up a credit arrangement whereby somebody in England can take it over there and pay for it over a long period of years. The large corporation can do that, and the large corporation did do it through the banking facilities of the house of Morgan during the last war. I think the result would be absolutely contrary to the Senator's desire.

Mr. BORAH. It might be possible that the small businessman could get some meager advantage out of it, dealing in a particular kind of commodity; but the great war materials, the things necessary for carrying on the war, are now in the control of great corporations and they could sell or not sell to any belligerent as they chose.

Mr. SCHWELLENBACH. The Senator is not discussing now that portion of the bill which refers to arms, munitions, or implements of war. He is referring to the other sections which do not refer to war materials.

Mr. BORAH. Oil would come under subdivision (b) of section 2. Copper and cotton would come under it. All the great war materials necessary for war would come under it. That is what I am discussing. These commodities are in the control of great corporations, of great combines, and they could choose their clients. They could choose to whom they would sell. It would make a perfect combination between the great naval nations of the world and the great material combines of the world.

Of course, I know that is not the intention. I am not intimating anything of that kind. I am speaking of what I believe will be the practical working of it. The Senator from Nevada [Mr. PRITTMAN] thinks it will lessen the possibilities of conflict. I am giving my view, which is that, in my opinion, it will not lessen the possibilities of conflicts, while it does make a combination which I am sure the Senator does not desire nor do the people of the United States desire, and that is a combination between the raw-material producers of the world and the big navies of the world.

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

Mr. BORAH. I yield.

Mr. BONE. If there is a war in Europe between a great powerful nation with a powerful navy and a nation without a navy, it would not make much difference what we did. The nation with the navy would control the avenues of trade regardless of what we might do. We cannot change that fact.

Mr. BORAH. Mr. President, I do not quite agree with that. I do not think the Senators and my President agree to it.

Mr. BONE. What is there within our power to change that picture? If, for instance, Russia, with no navy of any consequence—so far as I know, it has no navy of any size—should get into war with England, it would not make any difference what we might attempt to do because England would control the seas. What would be our position between the two? It seems to me then we would have to become affirmatively a party to the affair. We are salesmen, and that is all they are contemplating, that America will remain salesmen; but the party who buys will take the products at our shores, pay cash, and take delivery in whatever way he can get it, perhaps in American ships, perhaps in foreign bottoms.

During the last war—and I think we must certainly permit our footsteps to be guided by experience—the American bankers arranged most of the transfers in trade. They made the financial arrangements by which vast aggregations of commodities were put together, transported to the Atlantic gateways, and shipped across the seas.

Mr. BORAH. I know, because I have heard the Senator say so many times, that he is anxious to stop these huge war profits from being made by the persons whom he speaks of as the Morgans, the Du Ponts, and so forth. The Senator must admit, I think, that he is not stopping one red cent of war profits.

Mr. BONE. Oh, I would go beyond anything that has been suggested by the Senator and my colleagues; and, if it were possible, I would embargo this sort of traffic on the theory that, as drastic a remedy as that seems to be—to many it is a sort of a Draconian code—I would do it if I could, because the most illusory thing in the world is this one called "war profits."

On the fifteenth of this month, when the Senator pays his income tax, he will be paying these "war profits."

Mr. BORAH. Why bring that up? [Laughter.]

Mr. BONE. The Senator will be continuing to do it for years. There is not any such thing as "war profits." Why do we permit ourselves to be fooled by the talk of world trade, when the net result of world trade in war, when nations have their backs to the wall, when their boys are dying, is nothing but ashes of despair in the mouth of everyone who has anything to do with it?

We did not make any money out of the World War. Why try to protect a war trade when there is no profit in it for

anybody? The taxpayers of this country are going to be sweated for generations to pay for it.

Mr. BORAH. The Senator is not diminishing war trade. The Senator is not prohibiting war trade. The Senator is permitting war trade. The Senator is permitting war profits. He says, in effect, "We saw a storm coming. We got in the cellar. If you will just come to our cellar door and bring the cash, we will take your cash, but we will not risk ourselves out on the sea." According to the Senator's proposal, we will get all our profits, we will get all our sordid gains, we will get all our war trade just the same. We take all the trade we can get, we feed the war by furnishing raw material, we swell the profits of those who have the materials; but we have done more, we have sacrificed the American reputation for courage.

Mr. BONE. I do not believe there will be nearly the war trade that there has been heretofore when war-risk insurance cannot be written. The able Senator from Idaho was in this body when war was declared; and he will remember, as all of us remember who followed the tragic course which was taken at that time, that one of the first things Congress did when these hucksters could not get insurance on their cargoes was to enact a law under which this Government of ours underwrote that business with the War Risk Insurance Act. In other words, we did here consciously, purposefully, the thing that stimulated a tremendous war trade. If Congress had not enacted that bill, I think the tempo of that trade would have been stepped down tremendously.

Mr. BORAH. The Senator will recall what President Wilson said, and the great problem he had to meet. He was facing a financial crisis in this country. He was facing an economic collapse; and if our war trade had been stopped, or if it had been prevented in any way, in his judgment the collapse would have taken place.

Mr. BONE. Let us stop at this point. I hope I am not intruding on the Senator.

Mr. BORAH. No; not at all.

Mr. BONE. I desire to make some contribution to the thought in these matters as we go along.

Mr. BORAH. It does not annoy me at all.

Mr. BONE. Suppose we had not entered the war. Suppose we had clamped down an iron embargo on war trade. We should not have had this frightful war debt that was hung around our necks, and we probably should have emerged from that crisis much better than we did.

Mr. BORAH. No; but we should have had a riot in the United States.

Mr. BONE. We may have one yet as the result of the huge debts that were clamped on us by the war.

Mr. BORAH. If we will go back and look over the transactions of that period as recorded by Mr. Ray Stannard Baker in his fifth volume of the Life of Woodrow Wilson, we will find that the one problem that agonized Mr. Wilson as much as anything else was how to keep up the financial and economic conditions in this country; and if those conditions had collapsed, Germany would have won the war, we should not have had anything to fight with.

Mr. BONE. The net result of that is an army of insane boys, a tremendous burden of pensions, the provision of a greater Army and Navy than we ever knew before, and a debt that is going to stretch to infinity. That is all we got out of the war.

Mr. BORAH. I am one of those who believe there are some things that we have to fight for and will fight for.

Mr. BONE. Does the Senator believe we should fight for war traffic?

Mr. BORAH. I believe in fighting for the substantial rights which are essential to the preservation of the economic welfare of this Nation. Those things which are fit only for war, fit only for destruction I would not sell or ship, but those things indispensable to human comforts and human life I would sell and ship and I would fight for the right to do so.

Mr. BONE. I cannot bring myself to believe that we ought to call into existence an army of boys who must die in the horrible fashion that they are going to die in the next

war in order to preserve the thing called war trade. In other words, we have to lay the rights, the welfare, the dollars and cents of hucksters in one pan of the scales and in the other pan lay the lives of perhaps hundreds of thousands of boys. I, for one, do not believe our national honor is outraged because, forsooth, Mr. Du Pont will lose the sale of a cargo of powder.

Mr. BORAH. No.

Mr. BONE. Why should the boys of this country die in order to keep Mr. Du Pont's profits flowing into his coffers?

Mr. BORAH. Mr. President, we found out during the early days of the World War that somebody aside from Mr. Du Pont was interested in economic conditions.

Mr. BONE. I agree with the Senator about that.

Mr. BORAH. The farmers of the country, the producers of the country, the miners of the country, were here in Washington, and they were well represented; and they were not hucksters. They were the producers. They were the people whose boys would go to war if war was to be carried on. They were American citizens, and they thought they had certain rights; and I think they had.

Look at the situation today. The nations of the world are armed as never before in the history of the world. They are, some of them, spending twice as much for armaments this year as they spent last year. We cannot hope to avoid meeting some great crisis in this situation, and we must be prepared to meet it. Every sane man or woman must be against war and in favor of peace; but this is a realistic world in which we live. For that reason, while we want peace and talk of peace and hope for peace, we build huge navies, because we know that in this world of ours we cannot disregard the conditions which surround us; and the same thing is true of economic affairs.

We know perfectly well that whatever else happens in the world, this struggle for economic supremacy will go on between the nations. We know that in order to be secure we must be economically strong. We know that the first line of defense is the economic power of the nation. We know that no nation ever found security or economic justice through surrendering its just and essential rights. Therefore, there are some things which the Senator would fight for, and some things which we would all fight for. We are not going to surrender our essential national rights; the people will not let us do so.

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

Mr. BORAH. I yield.

Mr. BONE. I hope I am quite as realistic as the Senator from Idaho, whose judgment I value and admire; but most of the little fellows to whom reference has been made here—the farmers who got \$2 or \$2.25 a bushel for their wheat—have been liquidated over the dreary years that followed the war, and they have not achieved anything definite or substantial out of the war. I think everybody admits, and certainly President Hoover before he went out of office admitted, that the tragic conditions that confronted him were the heritage of war.

The Senator from Idaho has said that this is not a measure to preserve neutrality; that it is a measure to insure peace. I am happy to accept that phase of it.

Mr. BORAH. I said it was a measure designed to keep us out of war.

Mr. BONE. I think almost any price we can pay to keep out of war is worth while; for the next war, if it takes in as many nations as the last, will probably destroy our civilization.

May I intrude just a little longer? Then I will not bother the Senator further.

Mr. BORAH. I yield.

Mr. BONE. When the Munitions Committee of the Senate was inquiring of a number of very able gentlemen their opinion as to what would happen to our western civilization if another great international conflict should come on, without a single exception these outstanding men—I might name some of them: Patrick Hurley; Eugene Grace; Mr. Carse, of Electric Boat; Mr. Morgan and some of his associates—without a single exception those men said, in substance, "It is my judgment that if the world becomes

embroiled in another great international conflict, that conflict will probably destroy our civilization."

I do not believe any human being in this body wants to pay that price in order to preserve this illusory thing called trade. If, as the Senator says, the preservation of our national honor and our economic interests can be achieved only at the price of the destruction of our civilization, in God's name it is not worth it. Anything we could do to prevent that would certainly be a desirable alternative.

Mr. BORAH. I agree with the Senator. If we can preserve peace upon any reasonable basis, we ought to preserve peace, but what I have been trying to show, and what I evidently have not succeeded in showing in the opinion of the able Senator from Washington, is that in my opinion these two sections do not contribute to peace, and in my opinion they do not diminish the profits of war, and in my opinion they do not take care of the gentlemen whom the Senator has been so long investigating. The Senator begs the proposition when he says the measure does that thing. I may be entirely in error, but what I am arguing is that the measure does not accomplish that fact.

Mr. BONE. We now have pending a tax bill that would answer the question of war profits, that would take somewhere around 99 percent of the profits, and put a ceiling on profits. There would be no war profits if the thing the Munitions Committee has suggested should become the law of the land. There just would not be any such thing as war profits.

Mr. BORAH. Then it will not become the law of the land.

Mr. BONE. I am becoming painfully aware of that fact.

Mr. BORAH. In discussing these matters I think we have given too much credence to the theory that we were drawn into the World War by reason of our trade and our trade embroilment. Undoubtedly it was a contributing factor; but I have never had any doubt but that we would have been in the World War regardless of submarine warfare and regardless of our troubles in regard to trade. We were not neutral in mind or thought for longer than about 60 days after the World War started. We thought Germany represented a civilization which was in conflict with our civilization. We thought Germany represented a system which was at war with our system; and as the war went on we became convinced that it was a fight for the preservation of civilization. Whether rightly or wrongly we rapidly reached the conclusion that two philosophies of life were fighting for supremacy. If matters had gotten to the point where the Allies were being defeated, in my opinion the United States would have gone into the World War in what it would have called self-defense, regardless of any question of dollars and cents and trade.

Woodrow Wilson said after the war was over, when appearing before the Foreign Relations Committee, we would have gone into the war regardless of submarines and regardless of trade and commerce. It was one of the things that seemed bound to come. The trade factors I have mentioned contributed to bringing us into the war but were not the only contributing causes. Therefore, when we meet that situation in the future I want the Nation to be as economically powerful as possible; and I do not believe we ought to give up our substantial and essential rights in trade and commerce in order to meet another world war. I think we should weaken ourselves in that respect if we did so.

Another thing, someone is going to carry this trade, someone is going to do this business, someone is going to carry this commerce. One of the great moving plans of the belligerents always is to break down neutral trade and take it to itself. Thomas Jefferson called attention, early in the beginning of his administration, to the fact that one of the objects of belligerents was not only to win the war but to destroy the trade of neutrals and to draw that trade of the neutrals to themselves.

We know that in the World War one of the great belligerents, after protesting against our selling goods to neutrals, itself furnished to neutrals those goods which it had purchased from the United States. It was transferring the

trade from the channels between the United States and the neutrals to trade between its country and the neutrals; and that is always one of the objects of belligerents in war.

Mr. President, I am not in favor of giving up our legitimate trade; I am not in favor of surrendering the trade in those things which are necessary for human comfort, human existence, human life. I am not in favor of getting off the seas in the carrying of those things which are essential for the preservation of civilization. I do not think it contributes to peace, and I am sure it does not contribute to our national welfare.

We are now engaged in building up our foreign trade. It is the theme of the hour. It is proposed that we do this not only in the interest of our national welfare, but in the interest of peace among the nations. It seems to me that along with the program of building up a permanent foreign trade must go the open, pronounced, and determined program to protect that trade and to protect those who put their money and their energy and their efforts into that trade.

Our domestic welfare and our domestic trade are dependent in large measure upon business on the sea, and when we surrender the latter we inevitably imperil the former.

Why is it that Great Britain has maintained her powerful foreign trade? It is because when her trade is interfered with the British Navy moves to the point upon the globe where the interference occurs. If we indicate our willingness to get off the sea, there is standing ready at hand a great nation prepared to establish her dominancy of the sea, and that would be of incalculable injury to us, both in time of peace and in time of war.

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

Mr. BORAH. I yield.

Mr. BONE. I cannot bring myself to believe that Britain's control of sea lanes has contributed greatly to the welfare of the average Briton. I doubt if there is any country in Europe where poverty is more dismal than in Great Britain. It may be that Great Britain is powerful, that she is mistress of the seas; but she has had millions of her people on the dole, and her control of the sea lanes certainly has not added anything to the happiness of her people. The most she has done has been to keep them on a level of poverty that is a disgrace.

Mr. BORAH. Where would Great Britain be if she had not done what I have stated? There would not be any Great Britain.

Mr. President, I have spoken longer than I had intended. I say again that I have regretted that I have had to differ with the able chairman of the Committee on Foreign Relations about these two propositions. He has worked zealously, he has worked earnestly, he has worked patiently and ably to bring out a bill. But the two provisions to which I have referred would work a change in our national policy. It is a matter of profound significance. I did not feel that I ought to vote against them without explaining my reasons for so doing, and I did not feel that I could vote for them. I have, therefore, submitted my views for the consideration and I trust the favorable consideration of my colleagues.

Mr. SCHWELLENBACH. Mr. President, I desire to discuss briefly the amendment of the Senator from Michigan [Mr. VANDENBERG], but before doing so I wish to make two general observations in reference to the proposed law itself.

I very heartily approve the proposed legislation, and I think the chairman of the Committee on Foreign Relations has performed a remarkable piece of work in the way he has whipped the joint resolution into shape for presentation. However, I have a feeling, which is derived from what I read in my mail and what I read of discussions in magazines and newspapers, that there are many people who think that by the mere act of passing the proposed legislation we are going to prevent our country becoming involved in another war.

I agree with the Senator from Idaho [Mr. BORAH] that we cannot avoid involvement in a world war by the simple process of keeping our fingers crossed. We cannot by just saying that we are going to prevent war traffic and war trade assure ourselves or assure our people that we are going to stay out of war. I sincerely hope it will not be the effort of Mem-

bers of this body to attempt to convince the people that by the enactment of the proposed legislation we will guarantee our country against war. I entertain that hope because if the people did have that sort of an impression, that in itself would be a distinct danger to the future of the country.

Since we cannot, by such legislation as that proposed, or any act of Congress, keep ourselves out of war, it is my belief that this Government and this Nation should do everything possible to lessen the possibilities of war throughout the world. By that I do not mean through any political alignment; I do not mean by any international arrangements whereby we would enter into any international organization. I do mean that we should do so by attempting in every way possible, by lessening the restrictions upon the channels of trade throughout the world, to break down the economic barriers to trade, thereby lessening the needs of the nations of Europe which might engage in war, and thereby lessening the possibilities of war in Europe itself.

I wish to make a second observation. It seems to me the mere fact that the distinguished Senator from Michigan, who during the years has been so much in favor of neutrality legislation, and who entertains a sincere desire to work out neutrality legislation, may be in disagreement with some of us as to the effect of portions of the pending measure, is in itself proof of the difficulties involved in the enactment of neutrality legislation.

I have the feeling that 2 or 3 years ago there were many people in this country who thought that the adoption of neutrality legislation was a simple task, that we could take half a day off and nobody would disagree, that all we had to do was merely declare ourselves neutral and pass some measure to that effect and that everything would be easy. I hope those who had that point of view have found that there are other problems involved in the enactment of neutrality legislation than those which at first appeared so easy of solution.

What the Senator from Michigan proposes to do is to strike out that portion of the pending joint resolution which would give to the President, in the event he believed that the shipment upon American vessels of certain articles would endanger the security, the peace, or the neutrality of the United States, the power to prevent those goods from being shipped upon American vessels.

As the chairman of the Committee on Foreign Relations pointed out, there is nothing in the paragraph which the Senator from Michigan seeks to strike out which would say to any nation, "You may have this particular kind of goods if you are in a position to come here and take it away, and pay for it before you take it." The Senator from Idaho [Mr. BORAH] pointed out, as his objection to this provision, the fact that it would mean that the nations with the largest navies would be the only ones that could come and get their goods, because they are the only ones that could protect the ships upon which the goods were being transported. I think it is fair and I think it is logical to conclude from that statement that if it be true so far as other nations are concerned, then we may reasonably expect that it might be necessary for us to use our navy for the purpose of protecting the vessels upon which the goods are being transported.

I desire to conclude by reading part of the provision of subsection (a) of section 2, which the Senator from Michigan seeks to strike out. It says:

Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent—

Personally I cannot help but believe that that provision strengthens the resolution; it adds to our position of neutrality; and while I do not like to disagree upon this particular subject with the Senator from Michigan, I believe that to

adopt his amendment would result in lessening the powers of the resolution, and in the event of war would take away from the President and from the Government a strong instrumentality to prevent our being drawn into war.

Mr. GERRY. Mr. President, I should like to ask the chairman of the Committee on Foreign Relations a question. I do not know whether I understand section 4 correctly. It reads:

Sec. 4. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

Perhaps I may explain more clearly what I have in mind if I give an example and ask the Senator if I am correct in my interpretation.

For example, suppose a South American state were at war with another state in South America, and a foreign country, not a South American state, should take sides with one of the belligerents, and then another foreign country, not a South American state, should take sides with the other belligerent, and the result finally should be that the two European states were at war and the two South American states were at war: Under those circumstances, as I read article 4, the proviso about embargo in this resolution would then be effective. Is that correct?

Mr. PITTMAN. Does the Senator mean that this section would go into effect if that kind of a war should take place?

Mr. GERRY. With that sort of a war, under section 4, this resolution would be effective even in connection with a South American state.

Mr. PITTMAN. This is the old statute, the existing law; and it is very hard to follow the complicated suggestion made by the Senator that one foreign nation is helping one of the states in South America, and another foreign nation is helping another of the states in South America. Is that the way the Senator stated the proposition?

Mr. GERRY. Perhaps I can make it simpler.

For example, there might be a situation, possibly like in Spain, where it is alleged that one foreign nation is aiding one belligerent and another foreign nation is aiding another belligerent. Of course, that is a case of civil war; but I can well see that there might be a situation where two South American states were at war, and then one foreign country, a nation outside of South America, would aid one of the South American countries and another foreign country would aid the other South American country.

Mr. PITTMAN. Then the embargo would go into effect under my construction of the joint resolution.

Mr. GERRY. Then the embargo would go into effect, according to the Senator's construction?

Mr. PITTMAN. Yes.

Mr. GERRY. That is the way I read it, and that was my construction of it.

Mr. PITTMAN. If either country conspired with an outside country, the embargo would go into effect.

Mr. GERRY. Then questions would arise under the old Monroe Doctrine policy, because if a foreign country should join with one South American state and defeat the other, that foreign country would undoubtedly have a tremendous influence in that South American country.

Mr. PITTMAN. That matter is not treated in the joint resolution.

Mr. GERRY. But it is proposed to put on an embargo, so that in that case we could not interfere.

Mr. PITTMAN. We could send our Navy down there.

Mr. GERRY. We could not send that country any war munitions. Cotton might be on the list, and we could not then send cotton.

Mr. PITTMAN. I know; but we should not have to send anything to anybody in a case like that. We could declare that a condition of war existed.

Mr. GERRY. It could be declared that a condition of war existed, but before it was declared that a condition of

war existed the country in question might have been allowed to be occupied.

Mr. PITTMAN. Not necessarily.

Mr. GERRY. Not necessarily; but we certainly should not be doing them any good by refusing to ship them cotton or anything else.

Mr. PITTMAN. I do not know whether we should be accomplishing any good if we sent arms, ammunition, and munitions of war to one side, and some European country sent the same materials to the other side.

Mr. GERRY. I know; but I am saying we again have a condition that comes down to the need of a big navy; and what I am worrying about is that all these resolutions will not necessarily keep us out of war. Personally, I do not believe there is a United States Senator who does not agree that the most important thing that can be done, if compatible with national honor, is to keep the country out of war; and all these propositions that have been made should be given every consideration. There is no question of the absolutely tireless work that Senators have devoted to this subject, with the most patriotic motives. The only question to my mind is that when we have before us a question as large as this, with all its ramifications, we do not know, when we change established custom, as we do when we give up the freedom of the seas, whether we incur a greater risk of getting into war than we did by sticking to the freedom of the seas. That is what I have been afraid of.

For example, as soon as we change the law in regard to blockades we are likely to bring the war closer to home. I am afraid of that. We are likely to create blockades which will be close to our American shores, as the Senator from Idaho has well pointed out, so that it will be even more difficult to keep us out of war than if the danger of war resulted from blockading a foreign state a good many thousand miles away. The nearer we get to home, the greater our danger. Then, of course, we have another question—that so far as concerns international law, the decision with respect to the question as to what is neutral and what is not neutral is not solely up to us. Different constructions may be placed upon it by the belligerent nations, and they try to enforce their construction.

Personally, my feeling is that eventually we get down to one proposition, that no matter what one of these various theories and programs we may favor—and we are all in favor, as I said before, of trying to prevent America from getting into war—I think we are all agreed, as was said here on the floor, that another great world war might very well mean the end of civilization; but when we really come down to the fundamental proposition, we must rely on the force and strength of the Nation's Navy. If the last 20 years have taught us anything they have taught us that the world is not thinking in terms of agreements but is thinking in terms of power, and the power today to enforce neutrality for our country is a great navy. I am entirely in sympathy with the President's attitude toward the Navy and approve the manner in which he has been trying to build it up. He realizes and knows well what the Navy can do not only in war but to maintain peace.

We are not the only nation that has in mind the thought of a navy. All the countries of the world today are thinking in terms of sea power. Japan refused to enter into an agreement last year because she wanted to increase her naval strength. Great Britain has built her Navy pretty well up to treaty strength, but she is now proposing to spend something like \$7,000,000,000 more in defense of the country.

Exactly how much of that great sum will be allocated to the Navy of Great Britain it is difficult to say, but I assume it will be probably between three and four billion dollars. Undoubtedly, because of the peculiar situation of her island, Great Britain is going to spend a large amount for airplane construction. Her naval construction, however, will have a profound effect on the situation which exists today in regard to the comparative naval strength of Great Britain and the United States.

The parallel showing where the respective navies stand today is interesting, and I ask unanimous consent, instead of reading it, to have it inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

The following data show the comparative status in combatant ships of the United States and British Navies brought up to

March 1, 1937. You will note that the first table shows only under-age vessels on hand, those of first-class military value. To show those overage and consequently of reduced value, a supplementary table is added.

Also, columns show, respectively, (1) vessels building or appropriated for; and (2) those projected—for the United States in the 1938 Budget, for Great Britain in the recently announced program, commencing April 1, 1937; (3) totals of these new vessels thus in prospect.

	I. On hand, under age		II. Building or appropriated for		III. Projected		IV. Total, new vessels		V. Total, all vessels (I and IV)	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
United States:										
Capital ships.....	15	464,300	2	70,000			2	70,000	17	534,300
Aircraft carriers.....	3	80,500	3	54,500			3	54,500	6	135,000
Cruisers (a).....	16	151,800	2	20,000			2	20,000	18	171,800
Cruisers (b).....	10	70,500	9	90,000			9	90,000	19	160,500
Destroyers.....	32	43,300	54	84,850	8	12,000	62	96,850	94	140,150
Submarines.....	25	33,620	17	24,295	4	6,000	21	30,295	46	63,915
Total.....	101	844,020	87	343,645	12	18,000	99	361,645	200	1,205,665
British Empire:										
Capital ships.....	15	474,750	2	70,000	3	105,000	5	175,000	20	649,750
Aircraft carriers.....	6	115,350	3	66,000	2	36,000	5	102,000	11	217,350
Cruisers (a).....	15	144,220							15	144,220
Cruisers (b).....	20	130,280	16	123,800	7	43,000	23	166,800	43	297,080
Destroyers.....	82	110,529	34	58,505			34	58,505	116	169,034
Submarines.....	38	45,214	14	14,900			14	14,900	52	60,114
Total.....	176	1,020,343	69	333,205	12	184,000	81	517,205	257	1,537,548

Mr. GERRY. Mr. President, the outstanding fact, to my mind, is that even with the naval building program which we expect to carry out, and Great Britain's formerly announced Navy program, Great Britain now expects to spend a great many billion dollars more on her Navy. So I say that, no matter what neutrality measure the Congress may enact with the idea of keeping us out of war, if we do not wish to incur great risk, the sane, sound, and sensible thing to do is to assure the completion of a building program that will give us a navy second to none.

Fundamentally the only way, in these days, to prevent aggression against a country's shores is to be so strong that no nation dares to make an attack. My own feeling is, and always has been, that if our Navy had been sufficiently powerful during the World War very likely we might not have become embroiled in that conflict. I still feel that a time may come, as the Senator from Idaho has so well said, when a nation may have to fight. A man who is not willing to fight for anything on this earth or in the next world is not worth very much, and a nation that has no soul is not going to have respect or safety from the world. America is not going to be such a nation, because, when the time comes, I think there are no people who rise more to their ideals than do the American people; and when they believe their cause is right, they are willing to fight.

Mr. WHITE. Mr. President, it is not my purpose to discuss the so-called Vandenberg amendment at this time, but I wish to take the opportunity of calling attention to some amendments which I propose to offer tomorrow. Most of them relate only to matters of form; most of them are not important; but I feel that they are of sufficient importance to merit the attention of the chairman of the committee and of the Senate.

The first one will be offered on page 6 of the joint resolution in lines 22 and 23. At that point I shall offer an amendment proposing to strike out the words "or possessions of the United States."

Mr. President, there is in the joint resolution a general definition, an all-inclusive definition, as I take it to be, of the words "United States." I think throughout the joint resolution we ought to adhere to that language. If, however, we are going to resort to particular words, as in this instance, where the joint resolution refers to the "United States, or possessions of the United States", we should be sure that enough words of particular description are used to reach what we have in mind. I am afraid this language,

if adopted, will omit, for instance, Hawaii and Alaska from the scope of the measure.

If the chairman of the committee or if the Senate will agree to that suggestion, there would follow a number of other amendments of the same purport throughout the joint resolution.

Mr. PITTMAN. Mr. President, this question was raised in the committee.

Mr. WHITE. I thought it had been attended to.

Mr. PITTMAN. It has been attended to, and if the Senator from Maine believes that the general language is sufficiently broad, all that need be done is to strike out the other words.

Mr. WHITE. It seemed to me that the general language was broad enough to cover every contingency, and that reliance ought to be had on that general language. There are a number of places in the resolution where we could strike out words of the same purport.

Mr. PITTMAN. That is true.

Mr. WHITE. The next amendment is of even less consequence, and if this were a measure of interest only to the United States I should not think of calling it to the attention of the Senate, but here is a piece of proposed legislation which I take it as of great concern to the rest of the world.

On page 9, in line 4, I would suggest that we strike out the word "American", and after the word "aircraft" insert the words "of the United States", so it would read:

It shall thereafter be unlawful for any vessel or aircraft of the United States—

And so forth. As a matter of fact, every one of the republics of South America is as much entitled to use the word "American" as are we of the United States. I think it is a more accurate description if we speak of "the vessels and the aircraft of the United States" than if we refer only to "American vessels or aircraft." That may not be of very much importance, but I think, as a matter of description, it improves the joint resolution. The same suggestion will be found to be applicable in a number of places throughout the text. I invite the attention of the chairman of the committee to it, so he may consider it during the recess or adjournment of the Senate.

On page 9, in line 3, I think there should be an amendment after the word "proclaim." The language is, "he shall so proclaim." I think after the word "proclaim" there should be inserted language substantially as follows:

And shall definitely enumerate in said proclamation the articles or materials the shipment of which the President finds it necessary, for the purposes of this section, to restrict.

In the preceding section of the joint resolution it is specifically provided, with respect to arms, munitions, and implements of war, that the President shall specifically enumerate what comes within the general definition. I think it would be well to insert at the point suggested the statement that there should be some sort of enumeration of the additional articles and materials. I suggest that to the chairman for his consideration.

On page 11, in line 6, after the word "government", I think there should be inserted, if not these identical words, something of this sort: "Or of any section or group engaged in such civil strife or of any representative thereof or of any persons participating therein."

It seems to me, as the language now stands, we reach only one party to a civil controversy and that we ought to expand it if we are going to do the thing at all, so that it will reach all parties to the civil strife and prevent the encouragement of the strife by financial help rendered to any party to it. I think that amendment really is important. The others, as I have said, are merely matters of form.

Mr. PITTMAN. Mr. President, it is very difficult to frame just exactly what we want in this way. When we have recognized a belligerent government as the de facto government, it comes within the inhibition of the joint resolution about lending money to belligerents.

Mr. WHITE. This has reference not to a belligerent nation but to civil strife and the parties to civil strife.

Mr. PITTMAN. In the case of civil strife, as a general thing we have recognized the government of the country preceding the strife, and we have been very careful not to proceed to recognize another faction immediately afterward.

Mr. WHITE. I think having a prohibition against making loans to any participant in a civil strife would not involve the recognition of any of the contending parties other than the de facto or the de jure government.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LEE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Harry E. Watkins, of Fairmont, W. Va., to be United States district judge for the State of West Virginia, to fill an existing vacancy.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the nomination of Carl McFarland, of Montana, to be an Assistant Attorney General of the United States, vice Harry W. Blair, resigned.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Joseph C. Reing, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania, vice Joseph B. Reing, deceased.

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

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

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

FEDERAL BOARD FOR VOCATIONAL EDUCATION

The legislative clerk read the nomination of Paul H. Nystrom, of New York, to be a member of the Federal Board for Vocational Education.

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

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Edwin S. Smith, of Massachusetts, to be a member of the National Labor Relations Board for a term of 5 years from August 27, 1936.

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

The legislative clerk read the nomination of Donald Wakefield Smith, of Pennsylvania, to be a member of the National Labor Relations Board for the unexpired portion of the term of 3 years from August 27, 1935.

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

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The Army nominations are confirmed en bloc. That completes the executive calendar.

DEATH OF REPRESENTATIVE STUBBS, OF CALIFORNIA

Mr. ROBINSON. I move that the Senate resume legislative session.

The motion was agreed to; and the Senate resumed legislative session.

The PRESIDING OFFICER (Mr. LEE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The legislative clerk read as follows:

House Resolution 142

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

March 1, 1937.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY E. STUBBS, a Representative from the State of California.

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

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

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

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

Mr. JOHNSON of California. Mr. President, I send to the desk resolutions which I ask to have read and immediately considered.

The resolutions (S. Res. 88) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY E. STUBBS, late a Representative from the State of California.

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

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

The PRESIDING OFFICER. As members of the committee on the part of the Senate, the Chair appoints the senior Senator from California [Mr. JOHNSON] and the junior Senator from California [Mr. McADOO].

Mr. JOHNSON of California. Mr. President, as a further mark of respect to the memory of the deceased Representa-

tive, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 2, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 1 (legislative day of Feb. 24), 1937

APPOINTMENT IN THE NAVY

Medical Director Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES GENERAL OFFICER

Brig. Gen. Don Everett Scott, North Carolina National Guard, to be brigadier general, National Guard of the United States.

POSTMASTERS

ALABAMA

Karah J. White to be postmaster at Ashland, Ala., in place of M. L. Allen, appointee deceased.

CALIFORNIA

John H. Vaughan to be postmaster at Chico, Calif., in place of G. P. Morse. Incumbent's commission expired May 10, 1936.

Donald C. Etter to be postmaster at Coalinga, Calif., in place of L. E. Whitener, removed.

Mary L. Jordan to be postmaster at Fairfax, Calif., in place of J. M. Arbini. Incumbent's commission expired March 17, 1936.

Thomas A. Gianella to be postmaster at Marysville, Calif., in place of J. M. Cremin. Incumbent's commission expired January 9, 1936.

Fred R. Carpenter to be postmaster at Middletown, Calif., in place of R. H. Read. Incumbent's commission expired May 29, 1934.

Theodore R. Wilson to be postmaster at San Fernando, Calif., in place of H. C. Caldwell. Incumbent's commission expired January 26, 1936.

CONNECTICUT

John L. Bradley to be postmaster at Cheshire, Conn., in place of F. W. Griffin. Incumbent's commission expired January 25, 1936.

John J. Kaicher, Sr., to be postmaster at Forestville, Conn., in place of J. F. Holden. Incumbent's commission expired April 27, 1936.

Benjamin Mandell to be postmaster at Newington, Conn., in place of Minnie Rosenblatt. Incumbent's commission expired February 10, 1936.

FLORIDA

Reuben M. Coile to be postmaster at Bowling Green, Fla., in place of G. I. Daurelle, removed.

William Edward Dewar to be postmaster at Largo, Fla., in place of W. H. Turner, resigned.

Frank H. Clyatt to be postmaster at Micanopy, Fla., in place of E. D. Rosenberger. Incumbent's commission expired February 9, 1936.

Harry W. Craig to be postmaster at Tarpon Springs, Fla., in place of W. D. Fletcher. Incumbent's commission expired March 28, 1936.

Dorothy Egger Franklin to be postmaster at Venice, Fla., in place of G. H. Hauser. Incumbent's commission expired January 22, 1936.

Paul A. Tompkins to be postmaster at Webster, Fla. Office became Presidential July 1, 1935.

GEORGIA

Raymond G. Hudson to be postmaster at Blue Ridge, Ga., in place of F. D. Walker. Incumbent's commission expired January 7, 1936.

ILLINOIS

James L. Brown to be postmaster at Chebanse, Ill., in place of L. C. Schultz. Incumbent's commission expired April 27, 1936.

Thomas J. O'Brien to be postmaster at Lockport, Ill., in place of W. P. Volz. Incumbent's commission expired February 9, 1936.

Arthur T. Ellis to be postmaster at Neoga, Ill., in place of R. W. Birch. Incumbent's commission expired February 4, 1935.

Earl D. Veach to be postmaster at Vienna, Ill., in place of J. P. Mathis. Incumbent's commission expired February 9, 1936.

Simon J. Ronchetto to be postmaster at Westville, Ill., in place of J. F. Shimkus. Incumbent's commission expired June 1, 1936.

INDIANA

Arthur W. Govert to be postmaster at Griffith, Ind., in place of C. I. Boesen, deceased.

Carl R. Kluger to be postmaster at Morristown, Ind., in place of J. F. Trimble. Incumbent's commission expired February 5, 1936.

Lewis H. Acker to be postmaster at Muncie, Ind., in place of I. J. Wilson. Incumbent's commission expired April 27, 1936.

IOWA

Laurence C. Smith to be postmaster at Dyersville, Iowa, in place of A. C. Link. Incumbent's commission expired January 27, 1936.

John T. Barnett to be postmaster at Independence, Iowa, in place of A. G. Rigby, removed.

Jake A. Mein to be postmaster at McCallsburg, Iowa. Office became Presidential July 1, 1936.

Gladys Hadley to be postmaster at New Providence, Iowa. Office became Presidential July 1, 1936.

Wayne O. Thomas to be postmaster at Rake, Iowa, in place of Bert Underbakke. Incumbent's commission expired June 23, 1936.

Harold F. Diekmann to be postmaster at Readlyn, Iowa. Office became Presidential July 1, 1936.

John N. Lichty to be postmaster at Toledo, Iowa, in place of Charles Benesh. Appointee declined.

George W. Montag to be postmaster at West Bend, Iowa, in place of H. A. Falb, removed.

KANSAS

Capitola P. Lanier to be postmaster at Haviland, Kans., in place of E. M. Woodward. Incumbent's commission expired April 16, 1934.

KENTUCKY

Urett McCall Richey to be postmaster at Augusta, Ky., in place of W. A. Work. Incumbent's commission expired April 4, 1936.

Henry W. Stewart to be postmaster at Campbellsburg, Ky., in place of G. D. Montfort. Incumbent's commission expired April 4, 1936.

John Leo Fentress, Sr., to be postmaster at Central City, Ky., in place of G. L. Wallace. Incumbent's commission expired June 1, 1936.

Nola Ball Nicholson to be postmaster at Harlan, Ky., in place of M. L. Nolan. Incumbent's commission expired April 27, 1936.

William F. Klair to be postmaster at Lexington, Ky., in place of I. N. Combs, resigned.

Emma E. Hopkins to be postmaster at Loyall, Ky., in place of Hallie Casey, removed.

Everett Rice Walton to be postmaster at Lynch, Ky., in place of F. A. Mohnney. Incumbent's commission expired January 27, 1936.

Emma L. Lucas to be postmaster at Manchester, Ky., in place of M. J. Combs, removed.

Ben H. Moore to be postmaster at Morgantown, Ky., in place of R. E. Keown. Incumbent's commission expired May 19, 1936.

Myrtle B. Milam to be postmaster at Wallins Creek, Ky., in place of J. L. Howard. Incumbent's commission expired January 27, 1936.

LOUISIANA

Chrissie D. Redditt to be postmaster at Columbia, La., in place of David Dunn, resigned.

Joseph W. Stegall to be postmaster at Delhi, La., in place of E. I. Montgomery. Incumbent's commission expired December 20, 1934.

William O. Woodward to be postmaster at Dubach, La., in place of H. G. Allen, resigned.

Hall S. Rogers to be postmaster at Grand Cane, La., in place of M. E. Thomas, deceased.

Elizabeth Mae Langlois to be postmaster at Istrouma, La., in place of Leona Palmer. Incumbent's commission expired December 16, 1933.

Tesca R. Roy, Jr., to be postmaster at Mansura, La., in place of E. A. Drouin. Incumbent's commission expired April 5, 1936.

Eugenia Z. Boyle to be postmaster at Metairie, La., in place of F. I. Fagot, removed.

Dennis Gomez, Jr., to be postmaster at Norco, La., in place of Lillie Vaughan. Incumbent's commission expired December 19, 1932.

Harry J. Coenen to be postmaster at Rayville, La., in place of C. C. Heinemann. Incumbent's commission expired April 27, 1936.

Robert H. Nelson to be postmaster at Shreveport, La., in place of C. P. Duncan. Incumbent's commission expired January 9, 1936.

Ernest A. Pennebaker to be postmaster at Wisner, La., in place of I. L. Batey, removed.

MAINE

Ruth H. Dixon to be postmaster at South Eliot, Maine. Office became Presidential July 1, 1936.

MASSACHUSETTS

Thomas D. Cudihy to be postmaster at Marblehead, Mass., in place of F. W. Trasher. Incumbent's commission expired April 27, 1936.

Edward H. Leary to be postmaster at Middleton, Mass., in place of E. L. Young. Incumbent's commission expired February 9, 1936.

Owen W. Gallagher to be postmaster at North Abington, Mass., in place of G. W. Orcutt. Incumbent's commission expired January 27, 1936.

Patrick J. McCarthy to be postmaster at Turners Falls, Mass., in place of F. C. Haigis, resigned.

Stephen C. Luce to be postmaster at Vineyard Haven, Mass., in place of S. C. Luce. Incumbent's commission expired April 27, 1936.

MICHIGAN

Enos C. Cole to be postmaster at Fowlerville, Mich., in place of C. J. Fuller. Incumbent's commission expired July 15, 1936.

Emory M. Grilley to be postmaster at Grant, Mich., in place of H. C. Hemingsen. Removed without prejudice January 25, 1936.

Harry W. Denham to be postmaster at Litchfield, Mich., in place of Fay Elser. Incumbent's commission expired February 5, 1936.

Peter F. Nieuwkoop to be postmaster at Manton, Mich., in place of Sadie Wheeler, removed.

Wavial H. Howard to be postmaster at Marion, Mich., in place of Archie Lowry. Incumbent's commission expired January 25, 1936.

Everett S. Capron to be postmaster at Oxford, Mich., in place of H. G. Jones. Incumbent's commission expired January 15, 1933.

Henry E. Murphy to be postmaster at Pinckney, Mich., in place of W. C. Miller. Incumbent's commission expired February 5, 1936.

Florence Wright Kennedy to be postmaster at St. Louis, Mich., in place of F. B. Housel. Incumbent's commission expired January 23, 1935.

Benjamin McClure to be postmaster at Sandusky, Mich., in place of Gertrude Moffatt. Incumbent's commission expired February 5, 1936.

Roy M. Gillies to be postmaster at West Branch, Mich., in place of A. M. MacKay, resigned.

MINNESOTA

Melvin G. Klasse to be postmaster at Westbrook, Minn., in place of J. N. Ross. Incumbent's commission expired March 10, 1936.

Earl M. Wilson to be postmaster at Willow River, Minn., in place of E. B. Linsley. Incumbent's commission expired April 29, 1936.

MISSISSIPPI

Leo G. Ford to be postmaster at Bay St. Louis, Miss., in place of H. C. Glover. Incumbent's commission expired February 4, 1935.

Wilson F. Skaggs to be postmaster at Laurel, Miss., in place of A. C. Morehead. Incumbent's commission expired January 13, 1936.

MISSOURI

William H. Burnett to be postmaster at Clarence, Mo., in place of C. C. Bishop. Incumbent's commission expired March 29, 1936.

Felix J. Schaul to be postmaster at Hannibal, Mo., in place of J. P. O'Hern. Incumbent's commission expired March 10, 1936.

Sadie C. Morehead to be postmaster at Milan, Mo., in place of C. S. Dickson, removed.

MONTANA

Kenneth LeCompt to be postmaster at Arlee, Mont. Office became Presidential July 1, 1936.

Abbie J. McClammy to be postmaster at New Deal, Mont. Office became Presidential January 1, 1936.

NEBRASKA

Arthur M. Hart to be postmaster at Burchard, Nebr. Office became Presidential July 1, 1936.

Cyril John Dendinger to be postmaster at Hartington, Nebr., in place of L. R. Eby. Incumbent's commission expired March 29, 1936.

NEW HAMPSHIRE

Peter J. Hickey to be postmaster at Portsmouth, N. H., in place of J. P. Conner. Incumbent's commission expired February 5, 1936.

Harold D. Foss to be postmaster at Rochester, N. H., in place of G. P. Furbush. Incumbent's commission expired June 28, 1936.

NEW JERSEY

Carlton S. Giberson to be postmaster at Absecon, N. J., in place of E. E. Showell. Incumbent's commission expired April 12, 1936.

Delbert Bush to be postmaster at Browns Mills, N. J., in place of R. H. Hulick. Incumbent's commission expired May 23, 1936.

Oscar P. Jacobus to be postmaster at Cedar Grove, N. J., in place of A. O. Kossow, removed.

William R. Carr to be postmaster at Chatham, N. J., in place of C. G. Wittreich. Incumbent's commission expired February 25, 1935.

Arthur C. McCullough to be postmaster at Delanco, N. J., in place of George Coleman. Incumbent's commission expired April 29, 1936.

Emma H. Wheatley to be postmaster at Elmer, N. J., in place of H. K. Greenwood. Incumbent's commission expired March 17, 1936.

Henry N. McKay to be postmaster at Haddon Heights, N. J., in place of C. C. McKinley. Incumbent's commission expired January 9, 1936.

Thomas F. Dix, Jr., to be postmaster at Linwood, N. J., in place of H. R. Fife. Incumbent's commission expired February 9, 1936.

NEW MEXICO

Alice L. Huff to be postmaster at Silver City, N. Mex., in place of J. A. Shipley, deceased.

NEW YORK

Eugene A. Westcott, Jr., to be postmaster at Cleveland, N. Y., in place of W. V. Fitzpatrick. Incumbent's commission expired June 20, 1934.

Emily C. Squires to be postmaster at Hampton Bays, N. Y., in place of R. H. Warner. Incumbent's commission expired April 12, 1936.

Joseph E. Downs to be postmaster at Islip, N. Y., in place of C. H. Ketcham. Incumbent's commission expired May 31, 1933.

William A. Eggison to be postmaster at Marcy, N. Y. Office became Presidential July 1, 1933.

James H. Mackin to be postmaster at Oswego, N. Y., in place of R. W. J. Mott. Incumbent's commission expired March 22, 1936.

Sarah E. Austin to be postmaster at Patterson, N. Y., in place of J. F. Smith, removed.

Walter Stanhope to be postmaster at Thiells, N. Y., in place of Isaac Bedford. Incumbent's commission expired April 15, 1934.

NORTH CAROLINA

James E. Faison to be postmaster at Faison, N. C., in place of J. H. Darden. Incumbent's commission expired February 26, 1936.

Perry C. Millikin to be postmaster at Halifax, N. C., in place of W. A. Willcox, resigned.

Theodore T. Thomas to be postmaster at Tarboro, N. C., in place of J. M. Carstarphen. Incumbent's commission expired June 15, 1936.

George C. Herritage to be postmaster at Trenton, N. C. Office became Presidential July 1, 1936.

NORTH DAKOTA

Elizabeth Moriarty to be postmaster at Enderlin, N. Dak., in place of E. M. Sanness. Incumbent's commission expired January 7, 1936.

Christ Tennesfos to be postmaster at Milnor, N. Dak., in place of N. D. Nelson. Incumbent's commission expired January 13, 1935.

Fred G. Carman to be postmaster at Northwood, N. Dak., in place of Otto Sougstad, resigned.

Emeline Robertson to be postmaster at Park River, N. Dak., in place of J. A. Halberg. Incumbent's commission expired March 8, 1934.

Glenn W. Veach to be postmaster at Wimbledon, N. Dak., in place of M. E. Swartwout, removed.

OHIO

Ludlow V. Lake to be postmaster at Johnstown, Ohio, in place of G. W. Burner. Incumbent's commission expired April 23, 1934.

Charles G. Johnson to be postmaster at Worthington, Ohio, in place of G. W. Johnson, deceased.

OKLAHOMA

Lewis E. Sloan to be postmaster at Alex, Okla., in place of Nealy Godwin. Incumbent's commission expired February 3, 1936.

Otis E. Cox to be postmaster at Barnsdall, Okla., in place of S. H. Wilson, removed.

John S. Dawson to be postmaster at Bennington, Okla., in place of H. M. Lutes. Incumbent's commission expired June 1, 1936.

Newport W. Sanford to be postmaster at Bethany, Okla., in place of S. H. Bundy, removed.

Taylor C. Anthony to be postmaster at Blanchard, Okla., in place of O. C. Reed. Incumbent's commission expired February 25, 1935.

Brown King to be postmaster at Britton, Okla., in place of O. T. Robinson. Incumbent's commission expired May 29, 1934.

Roy C. Grider to be postmaster at Byars, Okla., in place of F. A. Smith. Incumbent's commission expired March 18, 1936.

Nettie I. McHenry to be postmaster at Chelsea, Okla., in place of J. R. McIntosh, deceased.

LeRoy Parrish to be postmaster at Comanche, Okla., in place of W. C. Yates. Incumbent's commission expired May 9, 1934.

Ralph Ownby to be postmaster at Durant, Okla., in place of M. C. Mhoon. Incumbent's commission expired June 15, 1936.

J. Wendell Simmons to be postmaster at Edmond, Okla., in place of A. B. Deselms. Incumbent's commission expired May 3, 1936.

Forrest Thomas, Jr., to be postmaster at Healdton, Okla., in place of J. H. Sparks. Incumbent's commission expired February 5, 1936.

Lawson Race to be postmaster at Hunter, Okla. Office became Presidential July 1, 1935.

Willie F. Cowan to be postmaster at Jennings, Okla., in place of O. M. Ham. Incumbent's commission expired June 10, 1936.

John Stewart Keller to be postmaster at Lexington, Okla., in place of Roy Sherman. Incumbent's commission expired March 18, 1936.

Walter G. McGlamery to be postmaster at Mooreland, Okla., in place of A. W. Crawford. Incumbent's commission expired April 15, 1934.

Walter G. Baustert to be postmaster at Okeene, Okla., in place of J. A. Norris. Incumbent's commission expired March 18, 1936.

Joseph S. Morris to be postmaster at Oklahoma City, Okla., in place of W. G. Johnston. Incumbent's commission expired March 10, 1936.

William Thomas Whittenburg to be postmaster at Skiatook, Okla., in place of Clay Cross. Incumbent's commission expired March 22, 1934.

Alfred Claude Davis to be postmaster at Woodward, Okla., in place of J. H. Hopkins. Incumbent's commission expired June 1, 1936.

OREGON

Arthur Henry Tift to be postmaster at Redmond, Oreg., in place of W. I. Smith. Incumbent's commission expired March 10, 1936.

PENNSYLVANIA

William M. Grumbine to be postmaster at Annville, Pa., in place of A. S. Miller. Incumbent's commission expired July 1, 1934.

Edward Aloysius O'Donnell to be postmaster at Beavertdale, Pa., in place of A. E. Shannon. Incumbent's commission expired June 1, 1936.

Alvin E. Moon to be postmaster at Blawnox, Pa., in place of N. O. Smith. Incumbent's commission expired May 10, 1936.

Eugene C. Wonder to be postmaster at Chalfont, Pa., in place of A. F. Hockman. Incumbent's commission expired January 7, 1935.

Patrick J. Friel to be postmaster at Crum Lynne, Pa., in place of J. C. Sample. Incumbent's commission expired February 14, 1935.

Joseph R. Thurston to be postmaster at Factoryville, Pa., in place of W. H. Dickinson. Incumbent's commission expired April 22, 1934.

Frederic W. Moser to be postmaster at Greenville, Pa., in place of J. A. Keck. Incumbent's commission expired June 10, 1936.

Abraham H. Scholl to be postmaster at Harleysville, Pa., in place of E. B. Heckler. Incumbent's commission expired February 24, 1936.

Ralph B. McQuiston to be postmaster at Harmony, Pa., in place of W. R. Smith. Incumbent's commission expired February 10, 1936.

Harry W. Fee to be postmaster at Indiana, Pa., in place of H. A. Borland, retired.

Frank E. Neumeyer to be postmaster at Macungie, Pa., in place of R. L. Moyer. Incumbent's commission expired February 10, 1936.

Francis J. Kelly to be postmaster at Mansfield, Pa., in place of E. G. Cornwell. Incumbent's commission expired January 13, 1936.

Edwin F. Fox to be postmaster at Mertztown, Pa., in place of I. L. Romig. Incumbent's commission expired January 13, 1936.

Catherine G. Hauer to be postmaster at Mount Gretna, Pa., in place of A. L. Daigneau. Incumbent's commission expired February 24, 1936.

Lester C. Trauger to be postmaster at Perkasio, Pa., in place of I. Y. Baringer. Incumbent's commission expired January 22, 1935.

Joseph A. Kelly to be postmaster at Roslyn, Pa., in place of N. E. Arnold. Incumbent's commission expired March 17, 1936.

Mary S. Anderson to be postmaster at Royersford, Pa., in place of L. E. Johnson. Incumbent's commission expired January 8, 1934.

George S. McCurdy to be postmaster at Scottdale, Pa., in place of William Percy. Incumbent's commission expired May 19, 1936.

Russell R. Lindsley to be postmaster at Smethport, Pa., in place of E. W. Workley. Incumbent's commission expired February 10, 1936.

Charles S. Doyle to be postmaster at South Langhorne, Pa., in place of G. W. Brelsford. Incumbent's commission expired April 30, 1934.

Homer F. Eshelman to be postmaster at Summerville, Pa., in place of W. A. Smith. Incumbent's commission expired June 20, 1934. (Removed without prejudice.)

Burnett W. Weber to be postmaster at Sykesville, Pa., in place of S. B. Long. Incumbent's commission expired January 8, 1934.

Ernest B. Wolf to be postmaster at Telford, Pa., in place of J. C. Moyer. Incumbent's commission expired July 13, 1936.

Charles H. Mease to be postmaster at West Leesport, Pa., in place of C. B. Rothenberger. Incumbent's commission expired January 13, 1936.

George C. Rohland to be postmaster at West Newton, Pa., in place of J. G. McCune. Incumbent's commission expired February 10, 1936.

RHODE ISLAND

Mary E. Feeley to be postmaster at Oakland Beach, R. I., in place of F. E. Booth. Incumbent's commission expired April 2, 1934.

SOUTH CAROLINA

Grady R. Hogue to be postmaster at Blacksburg, S. C., in place of W. E. Westbrook. Incumbent's commission expired June 10, 1936.

SOUTH DAKOTA

Glen G. Lounsbury to be postmaster at Centerville, S. Dak., in place of C. H. Hornbeck. Incumbent's commission expired February 19, 1936.

Ruth B. Vernon to be postmaster at Fort Meade, S. Dak. Office became Presidential July 1, 1934.

William W. Brady to be postmaster at Marion, S. Dak., in place of C. J. Moriarty. Incumbent's commission expired June 15, 1936.

Walter H. Fergen to be postmaster at Parkston, S. Dak., in place of William Kayser. Incumbent's commission expired February 9, 1936.

Ole Peterson Ronning to be postmaster at Valley Springs, S. Dak., in place of O. C. Larson, removed.

Bernard F. Moran to be postmaster at Woonsocket, S. Dak., in place of V. T. Warner. Incumbent's commission expired April 12, 1936.

TENNESSEE

Jesse S. McMurry to be postmaster at Hartsville, Tenn., in place of H. E. Alexander. Incumbent's commission expired March 28, 1936.

Edward B. Weisiger to be postmaster at Hendersonville, Tenn. Office became Presidential July 1, 1936.

Joseph A. Muecke to be postmaster at Kingston, Tenn., in place of J. H. Wilson. Incumbent's commission expired January 28, 1935.

Floyd Mitchell to be postmaster at Tullahoma, Tenn., in place of T. E. Richardson. Incumbent's commission expired February 5, 1936.

TEXAS

Jay H. Riley to be postmaster at Canton, Tex., in place of C. F. Riley. Incumbent's commission expired February 5, 1936.

Thomas H. McCarty to be postmaster at Lawn, Tex., in place of J. H. Anderson. Incumbent's commission expired January 8, 1936.

Leo C. Neutzler to be postmaster at Nordheim, Tex., in place of Theodor Reichert. Incumbent's commission expired March 10, 1936.

Ethel B. Friend to be postmaster at Rockport, Tex., in place of M. E. Bryant. Incumbent's commission expired April 27, 1936.

Wade H. Taylor to be postmaster at Seminary Hill, Tex., in place of J. L. Holcomb. Incumbent's commission expired April 4, 1936.

Carlos S. Baker, Sr., to be postmaster at Stockdale, Tex., in place of M. A. Haskell. Incumbent's commission expired January 13, 1935.

UTAH

Roger W. Creer to be postmaster at Spanish Fork, Utah, in place of C. E. Smith, removed.

VIRGINIA

William F. Cox to be postmaster at Jonesville, Va., in place of I. P. Weston, removed.

Robert M. Owen to be postmaster at North Emporia, Va., in place of R. G. Dyson. Incumbent's commission expired March 10, 1936.

WASHINGTON

William F. Gorman to be postmaster at Burlington, Wash., in place of M. G. Lamm. Incumbent's commission expired March 10, 1936.

James R. Stephenson to be postmaster at Issaquah, Wash., in place of J. H. Gibson. Incumbent's commission expired January 8, 1936.

Margaret E. Seward to be postmaster at Port Blakely, Wash., in place of R. A. M. Hilstad, resigned.

WEST VIRGINIA

J. Fred Wilson to be postmaster at Clay, W. Va., in place of B. P. Reed. Incumbent's commission expired January 30, 1933.

WISCONSIN

Howard E. Bitney to be postmaster at Clayton, Wis., in place of George Ketz. Incumbent's commission expired May 3, 1936.

Harry A. Martens to be postmaster at Coleman, Wis., in place of E. H. Herbert. Incumbent's commission expired April 27, 1936.

Paul Mlodzik to be postmaster at Cudahy, Wis., in place of E. C. Szyperski. Incumbent's commission expired January 18, 1936.

Lila Robie to be postmaster at Danbury, Wis., in place of L. T. Larson, resigned.

John J. G. Laing to be postmaster at Waukesha, Wis., in place of L. A. Meininger. Incumbent's commission expired February 25, 1933.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1 (legislative day of Feb. 24), 1937

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Paul H. Nystrom to be a member of the Federal Board for Vocational Education.

NATIONAL LABOR RELATIONS BOARD

Edwin S. Smith to be a member of the National Labor Relations Board.

Donald Wakefield Smith to be a member of the National Labor Relations Board.

APPOINTMENTS IN THE REGULAR ARMY

Nicholas Fred Atria to be first lieutenant, Medical Corps.
Joseph Rich to be first lieutenant, Medical Corps.

Glenn Keith Smith to be second lieutenant, Medical Administrative Corps.

Howard Brim Nelson to be second lieutenant, Medical Administrative Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Major Hugh Bryan Hester to Quartermaster Corps.

Capt. Albert Newton Stubblebine, Jr., to Quartermaster Corps.

PROMOTIONS IN THE REGULAR ARMY

Thomas Jefferson Johnson to be colonel, Quartermaster Corps.

Daniel Allman Connor to be lieutenant colonel, Field Artillery.

Oliver Stevenson Ferson to be major, Air Corps.

Harley James Hallett to be colonel, Medical Corps.

Sanford Williams French to be colonel, Medical Corps.

Thomas Joseph Flynn to be colonel, Medical Corps.

William Denton to be colonel, Medical Corps.

John Joseph Reddy to be colonel, Medical Corps.

Lloyd Ambrose Kefauver to be colonel, Medical Corps.

John Roy McKnight to be colonel, Medical Corps.

Edward Augustus Coates, Jr., to be lieutenant colonel, Medical Corps.

Leroy Taylor Howard to be lieutenant colonel, Medical Corps.

James Albertus Bethea to be lieutenant colonel, Medical Corps.

Thomas Lee Gore to be lieutenant colonel, Medical Corps.

Asa Margrave Lehman to be lieutenant colonel, Medical Corps.

Oramel Henry Stanley to be lieutenant colonel, Medical Corps.

Sewell Munson Corbett to be lieutenant colonel, Medical Corps.

Samuel Reily Norris to be lieutenant colonel, Medical Corps.

Benjamin Norris to be lieutenant colonel, Medical Corps.

Emery Ernest Alling to be major, Medical Corps.

John Allison Worrell to be major, Medical Corps.

Claude Cordray Dodson to be captain, Medical Corps.

William Darrell Willis to be captain, Medical Corps.

James Emile Graham to be captain, Medical Corps.

Jay Franchel Gamel to be captain, Medical Corps.

Aubrey L. Jennings to be captain, Medical Corps.

Allen Chamberlain Wight to be lieutenant colonel, Veterinary Corps.

Elwood Luke Nye to be lieutenant colonel, Veterinary Corps.

Nathaniel Alexander Jones to be chaplain with the rank of lieutenant colonel.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 1 (legislative day of Feb. 24), 1937

POSTMASTER

OKLAHOMA

Alva M. Odom to be postmaster at Byars, in the State of Oklahoma.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 1, 1937

The House met at 12 o'clock noon.

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

Praise the Lord, O Jerusalem, praise thy God, O Zion. His word runneth very swiftly. Heavenly Father, we pray that we may start down the path of this new week with the majesty of a clear conscience sweeping through our beings. Pondering God and that inner voice, which is the eye of the soul, we shall not wander in the forbidden ways checkered by light and shadow. Thus armed, gracious Lord, we shall be restrained from that which is wrong, and the way of truth, wisdom, and right shall be pointed out. Do Thou

enhance in us the real value of self and help us to measure up to the highest ideals of manhood. May we be made worthy of Thy approbation and the approval of our fellow men. We breathe an earnest prayer for our Speaker and for all who are associated with these historic walls. With increasing faith in the right, may we be fully prepared to enter upon our labors.

Again, blessed Lord, we are in the valley. The shadows hover low. Another distinguished Member has left us, faithful in his public service and upright in his private life.

Yea, though I walk through the valley of the shadow of death, I will fear no evil for Thou art with me. Thy rod and Thy staff they comfort me.

We thank Thee for these undying words. Through Christ, Amen.

The Journal of the proceedings of Thursday, February 25, 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 a bill and joint resolutions of the House of the following titles:

On February 23, 1937:

H. R. 3112. An act for the relief of Ralph C. Irwin.

On February 24, 1937:

H. J. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

On February 27, 1937:

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H. R. 2518 An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

THE LATE ANDREW R. BRODBECK

Mr. HAINES. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes to make an announcement.

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

There was no objection.

Mr. HAINES. Mr. Speaker, I regret to announce the death of a former Member of this body, Hon. Andrew R. Brodbeck, who served here in the Sixty-third and Sixty-fifth Congresses from the district that I now have the honor to represent. Mr. Brodbeck was my friend, and in his passing I have lost someone for whom I had the greatest respect and regard. The community in which he lived and served will miss him, for he was most diligent in promoting the welfare of the people with whom he labored and toiled for so many years. A leader in both the religious and civic life of the community, a sympathetic gentleman for all who needed sympathy, a liberal thinker, and a philanthropist. He was always trying to do a good turn for others, and in the recent years, after having retired from active business, he delighted most in serving others in an humble manner that won for him the confidence and respect he so richly deserved. As a Member of this body he was intensely interested in his people. He served here during those trying days of the World War, and it was during that period that I learned to know him best.

Tolerant toward his fellow man and yet a gentleman of firm convictions. If he thought he was right, he was determined to pursue that course; but if shown to be wrong, he was equally willing to admit it. The country can little

afford to lose men like this gentleman and I am confident that in saying this I merely express the sentiment that a great host of his neighbors and friends would express. Born of a fine parentage in an humble York County home in 1860, by sacrifice and a determination that would not be denied, he acquired an education that led him to the school-room as a teacher in the public schools of his own community.

His contribution to the boys and girls of his day is so valuable that no one can appraise it, but it has been my privilege to speak to men and women who knew him as a school teacher and who today will testify as to his influence in their own lives for better living. He chose Hanover, Pa., as his home, just a few miles over the hill from his birth-place at Jefferson.

It is here that everyone knew "Andy", as he was lovingly called. He is going to be missed in church, for he was loyal to the church of his choice and contributed most liberally not only to his own church but to many others. He gave a fortune away to further the cause of education, and has had erected monuments that will stand as a lasting memorial to the fine spirit that characterized his living; but better still, he has erected monuments more glorious in the memory of those who knew him best. He was a devoted husband. A few years ago his helpmate of many years was laid to rest and now he goes to join her in that land "from whose bourne no traveler has ever returned." I am sure that the type of materials he sent on ahead will have prepared for him mansions in that everlasting city of God. He was a kind, loving father to his daughters, who survive him, and who have the many fine qualities of the parents. I deeply regret his passing, for to me he was more than a friend—he was a good man. God give us more like him.

THE LATE REUEL SMALL

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes and to yield to my colleague, the gentleman from Maine, Mr. OLIVER, in that time.

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

There was no objection.

Mr. BREWSTER. Mr. Speaker, it seems appropriate that we should pause for a moment this morning to permit a tribute to be paid to one who had been in the service of this House for 39 years.

Reuel Small, formerly of Maine, served as a reporter of debates in this House throughout that extraordinary length of time, coming here first while Speaker Reed was in the chair, and known to many of you by reason of the intimacies born of associations within this Hall. Not only as a Member of the Maine delegation but as one who also observed his services here upon the floor, I want to pay tribute to the record of his life. I ask that the Representative in Congress from the congressional district of Speaker Reed and of Mr. Small, Mr. OLIVER, here be permitted to pay fitting tribute to the record of his life. I yield the balance of my time to my colleague, the gentleman from Maine [Mr. OLIVER], and ask unanimous consent that we may be permitted to revise and extend our remarks in the Record.

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

There was no objection.

Mr. OLIVER. Mr. Speaker, it becomes my sad duty to make a few remarks concerning the death of one who has been a faithful servant of this Government for many years.

On February 27 Reuel Small, a personal friend of many of this House, died. As dean of the House reporters he served conscientiously and well; as a friend his passing will be deeply regretted by all those with whom he has been associated for more than 39 years in this body.

Mr. Small was born in Newry, Maine, a small town in the First Congressional District, graduating from Norwich College in 1866. He was further honored with an M. S. degree in 1911.

His very noteworthy service rendered in this House for so many years was initiated in the Maine State Senate in

1868 and 1869 where he was the official reporter for that legislative group and later he served as court reporter for the superior court of Cumberland County. The State Department in 1889 recognized his ability by sending him as official reporter in the case of American fishing vessels seized by Canada for violation of Dominion fishing laws. In 1896 he was sent again by the State Department to report the minutes of the Bering Sea Claims Commission. In 1898 another of Maine's illustrious sons, Thomas B. Reed, the then Speaker of this House, appointed him as Official Reporter for the membership of this body. In this position from 1898 until about a week ago he had served the Members of the House of Representatives faithfully and well and it is with deep and profound regret that we note his passing.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

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

There was no objection.

Mr. PLUMLEY. Mr. Speaker, the mantle which, as he left this Hall a few days ago, distinguished Reuel H. Small as the oldest living graduate of Norwich University, the military college of the State of Vermont, has fallen from his shoulders. He wore it unsullied, with honor and distinction, and as became a man.

One day last week he went out of here never to return; his task accomplished, the long day done as the shadows lengthened, evening came, and he reached his journey's end, dying, as he had lived, like a soldier.

Those of us who have observed him engaged in his work find it difficult to realize and to appreciate the fact that he was in his ninetieth year. As Dryden says in Oedipus:

Fate seemed to wind him up for fourscore years;
Yet freshly ran he on 10 winters more
Till like a clock worn out with eating time
The wheels of weary life at last stood still.

For 39 years he walked among those who found their duty in this Hall and most effectively and efficiently discharged the duties of official reporter of debates.

It was given to some of us to know him intimately, and we could but remark how clear his mind and how wonderful his memory of men and events. He was a veritable storehouse of information and reminiscence; inclined to be reticent, nevertheless a most interesting conversationalist and a versatile and very able man.

He liked to talk about his boyhood days and to live again in retrospection the hours he spent as college classmate of William Rutherford Mead, the artist and architect; Edward Dean Adams, the philanthropist and distinguished engineer; Admiral George H. Converse, United States Navy; and Rear Admiral Colvocoresses, who was with Admiral Dewey on the *Olympia* at the Battle of Manila.

Mr. Small was particularly pleased to have occupied at Norwich University the room on the door of the closet of which there was burned into the woodwork these words:

This is George Dewey's room, N. U. '55.

He believed himself to be the sole survivor of that group of cadets who under General Jackman rendered important service to the State of Vermont during the excitement incident to the St. Albans raid of October 19, 1864. In the roster of that force the name of Reuel Small appears as "corporal." "There was no question", he said, laughingly, as he talked to me from his desk here, "but that the 35 or 40 of us who went to Newport as volunteers"—and, by the way, he said "every single cadet offered his services"—"there is no question", he said, "but that we saved the country."

The fact is, historically speaking, this volunteer organization was not a part of the militia or of any organized force and was "never mustered into anything by anybody."

On August 2, 1866, Reuel Small graduated from Norwich University and delivered one of the commencement orations. His remarkable career and the valuable service which he has rendered his country since is a matter of public record.

He was born September 22, 1847.

We spend our years as a tale that is told.

THE NEUTRALITY BILL

Mr. FISH. Mr. Speaker, I ask unanimous consent to submit minority views on the joint resolution (H. J. Res. 242) to maintain the neutrality of the United States in the event of war between or among foreign nations, and for other purposes.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that on Wednesday next, March 3, after the disposition of matters on the Speaker's table I may be permitted to address the House for 30 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I must object because that is Calendar Wednesday, and we want to protect it. One gentleman who wanted to speak next week was willing to come in after the call of the Private Calendar tomorrow. I would have no objection to that, but I would be compelled to object to Wednesday, because it is such an important day, and we should not begin taking time off of Calendar Wednesday. The gentleman from Michigan, I am sure, knows that I regret very much to object to any request he makes.

Mr. WOODRUFF. Mr. Speaker, I desire to amend my request and ask that I may be permitted to address the House for 30 minutes on Thursday next, after the disposition of matters on the Speaker's table.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, in all probability the naval appropriation bill will be up that day. Would the gentleman be willing to get his time in general debate?

Mr. WOODRUFF. If the gentleman from Texas, Mr. Speaker, can assure the gentleman from Michigan that he can secure for him 30 minutes in general debate on the naval bill, that will be perfectly agreeable to me.

Mr. RAYBURN. I will say to the gentleman that if he will withdraw his request entirely, I shall try to work that out and let him know in time to renew his request before Thursday.

Mr. WOODRUFF. That is agreeable, and I withdraw the request, Mr. Speaker.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

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

There was no objection.

THE NAVAL APPROPRIATION BILL

Mr. BIERMANN. Mr. Speaker, the naval appropriation bill was scheduled to come onto the floor last Thursday. Before that time a number of Members endeavored to get copies of the bill, copies of the report, or copies of the hearings, and failed. Due to a lamentable circumstance, consideration of that bill was postponed until Thursday of this week and, again, Members have made efforts to secure copies of the bill, of the report, or of the hearings, and have failed.

I take it for granted this bill will come onto the floor, as every other Navy or Army appropriation bill has come here during my time, and no Members aside from members of the Appropriations Committee will know one single thing about the bill until it comes onto the floor.

I have asked for this time to protest against this kind of procedure.

The Budget for 1938, I believe, asks for more than \$560,000,000 for the Navy, and I presume the Army will ask for enough more to make the total well over \$1,000,000,000, and the practical result of the procedure we have followed for a long time is to have these enormous appropriation bills passed without any consideration whatsoever by the House as a body.

Out in Iowa we think we are pretty rich on account of the hogs we raise. I was interested in looking up the figures the other day and I discovered from the Department of Agriculture that all the hogs in the United States, as of January 1, 1937, are worth \$508,000,000; in other words, next

Thursday we will be asked to appropriate for the Navy \$50,000,000 more than the worth of the entire hog crop of the United States, and to do this without any reasonable consideration at all by this House.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield? Mr. BIERMANN. If I have time, I will yield to the gentleman.

We talk in this body about economy. I believe in economy. I would like to vote to cut these appropriations and to cut the personnel of many Government departments and agencies, but there is no use talking about economy unless we strike the places where the biggest expenditures are made. For the fiscal year 1936, past and future wars cost this Government more than \$4,000,000,000, and how many Members on this floor and how many of the newspapers that talk about economy say anything about these items? There is no use talking about economy if we do not talk about the largest expenditures. I do not believe we are going to get any rational consideration of these enormous "outgoes" unless we change the procedure so that the membership of this House will have at least an opportunity to read an appropriation bill, at least an opportunity to read the report, or at least an opportunity to glance over the hearings a little while before the bill comes to the floor of this House. [Applause.]

I now yield to the gentleman from Wisconsin.

Mr. O'MALLEY. I simply wanted to inquire of the gentleman from Iowa whether his metaphor with respect to hogs bore any relationship to the Army and the Navy and what they get out of the Government.

Mr. BIERMANN. I would dislike to put into the RECORD what I think about some of these men, but I will say that I never heard of an Army or Navy officer advocating any substantial cut in any kind of appropriation for them. I never heard of an Army or naval high-command official allowing one of lower rank to submit any testimony that might indicate where some savings may be made, without disciplining that Army or Navy officer.

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

Mr. BIERMANN. Yes.

Mr. KOPPLEMANN. I recall that a week ago I inquired as to whether this report would be out for the benefit of the Members who, like myself, are interested, and I was informed that the subcommittee chairman of the Committee on Appropriations had informed our leader that it would be out last Wednesday or Thursday. Last Wednesday and Thursday have passed, and we find the gentleman from Iowa now on the floor demanding something that was promised last week. I cannot understand the situation.

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

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the gentleman from Connecticut [Mr. KOPPLEMANN] says he does not understand the situation. I violated no promise that I made. When the untimely death of the chairman of the Committee on Appropriations occurred the Subcommittee on Naval Appropriations said they did not want to bring up their bill until later, and that is the reason why the bill did not come up and why it was not taken up last Thursday.

Mr. KOPPLEMANN. Mr. Speaker, the gentleman has misunderstood me. I repeated the gentleman's statement as coming from the chairman of the subcommittee, that he had promised the gentleman from Texas that it would be out last Wednesday or Thursday.

Mr. RAYBURN. And it would have been, if it had not been for the death of Mr. Buchanan.

Mr. KOPPLEMANN. But Mr. Buchanan's lamentable death did not stop the subcommittee from reporting its provisions, or reporting out this measure, did it?

Mr. RAYBURN. That was the answer given to me.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I do not share the criticism of the gentleman from Iowa [Mr. BIERMANN] has voiced against the Committee on Appropriations in respect to the naval appropriation bill, or any of the Appropriations Committee bills, but I do endorse in toto what he has had to say with reference to the procedure. I for one am of opinion that the membership of the House should at least have a reasonable opportunity to examine the appropriation bills and the hearings, and for that reason I am today introducing a resolution to change the rule requiring an appropriation bill to be on the calendar for 5 days before it can be considered by the House. In other words, the Committee on Appropriations is charged with the expenditure of \$10,000,000,000. As a rule an appropriation bill is introduced and debate upon it takes place the same day. The average Member of the House is not conversant with practically anything that is in the bill.

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

PANAMA CANAL TOLLS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries.

To the Congress of the United States:

I transmit herewith for the information of the Congress, report of the Committee on Panama Canal Tolls and Vessel Measurement Rules, appointed under the provisions of the act approved April 13, 1936, "for the purpose of making an independent study and investigation of the rules for the measurement of vessels using the Panama Canal and the tolls that should be charged therefor." As provided by law, the report contains the Committee's "advisory recommendations of changes and modifications of the rules for the measurement of vessels for the Panama Canal and the determination of tolls as it finds necessary or desirable to provide a practical, just and equitable system of measuring such vessels and levying such tolls."

For over 20 years, numerous attempts have been made to secure the enactment of legislation which would abolish the dual system of measurement whereby tolls are computed under one set of rules, with a limiting factor on the amount to be collected, determined by different and continually changing rules of measurement over which the President has no jurisdiction.

The Committee points out in its report that the Panama Canal Act of 1912 clearly intended to provide that the President should be given full authority to prescribe rules for the measurement of vessels at the Panama Canal, and to fix within certain well-defined limits prescribed by the Congress toll rates that were to be charged on vessels passing through the Canal. Due to the effect of the Attorney General's interpretation made in 1914 of the requirements of the Panama Canal Act, not only has the average transit charge per vessel, foreign and American, been much lowered, and the total revenues of the Canal correspondingly reduced, but the transit payments made for vessels of like earning capacity have become widely different; and this has taken place without any change in the rate of tolls fixed by the President to be paid by all types of commercial vessels, and without any modification of the rules prescribed by the President for determining the tonnage upon which the established rate of tolls should be paid.

It was not intended that the Panama Canal Rules, prescribed by the President in 1913, should forever remain unchanged, nor was it intended that the toll rates should remain fixed at the rates prescribed by the President in 1912. With development in ship construction and increases in traffic the time has come when the rules should be modified and the rates reduced. This cannot be accomplished in a satisfactory and impartial manner without the enactment of remedial legislation abolishing the dual system and

establishing the Panama Canal Rules of Measurement as the sole rules for the measurement of vessels at the Panama Canal, and the tonnage on which Congress should prescribe the limits within which the President may act in fixing the toll rates.

An effort was made at the last session of the Congress to secure the enactment of such legislation, but there were those who felt that an independent study of the entire subject should be made first by a neutral committee before final action was taken. That study has now been made and an exhaustive report has been submitted.

The Committee has made certain recommendations as to the enactment of necessary legislation which I approve. Its enactment will permit the President to proceed administratively to carry out the further recommendations of the Committee as to the modifications of the rules and the rates to be charged, in order to provide a practical, just, and equitable system of measuring vessels and levying tolls.

I cannot urge too strongly the enactment of legislation that will so amend existing law as to provide:

(1) That tolls for the use of the Panama Canal shall be based upon vessel tonnage determined by the Panama Canal rules of measurement as prescribed by the President.

(2) That the tolls upon commercial vehicles, Army and Navy transports, colliers, supply and hospital ships shall not exceed \$1 per Panama Canal net ton, and shall not be less than 75 cents per Panama Canal net ton, when such vessels are laden.

(3) That a rate of tolls lower than is levied on laden vessels may be prescribed for vessels in ballast, without passengers or cargo.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 26, 1937.

SUGAR-QUOTA SYSTEM (H. DOC. NO. 156)

The SPEAKER also laid before the House the following message of the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Agriculture and ordered printed:

To the Congress of the United States:

The expiration on December 31, 1937, of the quota provisions of the Jones-Costigan Act and Public Resolution No. 109 of June 19, 1936, and the existence of the public problems which have arisen as a result of discontinuance of the processing tax on sugar and benefit payments to sugar-beet and sugar-cane producers, make it desirable that the Congress consider the enactment of new legislation with respect to sugar. The Jones-Costigan Act has been useful and effective and it is my belief that its principles should again be made effective.

I therefore recommend to the Congress the enactment of the sugar quota system, and its necessary complements, which will restore the operation of the principles on which the Jones-Costigan Act was based. In order to accomplish this purpose adequate safeguards would be required to protect the interests of each group concerned. As a safeguard for the protection of consumers I recommend that provision be made to prevent any possible restriction of the supply of sugar that would result in prices to consumers in excess of those reasonably necessary, together with conditional payments to producers, to maintain the domestic industry as a whole and to make the production of sugar beets and sugar-cane as profitable as the production of the principal other agricultural crops. In order to protect the expansion of markets for American exports, I recommend that no decrease be made in the share of other countries in the total quotas.

It is also highly desirable to continue the policy, which was inherent in the Jones-Costigan Act, of effectuating the principle that an industry which desires the protection afforded by a quota system, or a tariff, should be expected to guarantee that it will be a good employer. I recommend, therefore, that the prevention of child labor, and the payment of wages of not less than minimum standards, be in-

cluded among the conditions for receiving a Federal payment.

I recommend that adequate provision be made to protect the right of both new and old producers of small acreages of sugar beets and sugarcane to an equitable share of the benefits offered by the program. In this connection I suggest also that you consider the advisability of providing for payments at rates for family-size farms higher than those applicable to large operating units.

Quotas influence the price of sugar through the control of supply; consequently, under a quota regulation of the supply of sugar, a tax may be levied without causing any adverse effect, over a period of time, on the price paid by consumers.

I recommend to the Congress the enactment of an excise tax at the rate of not less than 0.75 cent per pound of sugar, raw value. I am definitely advised that such a tax would not increase the average cost of sugar to consumers. An excise tax of this amount would yield approximately \$100,000,000 per annum to the Treasury of the United States, which would make the total revenue from sugar more nearly commensurate with that obtained during the period 1922-29. It is also estimated that the total income of foreign countries from the sale of sugar in the United States under the quota system would not be less than that obtained during 1935, and, like the total income of domestic sugar producers, it can be expected to increase in future years as our consumption requirements expand.

In considering the enactment of any tax the Congress has regard for its social and economic effects as well as its ability to raise revenue. The social and economic effects of an adequate excise tax on sugar are so important to the welfare of the various groups affected as to constitute a necessary complement to the quota system. For this reason I recommend that neither the quotas nor the tax should be operative alone.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 1, 1937.

EXTENSION OF REMARKS

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

The SPEAKER. Is there objection?

There was no objection.

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

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mrs. HONEYMAN. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposal of the regular business on the Speaker's desk, I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I reserve the right to object. A previous request was made of this character, to address the House tomorrow, and it was granted after the conclusion of the consideration of the Private Calendar. I suggest that the gentlewoman from Oregon follow the same procedure.

Mrs. HONEYMAN. That is perfectly satisfactory, Mr. Speaker.

The SPEAKER. The gentlewoman from Oregon modifies her request that she be permitted to address the House for 5 minutes tomorrow, after the disposition of matters on the Speaker's desk and the conclusion of the consideration of the Private Calendar and previous orders. Is there objection?

There was no objection.

STAR-ROUTE CONTRACTS

Mr. MEAD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 84, which gives to the Postmaster General 60 days additional time in the awarding of star-route contracts.

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

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. The gentleman's committee has the right-of-way on Calendar Wednesday. Why could it not be brought up at that time?

Mr. MEAD. Because tomorrow is the dead line on which the Postmaster General will have to award these contracts. The resolution will have to reach the White House today or it will be without value.

Mr. MARTIN of Massachusetts. This matter has been considered by your committee?

Mr. MEAD. It has been considered by our committee and amended in accordance with the suggestions of the Department.

Mr. MARTIN of Massachusetts. This will not change the present law?

Mr. MEAD. None whatever.

Mr. TABER. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman why it is necessary or desirable that the time be extended. Is there any emergency that exists that would require such an operation?

Mr. MEAD. In answer to the gentleman, I may say that the Department, at the request of our committee, has made a report on the revision of existing star-route legislation, and it is anticipated that legislation will be considered by the House and Senate in the interim. Therefore, it is the unanimous desire of our committee that the Department be given this 60-day extension in which to award the new contracts.

Mr. MARTIN of Massachusetts. In other words, you want to continue the present status until your committee has time to consider the legislation?

Mr. MEAD. That is it, exactly.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MEAD]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Postmaster General is authorized and directed to withhold the awarding of any star-route contract for a period of 60 days after March 31, 1937.

Mr. MEAD. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MEAD: In line 4, after the word "of", strike out "any star-route contract" and insert "star-route contracts for which bids have been received in the first contract section"; and in line 5, strike out the figures "31" and insert in lieu thereof the figure "1."

The committee amendments were agreed to.

Mr. MEAD. I move the previous question on the adoption of the Senate joint resolution.

The previous question was ordered.

The Senate joint resolution 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.

EXTENSION OF REMARKS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by Hon. Charles Moore, Chairman of the Commission on Fine Arts, chiefly devoted to the beautification of Washington.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

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

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

Mr. COSTELLO. Mr. Speaker, reserving the right to object, in view of the fact that we have been delayed about 45 minutes on the Consent Calendar and there are many Members who are interested in the bills, I feel I am forced to object to any further requests for time.

The SPEAKER. Objection is heard.

EXTENSION OF REMARKS

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to extend my own remarks, to include remarks made by me

yesterday at a conference on social control of power called by the League of Industrial Democracy.

The SPEAKER. Without objection, it is so ordered. There was no objection.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

AMENDING IMMIGRATION ACT OF FEBRUARY 5, 1917

The Clerk called the first bill on the Consent Calendar, H. R. 26, to amend section 23 of the Immigration Act of February 5, 1917 (39 Stat. 874), as amended (U. S. C., title 8, sec. 102).

The SPEAKER. Is there objection to the present consideration of the bill? Three objections are required.

Mr. JENKINS of Ohio. Reserving the right to object, I would like to ask the gentlewoman from New York [Mrs. O'DAY] if this bill is exactly as it was passed last year? Are there any changes?

Mrs. O'DAY. None that I know of.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 23 of the act of February 5, 1917, as reads as follows: "and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native land, at any time within 3 years after entry, at the expense of the appropriations for the enforcement of this act", is amended to read as follows: "and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, or the country from whence they came, or to the country of which they are citizens or subjects, at any time after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, but any person thus removed shall forever be ineligible for readmission except upon the approval of the Secretary of State and the Secretary of Labor."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPORTATION OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 28, to authorize the deportation of aliens who secured preference-quota or non-quota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes.

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

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, I notice in the report on this bill, on the first page, that this is identical in text to the bill H. R. 11040, of the Seventy-fourth Congress, which passed the House April 20, 1936. Then the report says:

Subsequent pressure for the enactment of more urgent legislation prevented its final enactment.

Can the lady from New York [Mrs. O'DAY] tell me what that subsequent pressure was? Why was this bill carried on from April 20, 1936, after it passed the House, and never considered in the Senate?

Mrs. O'DAY. Because the Senate adjourned before this and other bills could be considered.

Mr. JENKINS of Ohio. As I remember, the Senate did not adjourn until the end of June 1936. This bill was passed by us on the 20th of April. In view of the fact that I do not understand what that subsequent pressure was and the lady cannot inform me, I am going to ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

TEMPORARY STAY OF CERTAIN ALIENS, DEPORTATION OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 27, to authorize the shortening or termination of temporary stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

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

Mr. EBERHARTER. Mr. Speaker, I object.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman reserve his objection?

Mr. EBERHARTER. Mr. Speaker, I reserve my objection to permit the gentleman to make a statement.

Mr. DICKSTEIN. Mr. Speaker, this bill was unanimously reported by the committee after full hearing and determination.

Mr. Speaker, this bill is directed against groups of aliens who ostensibly come here for the purpose of visiting the country but who, as a matter of fact, are nothing but a lot of spies and propagandists who spread all forms of propaganda of foreign origin which is not for the best interests of this country. After an alien comes into this country and secures permission to stay here for 3 or 6 months, there is no way we can get him out of this country until the stay is terminated. This bill merely provides that if an individual who comes here in the guise of a visitor distributes propaganda of his government which is contrary to our Constitution and form of government, that we shall have the right to tell this visitor to take the next boat home.

The bill has the endorsement of many patriotic organizations. It has the endorsement of the committee. We have given it careful study. The Committee on Un-American Activities, of which the gentleman from Massachusetts [Mr. McCORMACK] was chairman, recommended such legislation in its last report.

It is the feeling of your committee that those foreigners who want to come to our country to visit for a while should be allowed to so long as they mind their own business; but when, for instance, they begin to stir up racial intolerance by foreign propaganda, they should be deported, and at the present time we have no way of getting them out of the country.

I hope the gentleman from Pennsylvania can see his way clear to withdraw his objection. The committee worked very hard on this bill. The Committee on Un-American Activities made this recommendation in its report. The purpose of the bill is simply to rid this country of men and women who come here for no other purpose than the spreading of this form of propaganda.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question.

As I remember, this bill came before the House last year, did it not?

Mr. DICKSTEIN. It did.

Mr. JENKINS of Ohio. Was it passed by the House?

Mr. DICKSTEIN. It was passed unanimously under a rule, although it had been objected to for a year and a half before that time.

Mr. JENKINS of Ohio. The gentleman says it was passed unanimously under a rule?

Mr. DICKSTEIN. Yes; there was not a vote against it.

Mr. JENKINS of Ohio. Were any amendments adopted at that time? Does this bill represent the bill as it came from the committee or as it passed the House?

Mr. DICKSTEIN. It represents the bill as amended.

Mr. JENKINS of Ohio. As I remember, we got into a discussion over the language on page 2, lines 3 and 4:

Propaganda instigated from foreign sources or who, while in the United States, engages in unlawful political activities.

Mr. DICKSTEIN. That is right.

Mr. JENKINS of Ohio. Did we not define "political activity"?

Mr. DICKSTEIN. My good colleague the gentleman from Ohio [Mr. JENKINS], for whom I have the highest regard, was a member of this Committee on Un-American Activities; and he and I and the gentleman from Massachusetts [Mr. McCORMACK], the chairman of that committee, and the other members of the committee, unanimously endorsed that provision in our report to this House in 1935. In that report we made this recommendation. Upon this recommendation I, as chairman of the Committee on Immigration, followed out the report of the Committee on Un-American Activities

by having a hearing; and we used in our bill the identical language used in the report of the Committee on Un-American Activities. The gentleman from Ohio signed that report.

Mr. JENKINS of Ohio. I am not so sure about all that. What I want to know is whether the bill at any place defines "political activities." I notice there is a definition of unlawful propaganda appearing on page 2, line 12.

Mr. DICKSTEIN. There is not a definition of "political activity." I think the gentleman from Ohio will recall that the gentleman from Tennessee [Mr. TAYLOR], the gentleman from Ohio himself, the gentleman from Massachusetts [Mr. McCORMACK], and I discussed this very question and finally struck the language of the law. Personally I do not feel it ought to be amended. We discussed it on the floor of the House last year when we passed it. There was full and fair discussion. I feel that it is for the best interests of this country that we rid it of those people who come here for no good or lawful purpose, or for no purpose other than to spread propoganda inimical to our form of government and to our institutions.

Mr. JENKINS of Ohio. This bill does define political activity on page 3.

Mr. DICKSTEIN. I have not the bill before me.

Mr. JENKINS of Ohio. Here is what is stated, and this justifies my raising the question, because we did have a lot of discussion about this matter:

Any activities, identified with official policies of any foreign governmental agency or political party, which are directed or supported from a headquarters located in territory outside the jurisdiction of the United States and which seek to influence political action and thought, within the United States.

That defines it. I was very much perturbed about the general wording, which included "unlawful political activities", because if we are going to send people out of the country for unlawful political activities, after awhile we will have more to send out than we can provide sailing facilities for.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. This measure has the support not only of the Committee on Un-American Activities but it has the unanimous support of the Committee on Immigration?

Mr. DICKSTEIN. Yes. This bill has the support of every organization that appeared before our committee.

Mr. EBERHARTER. Does not the gentleman from New York consider this is a very important measure and somewhat of a departure from the historic policy of our country with regard to its immigration laws?

Mr. DICKSTEIN. I may say to the gentleman the Committee on Immigration, the Committee on Un-American Activities, the majority of the membership of this House, as well as the Department of Labor and all departments that have been called in, feel it is a most vital piece of legislation for the protection of Americans. This does not interfere with our people. Let us take a specific case. A man applies to an American consul for permission to visit this country. He has no more business visiting this country than I have visiting Germany. He comes here for the sole purpose of trying to promote another loan from this Government. He comes here for the sole purpose of promoting a little war between one form of government and another form of government. He comes here for the sole purpose of stirring up hate between various people in this country. We have no method under the present law to tell that gentleman to go back home and promote his propoganda work over there.

Mr. EBERHARTER. May I ask the gentleman from New York whether or not he does not consider this enough of a departure from our historic policy with regard to immigration that the matter should be debated and come up on Calendar Wednesday?

Mr. DICKSTEIN. We had it up for consideration on Calendar Wednesday.

Mr. EBERHARTER. Is it on that calendar this year?

Mr. DICKSTEIN. This was unanimously passed by the last Congress after a full and fair discussion. The gentleman

will understand I am trying to do my duty, and I know he is. If he wants to do something for his country as a Member of this House, please do not object to this bill.

Mr. McCORMACK. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman is perfectly justified in making his inquiries, but I think he is disturbed on a point which I might be able to clarify in his mind.

Mr. EBERHARTER. Will the gentleman answer this question? Does he not think in many respects this bill is a restriction of free speech?

Mr. McCORMACK. No.

Mr. EBERHARTER. A restriction of free speech on the part of persons who may be in this country with very good intentions?

Mr. McCORMACK. No.

Mr. EBERHARTER. I think the gentleman will find that is true if he will read the bill closely. It says any person who advocates on behalf of any political party—

Mr. McCORMACK. The word "unlawful" is used in there, and that is defined.

The regular order was demanded.

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

Mr. LUCKEY of Nebraska. Mr. Speaker, I object.

ADMISSION OF CERTAIN ALIEN WIVES OF UNITED STATES CITIZENS

The Clerk called the next bill, H. R. 3471, to permit alien wives of American citizens who married prior to the Immigration Act of 1924 to enter the United States.

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

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I think the Members of the House ought to be posted on what they are doing today in connection with this bill. If the gentleman, the author of this bill, will explain his bill, I will permit him to do it in my time.

Mr. KING. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Hawaii.

Mr. KING. The text of this bill is identical with a bill that passed the House last session, which bill was referred to a Senate committee, but not reported by that committee. The purpose is to grant the same exemptions, under existing law, to alien wives of American citizens that are now granted in the case of Chinese wives of American citizens. The total number affected by this bill is about 25, some of whom are residents of my district. The exemption only applies to marriages that occurred prior to the passage of the immigration law of 1924. It would not apply to any marriages subsequent to that time. The present law bans alien wives of American citizens who were married even prior to the passage of the law of 1924, but at a later time an amendment was adopted by the Congress granting exemption to alien wives of the Chinese race, but not to others.

Mr. JENKINS of Ohio. May I say this bill represents a growth in legislation. In other words, before 1924, the law provided that no alien ineligible for citizenship shall be permitted to come to the United States. That meant people that were not ineligible. There are certain groups of people that cannot come to this country at all. They are racially ineligible. In 1930, as I understand, the law was changed to permit the Chinese wives of American citizens to come in.

Now you come along and again add to that provision and you strike out the provision about the Chinese wife and insert "or is the alien wife of an American citizen who was married prior to the approval of the Immigration Act of 1924." This means that any American citizen, regardless of how ineligible his wife may be, can bring her into this country if they were married before 1924.

Mr. KING. Yes; for two reasons. One is that it was a punishment of American citizens who had married wives who were ineligible for naturalization under the law as it was passed, and the other reason is that the law has already granted exemption to the Chinese but not to other races that are ineligible.

I may say that I would not favor such legislation if it affected a large number, but I have had an estimate made by the Bureau of Immigration and I am informed there are about 25 persons affected by this proposed legislation, and it is pinned down to those married before the passage of the Immigration Act of 1924.

Mr. JENKINS of Ohio. The Members will appreciate that we went a long way when we let down the bars in that act, and as I understand, the gentleman now states there are only about 25 affected.

Mr. KING. Yes.

Mr. JENKINS of Ohio. Who are they?

Mr. KING. Some are Japanese, some are Koreans, some are Annamites, and some are Filipinos.

Mr. JENKINS of Ohio. I take it this must affect some one in the Hawaiian Territory, otherwise the gentleman would not be so interested. What classes of people are affected there?

Mr. KING. There are about five of them. I think there are two Japanese, two Filipinos, and I have forgotten the race of the other.

Mr. JENKINS of Ohio. Of course, this is narrowed by the fact it applies only to those who were married before 1924. I do not want to be captious about it and object on that score, but would the gentleman object to waiting until the next time the calendar is reached and then bring us information from the Department of Labor telling us how many would be affected?

Mr. KING. May I say to the gentleman that last year when he objected, I obtained the information, and the gentleman did not object when it passed the House.

Mr. JENKINS of Ohio. Perhaps I have learned something as I have gone along.

Mr. KING. What I did last year I shall have to do over again. There is one point I would like to call the gentleman's attention to again. There is a certain amount of injustice involved in making the law *ex post facto* to those American citizens who may have married such wives prior to 1924.

Mr. JENKINS of Ohio. The year 1924 was a great year for the passage of immigration laws, and we have been amending legislation based on those 1924 acts ever since. The gentleman is now opening the door, but if there are only 25 involved, perhaps we ought not to say anything about it.

Mr. KING. It applies only to those married before that year.

Mr. JENKINS of Ohio. Of course, the gentleman will appreciate that it applies to any such American citizen who was married before 1924. Of course, the gentleman says there are only 25 cases, but the language is very broad. However, if no one objects but myself, I shall withdraw my objection, but I wanted the House to know about the situation.

Mr. RANKIN. Mr. Speaker, reserving the right to object, there has been so much fraudulent violation of the immigration laws of 1924 that I am always skeptical of changing those laws at all. If there is any injustice done to these particular individuals, I think it ought to be taken up under special bills, or private bills, for these individuals, because, in my honest opinion, if you pass this law, while you are trying to take care of a very few people, you are going to throw the bars down for more fraudulent immigration into this country, such as we have had since 1924.

Mr. JENKINS of Ohio. Of course, they could open the door by saying that they were married before this time and a lot of things of that sort, although I do not know that would happen.

Mr. RANKIN. I do not know; but every kind of fraud on earth has been perpetrated, it seems to me, to bring people into this country in violation of our immigration laws. I am not saying this with reference to the distinguished gentleman from Hawaii [Mr. KING]. He has not been a party to it, but I do know, and Members of this House know generally that the immigration laws of 1924 have been overriden, they have been violated, they have been disregarded,

and hordes of people have come in that were excluded by the law and who could not have come in if the law had been enforced. I am afraid if you make this a blanket proposition you are going to leave another loophole for a number of undesirables to come to this country that we do not want and that we have been trying to keep out since 1924. I think the gentleman ought to introduce private bills for each one of these cases and let them come before the House and have each one considered on its merits.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. RANKIN. Yes.

Mr. DICKSTEIN. When we bring out a private bill, as we did bring out a few, the gentleman objects to them.

Mr. RANKIN. Yes; some of them, no doubt.

Mr. DICKSTEIN. So you are damned if you do, and damned if you do not.

Mr. RANKIN. Yes; and I may say to the gentleman from New York that I have never regarded him as being in favor of enforcing the immigration laws of this country, and if the bills come from him the chances are that I will be compelled to object to them.

I am going to have to object to this bill at this time.

The SPEAKER. Objection is heard.

SALARIES OF RURAL LETTER CARRIERS

The Clerk called the bill (H. R. 3609) to protect the salaries of rural letter carriers who transfer from one rural route to another.

The SPEAKER. Is there objection to consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. There are five bills on the Consent Calendar from the Committee on the Post Office and Post Roads, nos. 10, 13, 55, 56, and 57. Some of them are very important, and I notice by reference to the calendar that the Committee on the Post Office and Post Roads is the first committee to be called on Calendar Wednesday. If there is no disposition upon the part of the leadership to dispense with Calendar Wednesday this week, I wonder if it would not be more in keeping with our policy of having full discussion of these bills to take them up on Calendar Wednesday than now by unanimous consent?

Mr. MEAD. Mr. Speaker, that will be agreeable to me, with the exception of one or two of these bills, which are not rated as major bills, and which have been passed by the House at a previous session. For example, take Calendar No. 57, which pertains to mail matter for the blind. That ought not to require any discussion, and I doubt whether there would be any objection to it. If we can get through with some of these minor bills today, it means that another committee will have more time on Calendar Wednesday after we conclude our work.

Mr. WOLCOTT. There is a desire to discuss some of these bills, and to be consistent I really think they all should go over to Calendar Wednesday, and let them be considered at that time. I do not think there is any particular objection to the bills on this side, although some of them might need some discussion. In fact, the bill to which reference has been made, no. 57, I am rather anxious to have passed.

Mr. MEAD. I wish the gentleman would allow the bills to come up in order, and if they are not objected to it will mean less work for our committee on Calendar Wednesday and a better opportunity for the committee that follows us. Further, I do not know whether we will have Calendar Wednesday this week.

Mr. WOLCOTT. Are there other bills from the gentleman's committee that he expects to consider on Calendar Wednesday?

Mr. MEAD. One more, possibly.

Mr. WOLCOTT. And is it, in the gentleman's opinion, of more importance than these bills?

Mr. MEAD. I would not say so. Most of these bills have already been passed by the House in the previous Congress. They come to you with the unanimous report of our committee. I would not say that they are major bills. The bill we are now discussing is merely to correct a decision by the Comptroller General. It has been recommended by the Post

Office Department, approved unanimously by our committee, and a similar bill was adopted without a dissenting vote in the last session of Congress. It is absolutely fair.

Mr. WOLCOTT. Mr. Speaker, there is some question as to whether no. 13 on the calendar is not an attempt to blanket the special-delivery messengers into the civil service after all of them have been replaced by patronage appointees. I think that should be discussed. The gentleman last year explained the bill to my satisfaction, and I have no particular objection to the bill at this time, but I know that other Members have some objection to the bill.

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

Mr. WOLCOTT. Yes.

Mr. DINGELL. Mr. Speaker, my colleague from Michigan has no objection to special-delivery messengers becoming civil-service employees, has he?

Mr. WOLCOTT. No. The gentleman from New York [Mr. MEAD] satisfactorily explained that to me last year. In fact, I have no objection to any of these post-office bills. I know there are objections to them by other Members and I wondered if it would not expedite matters to bring them up on calendar Wednesday and discuss them at that time.

Mr. MEAD. We have the bill now before the House, and because of the uncertainty of having calendar Wednesday this week I would like to have the gentleman allow us to proceed with the consideration of these bills. If they are objected to for the first time they will be called up on another consent day, at which time they will require additional objections, and we shall have made some headway.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I ask unanimous consent that no. 10 on the calendar be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. MEAD. Mr. Speaker, I object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

PROMOTION OF SPECIAL-DELIVERY MESSENGERS

The Clerk called the bill (H. R. 2006) to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. DINGELL. Mr. Speaker, I reserve the right to object, to ask the gentleman whether this bill will be open to amendment and whether he would accept an amendment?

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. DINGELL. Mr. Speaker, I have the floor and I have not yielded to the gentleman from New York. I object to his remarks being squirted into my discourse. I am asking a question of the gentleman from New York [Mr. MEAD] whether he would accept an amendment or whether it is in order to make the special-delivery messengers subject to the civil-service laws while remaining right where they are now. I have in mind the provisions of my bill [H. R. 2280], which would place all special-delivery messengers under civil service, under certain circumstances.

Mr. MEAD. I will say to the gentleman that legislation of that character is being considered by the House Committee on the Civil Service. This bill is brought before you by the Committee on the Post Office and Post Roads in order to reward a small number of special-delivery messengers whose services have been highly meritorious.

The members of the Democratic and Republican Parties who are associated with me on that committee eliminated all possibility of favoritism and politics from this bill when they decided that only special-delivery messengers who had been in the Service for 5 years or more would come within the provisions of this bill. Therefore the original appointments would have been made under Republican administration.

Mr. TABER. Mr. Speaker, regular order.

Mr. MEAD. I trust the gentleman will withhold that for a moment.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. TABER, Mr. McLEAN, and Mr. HOLMES objected.

TO EXCLUDE HABITUAL ALIEN COMMUTERS

The Clerk called the next bill, H. R. 3679, to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

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

Mr. PLUMLEY, Mr. HOLMES, and Mr. COSTELLO objected.

APPEARANCE BY ATTORNEY GENERAL IN CERTAIN CASES

The Clerk called the next bill, H. R. 2260, to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

TO AMEND SENATE JOINT RESOLUTION

The Clerk called the next business, House Joint Resolution 137, to amend a Senate joint resolution dated March 28, 1918 (40 Stat. 499).

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

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

INCREASED SALARIES FOR VILLAGE LETTER CARRIERS

The Clerk called the next bill, H. R. 4285, to increase the salaries of letter carriers in the Village Delivery Service.

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

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. It should go to Calendar Wednesday.

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

Mr. MEAD. Will the gentleman withhold his objection for a moment?

Mr. TABER. Yes; I will reserve the objection.

Mr. MEAD. I do not believe the gentleman from New York or any other Member objects to a very small increase in salary for these village letter carriers who are now getting as low as \$1,150 a year. The gentleman's committee brought in a bill only a week ago with an item in it increasing the salaries of similar positions in the Postal Service.

Mr. TABER. No; not similar.

Mr. MEAD. These men are delivery letter carriers. They work from morning to night in that Service. Those who deliver in the city service receive \$2,100. These men in the villages receive as low as \$1,150, and cannot go above \$1,350. We are trying to give them an increase of \$150 in their respective grades. I do not believe there is a Member of this House who would object to this meager increase for these employees of the Postal Service. They are the lowest paid carriers we have. The gentleman has a number of them in his own district and knows how hard they work.

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

Mr. TABER. I yield.

Mr. VOORHIS. I would like to ask the gentleman from New York [Mr. MEAD] whether it is not true that in many cases these village carriers work longer hours and a great deal harder than anyone else in the Postal Service?

Mr. MEAD. They do work long hours. They work for the very smallest pay given anyone in the carrier service.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. MEAD. Mr. Speaker, I object.

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

Mr. TABER. Mr. Speaker, I object.

EQUIPMENT ALLOWANCE TO THIRD-CLASS POSTMASTERS

The Clerk called the next bill, H. R. 2723, granting equipment allowance to third-class postmasters.

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

Mr. TABER. Mr. Speaker, I object.

SPECIAL RATES OF POSTAGE ON MATTER FOR THE BLIND

The Clerk called the next bill, H. R. 4286, to provide special rates of postage on matter for the blind.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That magazines, periodicals, and other regularly issued publications in raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements, when furnished by an organization, institution, or association not conducted for private profit, to a blind person, at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF LANDS AT ALAMEDA, CALIF., FOR NAVAL AIR STATION

The Clerk called the joint resolution (H. J. Res. 43) to amend Public Law No. 780, Seventy-fourth Congress, authorizing the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and for other purposes.

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

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That section 1 of Public Law No. 780, entitled "An act to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and to authorize the construction and installation of a naval air station thereon", approved June 24, 1936, is amended by inserting after the words "free from all", before the colon and preceding the proviso, the word "encumbrances."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the joint resolution was amended to read: "Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein."

OFFICE OF NAVAL RECORDS AND LIBRARY, NAVY DEPARTMENT

The Clerk called the next bill, H. R. 3598, authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department.

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

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1128 for the House bill.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, is the Senate bill identical with the House bill?

Mr. VINSON of Georgia. It is identical.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to accept, receive, hold, and administer gifts and bequests of personal property, and loans of personal property other than money, from individuals or others for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services. Gifts or bequests of money shall be deposited in the Treasury of the United States as trust funds under the title "Office of Naval Records and Library Fund."

Sec. 2. Gifts or bequests for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services shall be exempt from all Federal taxes.

Sec. 3. The Secretary of the Treasury is authorized, upon the request of the Secretary of the Navy, to invest or reinvest the trust funds, or any part thereof, deposited in the Treasury pursuant to section 1 of this act in securities of the United States Government or in securities guaranteed by the United States Government. The interest accruing from such securities shall be deposited to the credit of the Office of Naval Records and Library Fund.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 3598) were laid on the table.

ACCEPTANCE OF CERTAIN LANDS AT SAN DIEGO, CALIF.

The Clerk called the next bill, H. R. 3607, to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego.

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

There was no objection.

By unanimous consent, a similar Senate bill, S. 1130, was substituted in lieu of the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized on behalf of the United States to accept from the city of San Diego, California, free from all encumbrances and without cost to the United States, all right, title, and interest in and to the lands contained within the following-described area: Beginning at the intersection of the southeasterly line of Harasthy Street with mean high-tide line of the Bay of San Diego, as said mean high-tide line was established by that certain superior court action no. 35473; thence southwesterly along the southwesterly prolongation of the southeasterly line of Harasthy Street a distance of 159.66 feet to an intersection with the northeasterly Marine Base boundary line; thence north 60°34'59" west along the said Marine Base boundary line a distance of 1,929.11 feet to its intersection with the said mean high-tide line of the Bay of San Diego; thence in a general southeasterly direction, following along the said mean high-tide line to the point or place of beginning, containing 5.2474 acres of land; also approximately 544 acres of pueblo lands, owned by the city of San Diego, more particularly described as follows: The easterly half of pueblo lot 1300; all of pueblo lot 1309; all of pueblo lot 1310; all of that portion of pueblo lot 1311 lying easterly of Pacific Highway and southerly of Miramar Road; all of that portion of pueblo lot 1314 lying southerly of Miramar Road; all of that portion of pueblo lot 1315 lying southerly of Miramar Road; all of that portion of the westerly half of pueblo lot 1316 lying southerly of Miramar Road; said pueblo lands being according to the map thereof made by James Pascoe in 1870, a certified copy of which map is filed as miscellaneous map no. 36 in the office of the county recorder of San Diego County, Calif.; said lands being desired by the Navy Department for national defense, and particularly for the purpose of establishing and maintaining thereon a rifle range, together with barracks and other structures incident thereto.

The said Secretary of the Navy is also authorized hereby to transfer to the city of San Diego, California, free from all encumbrances and without cost to said city of San Diego, all rights, title, and interest of the United States in and to the lands contained within that part of the Marine Corps Base, San Diego, Calif., containing 60.1605 acres, more particularly described as follows: Beginning at the point of intersection of the southwesterly prolongation of the northwesterly line of Bean Street with the combined United States pierhead and bulkhead line, as said combined United States pierhead and bulkhead line was established in 1928; thence north 83° west a distance of 729.62 feet along the said combined pierhead and bulkhead line to an intersection with the southwesterly prolongation of the southeasterly line of Harasthy Street; thence north 28°49'40" east along the southwesterly prolongation of the southeasterly line of Harasthy Street, a distance of 4,008.27 feet to an intersection with the existing Marine Base boundary line; thence south 60°34'59" east along the said Marine Base boundary line a distance of 677.88 feet to an intersection with the southwesterly prolongation of the northwesterly line of Bean Street; thence south 28°50'10" west along the southwesterly prolongation of the northwesterly line of Bean Street a distance of 3,730.02 feet to the point or place of beginning, containing 60.1605 acres of bay area.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 3607) were laid on the table.

FOURCHE LA FAVE RIVER, ARK.

The Clerk called the next bill, H. R. 61, authorizing a preliminary examination of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I notice a number of similar bills on the calendar, nos. 63, 64, 65—about seven or eight of them—all to the same purport. Those of us who live along rivers, especially along the Ohio and Mississippi Rivers, where there has been a disastrous flood, are keenly alive to flood-control measures, and we know that a movement is on foot for a national flood-control policy. I see some of these bills have been reported by the gentleman from Mississippi [Mr. WHITTINGTON], chairman of the Committee on Flood Control. I do not want to say that these are unnecessary, but if we are going to start out with surveys of every little river in the country, spending \$3,000, \$4,000, or \$5,000 on each, we will soon spend our money without touching the real problem to be solved.

Mr. CLARK of Idaho. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CLARK of Idaho. These survey bills have been passed each year by the dozen, as the gentleman knows. They do not, as the gentleman knows, involve the expenditure of additional money, for the Army engineers make the surveys with their regular equipment. It merely keeps the Army busy. We have passed similar bills here from time immemorial. We must have passed 50 or 60 last year.

Mr. JENKINS of Ohio. Yes; but the gentleman was not here in years gone by when two or three of us stood up here and stopped bills of this kind. We held them up until a policy was developed. I am not sure that we did the wise thing in withdrawing our opposition, for this flood of bills that the gentleman speaks of is the result.

Mr. CLARK of Idaho. They are merely reports.

Mr. JENKINS of Ohio. The gentleman says they will not cost anything. He is sadly mistaken in that respect. Each and every one of these surveys will cost from one thousand to maybe fifty thousand dollars.

In view of all the facts and circumstances, especially in view of the endeavor to lay out a national flood-control program, I hope objection will not be raised if, as these bills are reached, I ask that they be passed over without prejudice.

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

Mr. JENKINS of Ohio. I yield.

Mr. TERRY. This is my bill. This is a small river, but it floods four or five times a season and people in its valley have lost crops year after year on this account. The Army engineers have a large fund that is set aside especially for small preliminary examinations.

Mr. JENKINS of Ohio. But the gentleman does not say that the Army engineers have said that they want to make this survey. I know how difficult it has been in times gone by to get them to make surveys, because they are so busy. They object to making them because they have so much to do and so little money with which to do it.

Mr. TERRY. But the Army engineers have not objected to making this survey.

Mr. JENKINS of Ohio. No; for they have never been asked to make it.

Mr. TERRY. This bill would call it to their attention. No objection has been made to it by them so far. This is the usual and common thing.

Mr. JENKINS of Ohio. It would not mean a lot to the gentleman to let this go over for 2 weeks? I do not want to object to this one. I want them all passed over.

Mr. TERRY. The gentleman should not object. The fact there are three or four more will not keep the Army engineers from making surveys in the part of the country in which the gentleman is interested. We are not going to offer any objection to what the Government will do for his part of the country and we hope he will not make an objection to the small thing we are asking here.

Mr. JENKINS of Ohio. Is the gentleman a member of the Flood Control Committee?

Mr. TERRY. No; but I am very much interested in the matter.

Mr. McCLELLAN. I am a member of the Flood Control Committee.

Mr. JENKINS of Ohio. What is the policy of that committee in reference to these matters?

Mr. McCLELLAN. It is the policy of that committee to recommend that these surveys be made. We are undertaking and the Congress is undertaking and the Nation is interested in bringing about the enactment of a flood-control program that will solve our problems. I do not know any better way to do it than to report these bills, pass them, and give the Army engineers and the War Department authority to make these surveys in order to secure the information.

Mr. JENKINS of Ohio. During the past week I attended a meeting out in the Ohio Valley, which was also attended by many Army engineers. There were about 500 or 600 people there from all along the Ohio and Mississippi Rivers. Every Army engineer who made a speech said they could not take care of these major projects because they did not have the money. If we are going to deplete their money by having it spent for a lot of little things like this, they will not be able to go ahead. Whenever a bill of this kind is passed they take that to mean it is an order to go ahead and spend some more money.

Mr. McCLELLAN. Does not the gentleman believe, and is it not a known fact, the only way to treat the major streams is through making these surveys?

Mr. JENKINS of Ohio. The Army has made many surveys and has all those rivers blue printed. They have enough blue prints drawn now to take more money than we have appropriated for them to go ahead. They could start within a week and go ahead with nearly \$200,000,000 worth of work if they had the money. Now you are loading them down with more charges.

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

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

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

Mr. WHITE of Idaho. Mr. Speaker, reserving the right to object, I have a bill here in which I am interested, and I do not believe he understands what it means. I know definitely that the Army engineers have asked that the particular bill I have introduced be passed.

Mr. Speaker, may I say that the bill I have introduced, and which has been reported out of the committee, provides for a survey of the Snake River. The Army maintains a large organization out in the West which is making surveys on the Columbia River. This is to cure a defect in a bill authorizing the survey of the Columbia River and will give the Army engineers the authority to do any work on the Snake River, which is one of the great rivers of the country, without this authority the work is being held up.

Mr. CARLSON. Mr. Speaker, further reserving the right to object, I hope the gentleman will not object to these bills and ask that they go over for the reason they have been before the committee and have been favorably reported. The Army engineers have given their approval. They have been presented to the department, and under those circumstances it is customary to favorably report them to the House.

Mr. JENKINS of Ohio. Mr. Speaker, in view of the fact so many fine Members have implored me not to object, I will not object, and I withdraw my unanimous consent request that this bill go over without prejudice.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Fourche La Pave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from

appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 7, strike out "section 3 of an act entitled 'An act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917" and insert in lieu thereof "the Flood Control Act approved June 22, 1936."

Page 2, line 3, after the word "for", strike out "examinations, surveys, and contingencies of rivers and harbors" and insert in lieu thereof "such purposes."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill authorizing a preliminary examination and survey of the Fourche La Pave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods."

PRELIMINARY EXAMINATION AND SURVEY OF THE SNAKE RIVER AND TRIBUTARIES

The Clerk called the next bill, H. R. 201, to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of floodwaters.

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

There was no objection.

Mr. CLARK of Idaho. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 206, be submitted for the House bill.

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

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Snake River and tributaries in the States of Idaho, Washington, and Oregon with a view to control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

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.

A similar House bill, H. R. 201, was laid on the table.

PRELIMINARY EXAMINATION OF THE BATTENKILL IN NEW YORK

The Clerk called the next bill, H. R. 2682, to authorize a preliminary examination of the Battenkill, in New York, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Battenkill, in the State of New York, with a view to the control of its floods, in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert "and survey."

Page 1, line 7, after the word "of", strike out "section 3 of the act entitled 'An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917" and insert the words "the Flood Control Act approved June 22, 1936."

Page 2, line 2, after the word "for", strike out the words "examinations, surveys, and contingencies of rivers and harbors" and insert the words "such purposes."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

The title was amended to read: "A bill to authorize a preliminary examination and survey of the Battenkill, in New York, with a view to the control of its floods."

PRELIMINARY EXAMINATION OF THE METTAWEE RIVER IN NEW YORK

The Clerk called the next bill, H. R. 2683, to authorize a preliminary examination of the Mettawee River, in New York, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Mettawee River, in the State of New York, with a view to the control of its floods, in accordance with the provisions of the act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert the words "and survey."

Page 1, line 7, after the word "the", strike out the remainder of the line, all of lines 8, 9, and 10, and insert "Flood Control Act approved June 22, 1936."

Page 2, line 2, after the word "for", strike out the remainder of line 2 and all of line 3 and insert "such purposes."

Amend the title.

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

The title was amended to read: "A bill to authorize a preliminary examination and survey of the Mettawee River in New York with a view to the control of its floods."

VENTURA RIVER, CALIF.

The Clerk called the next bill, H. R. 3305, to authorize a preliminary examination and survey of the Ventura River, in Ventura County, State of California, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by striking out "Ventura Harbor, Calif.", and inserting in lieu thereof "Ventura River, Calif."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANTA MARIA RIVER, CALIF.

The Clerk called the next bill, H. R. 3306, to authorize a preliminary examination and survey of Santa Maria River, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Santa Maria River and its tributaries, in the State of California, with a view to the control of its floods.

With the following committee amendment:

Page 1, line 7, after the word "floods", insert "in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

Mr. COLMER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the House has just passed the bill H. R. 3304 and is now considering the bill H. R. 3306, two companion bills sponsored and introduced by our lamented and departed friend, HENRY E. STUBBS, of California.

I just wanted to take this opportunity to pay briefly my respects to this honored colleague of ours who, on yesterday, passed into the great beyond. It is only fitting and appropriate that these bills should be considered and passed without hearing from this distinguished colleague because it is typical and emblematic of his tenure here in the House. Quiet, unobtrusive, kindly, never colorful, and never seeking the public light, he went about representing the best interests of his district and of his country.

I am only too glad, as just one humble Member of this body, who numbered him among my friends, to have this opportunity to pay this flower of tribute to his memory.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF LAVACA RIVER, TEX.

The Clerk called the bill (H. R. 3619) authorizing a preliminary examination and survey of Lavaca River, Tex., with a view to control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Lavaca River, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Line 6, strike out the word "section" and lines 7, 8, and 9, and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF MILL CREEK, AUSTIN COUNTY, TEX.

The Clerk called the bill (H. R. 3620) authorizing a preliminary examination and survey of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Page 1, line 7, strike out "section 3 of an" and all of lines 8, 9, and 10 and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF NAVIDAD RIVER, TEX.

The Clerk called the bill (H. R. 3621) authorizing a preliminary examination and survey of the Navidad River, Tex., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Navidad River, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Strike out all of lines 7, 8, 9, and 10 and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREE HIGHWAY BRIDGE ACROSS MISSOURI RIVER, ATCHISON, KANS.

The Clerk called the bill (S. 62) to extend the times for commencing and completing construction of a free highway bridge across the Missouri River at or near Atchison, Kans.

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

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. DUNCAN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. HOUSTON. Yes.

Mr. DUNCAN. This is simply for the renewal of franchises already granted. The contract has been awarded by the highway commissions of Kansas and Missouri for the construction of the bridge and a great deal of money has been expended on the Missouri side. What objection can there be to a renewal?

Mr. HOUSTON. Has all the money been appropriated for this structure?

Mr. DUNCAN. That is my understanding.

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

Mr. HOUSTON. Yes.

Mr. HOPE. I trust the gentleman will not pursue his request. This is merely an extension of time for the construction of this bridge. Contracts have been let. It is a free highway bridge. The bridge would have been constructed before this had it not been for the obstructive tactics of the owners of the toll bridge in the same location. The toll bridge is inadequate to carry the traffic. This bridge is a much-needed improvement. It is possible, of course, to go ahead at the present time with the construction, but it cannot be completed by the time the present authorization would expire. I trust the gentleman will not persist in his request.

Mr. HOUSTON. I am not objecting. I am asking that it be put over without prejudice. I have heard rumors that it deprives all of the districts in Kansas of any money for highways if this bill goes through.

Mr. HOPE. I think the gentleman is in error. If there is any objection that could be made, it could be made only from the highway district in which the bridge is located. It will not make any difference in the highway district from which the gentleman comes, or in the highway district which I represent because, as I understand it, highway funds are apportioned approximately equally among the six highway districts in the State, and this can only affect other highway projects in the district in which the bridge is located.

Mr. HOUSTON. If the gentleman is correct in his assertions that it will affect only the district in which the bridge is located, I shall withdraw my request.

Mr. HOPE. I am quite positive it will not affect highway allocations in any other district than the first.

Mr. HOUSTON. Mr. Speaker, I withdraw my objection. The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the free highway bridge, and approaches thereto, across the Missouri River, at a point suitable to the interests of navigation, at or near the city of Atchison, Kans., authorized to be built by the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, by an act of Congress approved June 18, 1934, are hereby extended 1 and 3 years, respectively, from June 18, 1937.

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

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. COSTELLO. Mr. Speaker, the next two bills on the calendar have not been on for the necessary 3 legislative days. This, therefore, concludes the consideration of the calendar today.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the special orders already granted, I be allowed to proceed for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the conclusion of the special orders tomorrow he be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the Art Gallery, and include certain explanatory excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER. Under previous order, the Committee on the District of Columbia is entitled to the call. The Chair recognizes the gentlewoman from New Jersey.

JUVENILE COURT, DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes; and pending that, I move that general debate on the bill do now close and that the bill be read under the 5-minute rule.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion of the gentlewoman from New Jersey that general debate on the bill do now close.

The motion was agreed to.

The SPEAKER. The question is on the motion of the gentlewoman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4276.

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 further consideration of the bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes, with Mr. O'CONNOR of New York in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to create a juvenile court in and for the District of Columbia", approved March 19, 1906, as amended, is, with the exception of section 1 of said act, hereby further amended so as to read as follows:

"Purpose and basic principle: The purpose of this act is to secure for each child under its jurisdiction such care and guidance, preferably in his own home, as will serve the child's welfare and the best interests of the State; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when such child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents.

"The principle is hereby recognized that children under the jurisdiction of the court are subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

"Sec. 2. Construction of the act: This act shall be liberally construed to accomplish the purpose herein sought.

"Sec. 3. A court of records; seal; oaths: Said court shall be a court of record. The court shall have a seal, and the judge or acting judge thereof shall have power to administer oaths and affirmations.

"Sec. 4. Terms: The said court shall hold a term on the first Monday of every month and continue the same from day to day as long as it may be necessary for the transaction of its business.

"Sec. 5. Application of act and definitions:

"(a) This act shall apply to any person under the age of 18 years—

"(1) Who has violated any law; or who has violated any ordinance or regulation of the District of Columbia; or

"(2) Who is habitually beyond the control of his parent, custodian, or guardian; or

"(3) Who is habitually truant from school or home; or

"(4) Who habitually so departs himself as to injure or endanger himself or the morals or safety of himself or others; or

"(5) Who is abandoned by his parent, guardian, or custodian; or

"(6) Who is homeless or without adequate parental support or care, or whose parent, guardian, or custodian neglects or refuses to provide support and care necessary for his health or welfare; or

"(7) Whose parent, guardian, or custodian neglects or refuses to provide or avail himself of the special care made necessary by his mental condition; or

"(8) Who associates with vagrants, vicious, or immoral persons; or

"(9) Who engages in an occupation or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others; or

"(b) When used in this act—

"(1) The words 'the court' means the juvenile court of the District of Columbia;

"(2) The word 'judge' means the judge of the juvenile court;

"(3) The word 'child' means a person under the age of 18 years;

"(4) The word 'adult' means a person 18 years of age or older.

"Sec. 6. Jurisdiction.—1. Children: Except as herein otherwise provided, the court shall have original and exclusive jurisdiction of all cases and in proceedings:

"(a) Concerning any child coming within the terms and provisions of this act.

"(b) Concerning any person under 21 years of age charged with having violated any law, or violated any ordinance or regulation of the District of Columbia, prior to having become 18 years of age.

"(c) To determine the paternity of any child alleged to have been born out of wedlock and to provide for his support in accordance with the provisions of an act providing for the support and maintenance of children born out of wedlock, approved June 18, 1912 (D. C. Code, title 18, secs. 281-287); in which cases the respondent shall be entitled to jury trial if he shall so demand.

"(d) To determine the custody or guardianship of the person of any child coming within the provisions of this act.

"Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes 21 years of age unless discharged prior thereto: *Provided, however,* That nothing herein contained shall affect the jurisdiction of other courts over offenses committed by such child after he reaches the age of 18.

"2. Adults: The court shall have original and exclusive jurisdiction to determine cases of adults charged with willfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this act.

"The court shall have concurrent jurisdiction with the District Court of the United States for the District of Columbia in all cases involving children arising under the act entitled 'An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances', approved March 23, 1906 (D. C. Code, title 6, secs. 270-273).

"Sec. 7. Information; investigation; petition: Any person may give to a duly designated officer of the court information in his possession that a child is within the provisions of this act. Thereupon such officer may make preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Whenever practicable such inquiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history, and the circumstances which were the subject of the information. If such officer shall determine that formal jurisdiction should be acquired, he shall authorize a petition to be filed. The proceeding shall be entitled 'In the matter of —, a child under 18 years of age.'

"The petition shall be verified, alleging briefly the facts which bring said child within the provisions of this act, and stating the name, age, and residence (1) of the child; (2) of his parents; (3) of his legal guardian, if there be one; (4) of the person or persons having custody or control of the child; and (5) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

"Sec. 8. Summons; notice; custody of the child: After a petition shall have been filed, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided: *Provided,* That if the child is married then the other spouse shall also be so notified. Summons may be issued

requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

"If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody.

"Sec. 9. Service of summons: Service of summons shall be made personally by the delivery of a true and attested copy to the person summoned: *Provided*, That where reasonable but unsuccessful efforts have been made to make personal service of summons or notice and if it shall appear that it is impracticable to do so, the court may make an order providing for service of summons or notice by registered mail to the last known address or by publication, or both, as may be deemed necessary. It shall be sufficient to confer jurisdiction if service is effected at any time before the date fixed in the summons for the return thereof: *Provided*, That on request of the parent or guardian or person having custody of the child, the hearing on the petition shall not take place until 3 days subsequent to service of said summons.

"The United States marshal for the District of Columbia or his deputy shall execute the orders and processes of the court in the same manner as he executes those of the District Court of the United States for the District of Columbia, and shall designate at least one of his deputies to serve at the court, where he shall perform such services as are required by the judge.

"Sec. 10. Failure to obey summons; warrant: If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

"Sec. 11. Release of children taken into custody: Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian, or custodian. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the Board of Public Welfare, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.

"In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian, or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as shall be provided by the Board of Public Welfare, subject to further order of the court.

"Nothing in this act shall be construed as forbidding any peace officer, police officer, or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this act.

"Sec. 12. Transfer from other courts: If during the pendency of a criminal or quasi-criminal charge against any person under 21 years of age, in any other court, it shall be ascertained that such person was under the age of 18 years at the time of committing the alleged offense, it shall be the duty of such court to transfer such other case immediately, together with all the papers, documents, and testimony connected therewith, to the juvenile court. Such other court making such transfer shall order the child to be taken forthwith to the place of detention designated by the court or to that court itself, or release such child in the custody of some suitable person to appear before the juvenile court at a time designated. The court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance.

"Sec. 13. Waiver of jurisdiction: If a child 16 years of age or older is charged with an offense which would amount to a felony in the case of an adult, the judge, after full investigation, may waive jurisdiction and order such child held for trial under the regular procedure of the court which would have jurisdiction of such offense if committed by an adult; or such other court may exercise the powers conferred upon the juvenile court in this act in conducting and disposing of such case.

"Sec. 14. Hearing; judgment: The court may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any case the general public shall be excluded and only such persons as have a direct interest in the case and their representatives admitted. All cases involving children may be heard separately and apart from the trial of cases against adults. The court shall hear and determine all cases of children without a jury unless a jury be demanded by the child, his parent, or guardian or the court.

"If the court shall find that the child comes within the provisions of this act, it may by order duly entered proceed as follows:

"(1) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine.

"(2) Commit the child to the Board of Public Welfare; or to the National Training School for Girls or the National Training School for Boys if in need of such care as is given in such schools; or to a qualified suitable private institution or agency willing and able to assume the education, care, and maintenance of such child without expense to the public.

"(3) Make such further disposition as the court may deem to be best for the best interests of the child, except as herein otherwise provided.

"Whenever a child is committed by the court to custody other than that of its parent, the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and, if such parent shall willfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.

"Whenever the court shall commit a child to any institution or agency it shall transmit with the order of commitment a summary of its information concerning such child.

"No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction of a crime, nor shall any child be charged with or convicted of a crime in any court, except as provided in section 13 of this act. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition, or evidence or adjudication operate to disqualify a child in any future civil-service examination, appointment, or application for public service under either the Government of the United States or of the District of Columbia.

"Sec. 15. Modification of judgment; return of child to parents: An order of commitment or probation made by the court in the case of a child shall be subject to modification or revocation from time to time.

"A parent, guardian, or next friend of a child who has been committed by the court to the custody of an institution, agency, or person, may at any time file with the court a verified petition, making application for modification or revocation of an order of commitment or probation, stating that such institution, agency, or person has denied application for the release of the child or has failed to act upon such application within a reasonable time. If the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency, or person; and may direct such institution, agency, or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require; or the court may make a further order or commitment.

"Sec. 16. Appointment of guardian: Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of a child will be promoted by the appointment of a relative or other suitable individual as guardian of its person, when such child is not committed to an institution or to the custody of an incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or next friend or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents or custodian of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In a case arising under this act the court may also determine as between parents whether the father or the mother shall have the custody and control of said child.

"Sec. 17. Selection of custodial agency: In placing a child under any guardianship or custody other than that of its parent, the court shall, when practicable, select a person, or an institution or agency governed by persons of like religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertained, then of either of the parents.

"Sec. 18. Procedure in adult cases: All provisions of this act relative to procedure in cases of children so far as practicable shall be construed as applying also to cases against adults arising under section 6 of this act with the consent of the defendant or when not inconsistent with other provisions of law relating to the conduct of adult cases. Proceedings may be instituted upon complaint of an interested party or upon the court's own motion, and a reasonable opportunity to appear shall be afforded the respondent. The court may issue a summons, a warrant of arrest, or other process in order to secure or to compel the attendance of any necessary person. Any person who by act or omission willfully causes, encourages, or contributes to any condition which would bring a child within the provisions of this act, or who by such act or omission tends to cause such a condition, shall be guilty of a misdemeanor and punished by a fine not exceeding \$200 or imprisoned not exceeding 12 months, or by both fine and imprisonment. Upon the trial of such cases the court shall have power to impose such sentence as the law provides, or may

suspend sentence and place on probation, and by order impose upon such adult such duty as shall be deemed to be for the best interests of the child or other persons concerned. If an adult is charged with an offense for which he is entitled to a trial by jury, and if he shall so demand, a jury shall be selected in accordance with the provisions of law regulating the selection of juries in the District Court of the United States for the District of Columbia.

"Sec. 19. Appointment and qualifications of judge: The judge of the court shall be appointed by the President of the United States, by and with the consent of the Senate, for a term of 6 years, or until his successor is appointed and confirmed. To be eligible for appointment as judge a person must be a member of the bar, preferably of the District of Columbia, and have a knowledge of social problems and procedure and an understanding of child psychology. The judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States. The salary of the judge shall be fixed in accordance with the Classification Act of 1923, as amended.

"Sec. 20. Filling vacancy in judgeship in cases of sickness, etc.: In cases of sickness, absence, disability, or death of the judge of the juvenile court, the chief justice or acting chief justice of the District Court of the United States for the District of Columbia shall designate one of the judges of the municipal court of said District to discharge the duties of said judge of the juvenile court until such disability be removed or vacancy filled.

"Sec. 21. Appointment of director of social work, supervisor of probation, probation officers, and other employees: The judge shall appoint from eligible lists of the Civil Service Commission a director of social work, a supervisor of probation, probation officers, a clerk, a deputy clerk, and such other employees as may be necessary, at such salaries as may be fixed in accordance with the Classification Act of 1923, as amended, and with such qualifications as may be prescribed by the Civil Service Commission pursuant to said act or acts.

"Sec. 22. Duties and powers of the director of social work: Under the administrative direction of the judge, the director of social work shall have charge of all the social work of the court; and shall, in association with other social agencies of the District of Columbia, study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency.

"Sec. 23. Duties and powers of the department of probation: The supervisor of probation, under the direction of the director of social work, shall organize, direct, and develop the work of the probation department of the court.

"The probation department of the court shall make such investigations as the court may direct, keep a written record of such investigations, and submit the same to the judge or deal with them as he may direct. The probation department shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition; keep informed concerning the conduct and condition of each person under its supervision and report thereon to the judge as he may direct and keep full records of its work. The probation officers shall have such duties as may be assigned to them in the course of performing the functions of the probation department. Probation officers for the purpose of this act shall have the power of police officers.

"Sec. 24. Duties of the clerk: The clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of district courts of the United States. He shall have power to administer oaths and affirmations; shall keep accurate and complete accounts of money collected from persons under the supervision of the probation department, give receipts therefor, and make reports thereon as the judge may direct; and shall perform such duties and keep such records as may be prescribed by the judge of said court.

"Sec. 25. Appointment of commissioner: The judge of the juvenile court may designate a social worker of the court as commissioner in the first instance to hear any case coming within the provisions of this act and either to dispose thereof or to direct the filing of a petition therein. Whenever a commissioner is appointed in cases of girls, a woman commissioner shall be appointed to hear such cases.

"Sec. 26. Physical and mental examinations and treatment: The court may cause any child coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist appointed by the court.

"Sec. 27. Place of detention: No child under 18 years of age shall be placed in or committed to any prison, jail, or lock-up, nor shall such child be taken into custody, detained, or transferred from place to place, where he may be brought in contact or communication with any adult convicted of crime or under arrest and charged with crime: *Provided*, That a child 16 years of age or older, whose habits or conduct are deemed such as to constitute a menace to other children, may, with the consent of the judge or director of social work, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults.

"The Board of Public Welfare of the District of Columbia shall make adequate provision for the temporary detention of children within its jurisdiction in a detention home or in boarding homes selected for purposes of such detention.

"Sec. 28. Court quarters: Suitable quarters shall be provided by the Commissioners for the District of Columbia for the hearing of cases and for the use of the judge and the probation department and employees of the court.

"Sec. 29. Records; forms: The court shall maintain records of all cases brought before it. Such records shall be open to inspec-

tion only by order of the District Court of the United States for the District of Columbia. The court shall devise and cause to be printed such forms for records and such other papers as may be required.

"Sec. 30. Rules: The court shall have power to issue all necessary orders and writs in aid of the jurisdiction hereby vested in it; and to frame and publish rules and regulate the procedure for cases arising within the provisions of this act and for the conduct of its officers and employees and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein.

"Sec. 31. Cooperation: It is hereby made the duty of every official of the District of Columbia or department thereof to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this act. All institutions or agencies to which the court sends any child are hereby required to give to the court or to any officer appointed by it such information or reports concerning such child as said court or officer may require. The court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

"Sec. 32. Cooperation by corporation counsel: The corporation counsel of the District of Columbia or his assistant shall assist the court upon request in hearings to determine delinquency, dependency, or neglect, and shall prosecute all cases within the jurisdiction of the court in which an adult is charged with crime.

"Sec. 33. Contempt: Any person who willfully violates, neglects, or refuses to obey or perform any order of the court may be declared in contempt and be punished by a fine not exceeding \$200 or imprisonment for not more than 6 months, or both.

"Sec. 34. Appeal: Any party aggrieved by any final order or judgment of the juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and the said court of appeals may allow such special appeal whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for, and manner of, taking such special appeal shall be the same as provided by law or rule of court for special appeals in equity cases from the District Court of the United States for the District of Columbia to said court of appeals: *Provided*, That the special appeal or application for the allowance of such special appeal shall not suspend the order of the juvenile court, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care such child shall have been committed, unless the court of appeals shall so order. If the court of appeals does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the juvenile court and remand the child to the jurisdiction of the juvenile court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if such court had made said order without an appeal having been taken.

"Sec. 35. Fees prohibited: No fee shall be charged for any service rendered by the clerk or by any officers of the court.

"Sec. 36. Jury; term of service: The jury for service in said court shall consist of 12 persons, who shall have the legal qualifications necessary for jurors in the District Court of the United States for the District of Columbia, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said juvenile court shall be for three successive monthly terms of said court, and in any case on trial at the expiration of such time until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the Saturday prior to the beginning of the following term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury as if said term had not commenced.

"Sec. 37. Impaneling the jury: At least 10 days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as hereinbefore directed, and at least 26 names so drawn shall be certified by the clerk of the District Court of the United States for the District of Columbia to the said juvenile court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the judge of said juvenile court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said juvenile court for more than one jury term in any period of 12 consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose.

"Sec. 38. Judgments to be final: In all cases tried before said court the judgment of the court shall be final, except as provided in section 34 of this act.

"Sec. 39. Fines to be paid to clerk; deposit of receipts; statements: All fines, penalties, costs, and forfeitures imposed or taxed by the said juvenile court shall be paid to the clerk of said court,

either with or without process, or on process ordered by said court. The clerk of said court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia. The said clerk shall render an itemized statement of each deposit aforesaid to the auditor of the District of Columbia.

"Sec. 40. Audit of accounts: It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the juvenile court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. The auditor of the District shall have free access to all books, papers, and records of the said court.

"Sec. 41. Separability of provisions: 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 provision to other persons or circumstances, shall not be affected thereby.

"Sec. 42. Continuance in office: The judge and other officers holding office at the date of the passage of this act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

"Sec. 43. Title of statute: This act may be cited as the Juvenile Court Act of the District of Columbia.

"Sec. 44. Repeal: All acts or parts of acts inconsistent with this act are hereby repealed."

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 4276, directed him to report the same back to the House with the recommendation that the bill do pass.

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

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

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

The SPEAKER. The question is on the passage of the bill. The bill was passed.

On motion by Mrs. NORTON, a motion to reconsider was laid on the table.

Mrs. NORTON. Mr. Speaker, that will conclude the business of the Committee on the District of Columbia for today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINES, for 1 day (Tuesday), to attend the funeral of a former Member of the House, Hon. A. R. Brodbeck.

To Mr. DUNN, for several days, on account of urgent business in Pittsburgh concerning the blind.

To Mr. HARLAN, for 1 week, on account of official business in his district.

RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 25, 1937.

HON. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,

Washington, D. C.

MY DEAR MR. SPEAKER: Because of my assignment to an additional major committee in this Congress and because of the pressure of other congressional business, I desire to tender my resignation as a member of the Committee on Claims.

With kindest regards and with assurance of my highest esteem, I remain,

Very sincerely yours,

GEORGE N. SEGER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of

the following titles, which were thereupon signed by the Speaker:

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on February 26, 1937, present to the President, for his approval, bills of the House of the following titles:

H. R. 824. An act for the relief of James Luker, Sr.; and

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

THE LATE HENRY E. STUBBS

Mr. LEA. Mr. Speaker, it becomes my sad duty to announce to the House the death of the Honorable HENRY E. STUBBS, a Representative from the Tenth District of the State of California. Mr. STUBBS stood very high in the friendship and affection of the Members from our State and the entire membership of the House.

I offer a resolution which I send to the desk.

The Clerk read as follows:

House Resolution 142

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY E. STUBBS, a Representative from the State of California.

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

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

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

The resolution was agreed to.

The Speaker appointed the following committee: Mr. LEA, Mr. TOLAN, Mr. SCOTT, and Mr. GEARHART.

ADJOURNMENT

The SPEAKER. The Clerk will conclude the reading of the resolution.

The Clerk read as follows:

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

The resolution was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 2, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, March 2, 1937, at 10:30 a. m., to hold hearings on the following projects: Bay River, N. C.; Morehead City Harbor, N. C.; Channel from Pamlico Sound to Beaufort, N. C.; Inland waterway from Beaufort to Cape Fear River, N. C.; Newport Bay, Calif.

COMMITTEE ON MILITARY AFFAIRS

EXECUTIVE SESSION

The House Committee on Military Affairs will hold an executive session on Tuesday morning, March 2, 1937, at 10:30 o'clock.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold a hearing of H. R. 30, "To protect the artistic earning opportunities in the United States for American actors, vocal, etc.," at 10:30 a. m., Wednesday, March 3, 1937, in room 445, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

394. A communication from the President of the United States, transmitting a proposed provision affecting the Navy

Department appropriation "Pay, subsistence, and transportation, Navy, 1937", to provide for the increase in the limitation for the transportation of midshipmen (H. Doc. No. 155); to the Committee on Appropriations and ordered to be printed.

395. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; to the Committee on the Public Lands.

396. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to amend an act entitled "An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930 (46 Stat. 227-229); to the Committee on the Public Lands.

397. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 16, 1937, submitting a report, together with accompanying papers and illustrations, on a survey of Lowell Creek, Alaska, with a view to the control of floods, authorized by the act of Congress approved May 6, 1936, and the Flood Control Act approved June 22, 1936 (H. Doc. No. 154); to the Committee on Flood Control and ordered to be printed, with illustrations.

398. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Daytona Beach, Fla., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

399. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Homer Harbor, Kachemak Bay, Alaska, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

400. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Franklin Canal, St. Mary Parish, La., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

401. A letter from the Governor, Farm Credit Administration, transmitting the Fourth Annual Report of the Farm Credit Administration, covering operations for the year 1936 (H. Doc. No. 15); to the Committee on Agriculture and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'CONNELL of Montana: Committee on Interstate and Foreign Commerce. S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.; without amendment (Rept. No. 329). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; without amendment (Rept. No. 330). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa; without amendment (Rept. No. 331). Referred to the House Calendar.

Mr. KELLY of New York: Committee on Interstate and Foreign Commerce. H. R. 175. A bill declaring Scajaquada

Creek, Erie County, N. Y., to be a nonnavigable stream; with amendment (Rept. No. 332). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 192. A bill to authorize the construction of a bridge across the Missouri River at or near Rulo, Nebr.; with amendment (Rept. No. 333). Referred to the House Calendar.

Mr. MALONEY: Committee on Interstate and Foreign Commerce. H. R. 3874. A bill to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point, and Dauphin Island, Ala.; with amendment (Rept. No. 334). Referred to the House Calendar.

Mr. STEAGALL: Committee on Banking and Currency. S. 1228. An act to amend the National Housing Act; without amendment (Rept. No. 335). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 3473. A bill to authorize the Secretary of State to sell, for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China; without amendment (Rept. No. 336). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the Department of the Interior (Rept. No. 337). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the United States Department of War (Rept. No. 338). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the United States Department of Labor (Rept. No. 339). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the Department of Agriculture (Rept. No. 340). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the United States Tariff Commission (Rept. No. 341). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Department of Commerce (Rept. No. 342). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Department of the Treasury (Rept. No. 343). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Export-Import Bank of Washington (Rept. No. 344). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2757. A bill to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.; without amendment (Rept. No. 345). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4169. A bill to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.; with amendment (Rept. No. 346). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4170. A bill to carry out the findings of the Court of Claims in the case of the Union Iron Works; with amendment (Rept. No. 347). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5101) granting a pension to Mary P. Morris; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4931) for the relief of Evelyn D. Phelps; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3810) to place C. P. Gammon, formerly a major in the Medical Corps, United States Army, on the emergency officers' retired list; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 5169) to provide for cooperation with the States in the promotion of conservation education in the public elementary schools, high schools, colleges, and universities; to provide for cooperation with the States in the preparation of teachers, supervisors, and directors of conservation subjects on the natural resources; and to appropriate money and regulate its expenditure; to the Committee on Education.

By Mr. BOREN: A bill (H. R. 5170) authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. HILL of Washington: A bill (H. R. 5171) to reimpose a trust on certain lands allotted on the Yakima Indian Reservation; to the Committee on Indian Affairs.

By Mr. O'CONNOR of Montana: A bill (H. R. 5172) requiring the concurrence of two-thirds of the members of the Supreme Court of the United States before an act of Congress can be declared unconstitutional; to the Committee on the Judiciary.

By Mr. POWERS: A bill (H. R. 5173) to prohibit discrimination on account of maximum age in employment directly and indirectly under the United States; to the Committee on the Civil Service.

By Mr. WALTER: A bill (H. R. 5174) to incorporate the National Association of State Libraries; to the Committee on the District of Columbia.

By Mr. O'CONNELL of Montana: A bill (H. R. 5175) to provide for the control of the floodwaters of the Flathead River and its tributaries; to provide for irrigation of arid and semiarid lands in the Flathead River Valley; to provide for the agricultural and industrial development of the Flathead River Valley; to provide for the creation of the Hungry Horse Power Authority; to provide for the generation, distribution, and sale of electricity at the Hungry Horse Dam, and for other purposes; to the Committee on Flood Control.

By Mr. BUCKLER of Minnesota: A bill (H. R. 5176) granting the consent of Congress to the Board of Commissioners of Beltrami County, State of Minnesota, to construct, maintain, and operate a free highway bridge across the narrows between Star Island in Cass Lake and the mainland in Ten Lake Township, Beltrami County, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 5177) to declare the Benton Harbor Canal at and above the west line of Ninth Street, Benton Harbor, Mich., a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. BEITER: A bill (H. R. 5178) relative to Federal penal institutions, and care and maintenance of prisoners therein, and to provide for the reimbursement of the Federal Government on account thereof in certain cases; to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 5179) granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, reconstruct, maintain, and operate a free highway bridge across the Merrimack River between the city of Haverhill and the town of Groveland, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: A bill (H. R. 5180) to authorize a preliminary examination of Nestucca River and its tributaries in the State of Oregon, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. O'CONNELL of Montana: A bill (H. R. 5181) to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its flood waters; to the Committee on Flood Control.

By Mr. PEYSER: A bill (H. R. 5182) to require informative labeling of textile fabrics and textile products in interstate commerce for the purpose of preventing deception of the public; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of New York: A bill (H. R. 5183) to authorize the coinage of silver 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the expedition of the Marquis de Denonville into the territory now embraced by the State of New York and the two hundred and sixty-sixth anniversary of the voyages and explorations of Robert Cavalier, Sieur de La Salle, in the same region; to the Committee on Coinage, Weights, and Measures.

By Mr. KING: A bill (H. R. 5184) to protect the Territories and insular possessions of the United States in time of maritime strikes which prevent adequate shipping service to or from any such Territory or possession; to the Committee on Ways and Means.

By Mr. KEE: A bill (H. R. 5185) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the formation of the county of Mercer in the State of West Virginia; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 5186) to provide suitable accommodations for the district court of the United States at Lewisburg, W. Va.; to the Committee on the Judiciary.

By Mr. WOOD: A bill (H. R. 5187) to provide for the commemoration of the battle of Wilson Creek; to the Committee on Military Affairs.

By Mr. SHANLEY: A bill (H. R. 5188) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BIERMANN: A bill (H. R. 5189) to provide for the liquidation of the Postal Savings System; to the Committee on the Post Office and Post Roads.

By Mr. FLEGER: A bill (H. R. 5190) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. CITRON: A bill (H. R. 5191) to promote the national defense, the neutrality laws, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SWEENEY: A bill (H. R. 5192) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 5193) to amend the Merchant Marine Act, 1936; to provide for the prompt disposition of labor disputes between carriers by water and their employees; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KRAMER: A bill (H. R. 5194) granting a renewal of patent no. 60731, relating to the badge of the Girl Scouts, Inc.; to the Committee on Patents.

By Mr. VINSON of Georgia: Resolution (H. Res. 143) to amend rules XI and XVI of the House of Representatives; to the Committee on Rules.

By Mr. PEYSER: Resolution (H. Res. 144) for the relief of Mary Mueller; to the Committee on Accounts.

By Mr. CRAWFORD: Resolution (H. Res. 145) directing the President of the United States to furnish the House of Representatives certain facts within the knowledge of the Tariff Commission relative to the United States-Philippine trade report; to the Committee on Ways and Means.

By Mr. MAGNUSON: Joint resolution (H. J. Res. 249) authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. O'MALLEY: Joint resolution (H. J. Res. 250) proposing an amendment to the Constitution of the United States providing that any law held unconstitutional by the Supreme Court shall be valid if reenacted by Congress; to the Committee on the Judiciary.

By Mr. CITRON: Joint resolution (H. J. Res. 251) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936; to the Committee on Banking and Currency.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 252) to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference; to the Committee on Appropriations.

By Mr. KNUTSON: Joint resolution (H. J. Res. 253) suspending the import duties on certain grains and grass seeds for use as seed in drought-stricken areas; to the Committee on Ways and Means.

By Mr. LUCKEY of Nebraska: Joint resolution (H. J. Res. 254) to establish a policy of national defense; to the Committee on Military Affairs.

By Mr. SHANLEY: Joint resolution (H. J. Res. 255) making the 11th day of November in each year a legal holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the Congress of the United States opposing any change in the Supreme Court; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to enact into law legislation authorizing the use of the Civilian Conservation Corps in construction of highways within irrigation, draining, and development; to the Committee on Labor.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the Congress of the United States relative to minimum wages for women and children; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado, memorializing the Congress of the United States to consider their House Joint Memorial No. 7; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to repeal the long-and-short haul clause of section 4 of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States, by assenting to the provisions of the Bankhead-Jones Act; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Montana, memorializing the Congress of the United States to consider their Senate Memorial No. 6 and Senate Joint Memorials Nos. 3 and 4, also Senate Joint Resolution No. 5; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States to regulate and prohibit the labor of persons under 18 years of age; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Indiana, memorializing the Congress of the United States to continue the functions of the Federal Emergency Administration of Public Works; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to deny the passage of the bill H. R. 1668; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 5195) for the relief of G. F. Flanders; to the Committee on Claims.

By Mr. CANNON of Missouri: A bill (H. R. 5196) granting a pension to Eliza Ford; to the Committee on Invalid Pensions.

By Mr. COLE of New York: A bill (H. R. 5197) granting an increase of pension to Phoebe C. Huffman; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 5198) granting an increase of pension to Lizzie Bennett; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 5199) granting a pension to Glennie Edwinston; to the Committee on Invalid Pensions.

By Mr. FORD of California: A bill (H. R. 5200) for the relief of the Premier Carpet & Linoleum Co., Ltd.; to the Committee on Claims.

By Mr. JENKINS of Ohio: A bill (H. R. 5201) to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid; to the Committee on Military Affairs.

By Mr. JOHNSON of West Virginia: A bill (H. R. 5202) granting an increase of pension to Emily L. Watkins; to the Committee on Pensions.

By Mr. KELLY of New York: A bill (H. R. 5203) granting an increase of pension to Ada F. O'Loughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5204) granting an increase of pension to Mrs. Helen J. Lanning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5205) granting an increase of pension to Anna E. Van Alstyne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5206) for the relief of Jacob G. Ackerman; to the Committee on Claims.

By Mr. LEWIS of Colorado: A bill (H. R. 5207) for the relief of H. L. Caffee; to the Committee on Military Affairs.

Also, a bill (H. R. 5208) for the relief of Walter J. Gamel Decorating Co.; to the Committee on Claims.

Also, a bill (H. R. 5209) granting a pension to Ozetta M. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5210) granting a pension to Vera Mae Scott; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 5211) for the relief of Duke L. Rankin; to the Committee on Naval Affairs.

By Mr. MAAS: A bill (H. R. 5212) granting a pension to Eva Farnsworth; to the Committee on Invalid Pensions.

By Mr. MASSINGALE: A bill (H. R. 5213) for the relief of Mrs. W. B. Nix and Mrs. J. A. Nix; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 5214) for the relief of C. W. Benton; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 5215) granting a pension to Lawrence O. Meyer; to the Committee on Pensions.

By Mr. O'BRIEN of Illinois: A bill (H. R. 5216) for the relief of Rachel or Rochel Bursk; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL of Montana: A bill (H. R. 5217) granting a pension to Daisy Saunders; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 5218) granting an increase of pension to Elizabeth H. Nichols; to the Committee on Pensions.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 5219) for the relief of the Franco-American Construction Co.; to the Committee on Claims.

By Mr. SACKS: A bill (H. R. 5220) for the relief of Anthony Natalizio; to the Committee on Immigration and Naturalization.

By Mr. STACK: A bill (H. R. 5221) for the relief of Oliver Ellison; to the Committee on Military Affairs.

By Mr. SWEENEY: A bill (H. R. 5222) for the relief of Joseph Carsola (alias Giuseppe); to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 5223) for the relief of Gimple Goldberg; to the Committee on Immigration and Naturalization.

By Mr. SWOPE: A bill (H. R. 5224) for the relief of Ellen Pomery McFadden; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5225) for the relief of Charles Willoughby; to the Committee on Claims.

Also, a bill (H. R. 5226) for the relief of Luke DeArmond; to the Committee on Claims.

By Mr. VINSON of Georgia: A bill (H. R. 5227) to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; to the Committee on Naval Affairs.

By Mr. WHELCHER: A bill (H. R. 5228) for the relief of First Lt. Roy E. Rountree; to the Committee on Military Affairs.

By Mr. WILCOX: A bill (H. R. 5229) for the relief of Carson Bradford; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 5230) for the relief of John Robert Richards; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

573. By Mr. ANDREWS: Resolution unanimously adopted by the Pekin Grange, 1202, of Niagara County, N. Y., opposing proposed changes in the Supreme Court of the United States; to the Committee on the Judiciary.

574. Also, resolution unanimously adopted by the Sons of the Revolution of the State of New York, opposing President Roosevelt's plan for reorganization of the Supreme Court; to the Committee on the Judiciary.

575. Also, resolution adopted by the Jefferson County Bar Association of New York State, opposing President Roosevelt's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

576. Also, petition signed by residents of Buffalo, N. Y., protesting against the President's proposal for the Supreme Court; to the Committee on the Judiciary.

577. By Mr. BOYLAN of New York: Resolution adopted by the New York section of the Society of American Foresters, at its annual meeting held in Albany, N. Y., urging the early extension of the forest survey now being carried on by the United States Forest Service, etc.; to the Committee on Agriculture.

578. Also, resolution adopted by the board of estimate and apportionment of New York, N. Y., requesting that the construction of the two new battleships be awarded to the Brooklyn Navy Yard, Brooklyn, N. Y.; to the Committee on Naval Affairs.

579. By Mr. COFFEE of Washington: Petition of the Washington State Chapter of American Institute of Architects urging continuance of the Public Works Administration; to the Committee on Ways and Means.

580. By Mr. CLUETT: Petition of citizens of Hudson Falls, N. Y., protesting against reorganization of the judicial branch of the Federal Government; to the Committee on the Judiciary.

581. By Mr. CULKIN: Petition of G. G. Inglehart, Watertown, N. Y., and 89 citizens, opposing the President's proposal to increase the Supreme Court; to the Committee on the Judiciary.

582. Also, resolution of the Jefferson County Bar Association, Watertown, N. Y., opposing the proposal to increase the Justices of the Supreme Court; to the Committee on the Judiciary.

583. Also, petition of Rev. E. H. Conrad, Watertown, N. Y., and others, opposing any legislation restricting freedom of worship or of speech; to the Committee on the Judiciary.

584. Also, petition of Olive A. Kilpatrick, Lowville, N. Y., and others opposing increase of Supreme Court Justices; to the Committee on the Judiciary.

585. Also, petition of George Brobon and others of St. Regis Falls, N. Y., opposing any legislation restricting freedom of worship or of speech; to the Committee on the Judiciary.

586. Also, petition of Oswego County Bar Association, Oswego, N. Y., opposing legislation for additional judges to the Supreme Court; to the Committee on the Judiciary.

587. Also, petition of Clarendia Card, Watertown, N. Y., and others, opposing legislation against right of religion and freedom of speech; to the Committee on the Judiciary.

588. Also, petition of Rev. E. Stark Beebe, Oswego, N. Y., and members of his congregation opposing judicial legislation; to the Committee on the Judiciary.

589. By Mr. CULLEN: Petition of the board of estimate and apportionment of the city of New York, urging the Federal Government to construct the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

590. By Mr. FITZPATRICK: Petition of the board of estimate and apportionment of the city of New York, requesting the President of the United States and the Secretary of the Navy to award the construction and equipment of the two new battleships authorized for construction during the year 1937 to the Brooklyn Navy Yard in order to furnish needed employment to the employees of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

591. By Mr. HALLECK: Petition of 28 citizens of Indianapolis and other points in the State of Indiana, protesting against the proposal of the President for the reorganization of the judicial branch of the Government; to the Committee on the Judiciary.

592. By Mr. HART: Petition of the New Jersey Society Sons of the Revolution, expressing its disapproval of and opposition to any proposed change in the Supreme Court of the United States; to the Committee on the Judiciary.

593. Also, petition of the Master Plumbers' Association of Jersey City, N. J., stating that said organization objects to the Government being a competitor to private industry on construction work and asking that Works Progress Administration activities be terminated; to the Committee on Appropriations.

594. Also, petition of the Twelfth Ward Republican Club, Inc., of Jersey City, N. J., opposing the enlargement of the United States Supreme Court; to the Committee on the Judiciary.

595. By Mr. HILDEBRANDT: Petition relative to the Supreme Court; to the Committee on the Judiciary.

596. By Mrs. HONEYMAN: Senate Joint Memorial No. 6 of the Oregon State Legislature, in regard to expenditure of Federal funds in State departments of agriculture; to the Committee on Agriculture.

597. Also, Senate Joint Memorial No. 5 of the Oregon State Legislature, in regard to appropriation of funds for artificial propagation of salmon; to the Committee on Appropriations.

598. By Mr. LESINSKI: Resolution of the Detroit Federation of Post Office Clerks, petitioning the United States Congress, Seventy-fifth session, for the enactment of House bill 190, providing for the relief of substitute post-office employees; to the Committee on the Post Office and Post Roads.

599. Also, resolution of the Michigan State Legislature, memorializing the Congress of the United States to ratify the agreement between the United States and Canada with respect to deep-water connections between the Great Lakes and the Atlantic Ocean when said agreement is presented to the Congress by the President of the United States; to the Committee on Rivers and Harbors.

600. Also, resolution of International Union of Operating Engineers, Local No. 522, Detroit, opposing the Presidential proposed judicial reform; to the Committee on the Judiciary.

601. By Mr. MAHON of Texas: Memorial of the Haskell County (Tex.) Bar Association, transmitted by W. P. Ratliff, secretary, favoring the President's proposals concerning Federal judiciary; to the Committee on the Judiciary.

602. By Mr. MAPES: Petition of 146 residents of the Fifth District of Michigan, protesting the possibility of the passage of any legislation suppressing freedom of religious worship, free speech, and a free press; to the Committee on the Judiciary.

603. Also, petition of 80 residents of Grand Rapids, Mich., and vicinity, expressing their opposition to the President's plan to increase or change the personnel of the Supreme Court; to the Committee on the Judiciary.

604. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, proposing an amendment to the Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on the Judiciary.

605. Also, memorial of the General Court of Massachusetts, opposing enactment of legislation giving the President authority to appoint additional judges to the Supreme Court; to the Committee on the Judiciary.

606. By Mr. MASON: Petition of the De Kalb County Bar Association, De Kalb County, Ill., asking Congress to vote against the proposal to increase the membership of the Supreme Court, and asking rather that Congress prepare an amendment to the Constitution to be presented to the people for their consideration and approval; to the Committee on the Judiciary.

607. By Mr. MILLARD: Resolution adopted by the citizens of Scarsdale, N. Y., opposing the President's proposal to increase the membership on the Supreme Court; to the Committee on the Judiciary.

608. Also, petition of the United Colored Republican Clubs of White Plains, N. Y., opposing the proposal to increase the membership on the Supreme Court; to the Committee on the Judiciary.

609. Also, resolution adopted by the Citizens' Independent Convention of Rye, N. Y., opposing the enactment of the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

610. Also, petition of the Washington Camp, No. 53, Patriotic Order Sons of America, at Mamaroneck, N. Y., opposing the enactment of the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

611. Also, resolution adopted by the citizens' committee of Bronxville, N. Y., opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

612. By Mr. MOTT: Sixty-one petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

613. Also, seven petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

614. Also, eight petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

615. Also, House Joint Memorial No. 8 of the Oregon House of Representatives, urging the establishment and maintenance of a national cemetery within the State of Oregon; to the Committee on the Public Lands.

616. Also, 28 petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

617. Also, House Joint Memorial No. 10 of the Oregon House of Representatives, urging that sufficient funds be appropriated by the Congress and expended by the Navy and War Departments to provide more adequate national defenses for Oregon and the Columbia River area; to the Committee on Naval Affairs.

618. Also, 11 petitions signed by citizens of the State of Oregon, urging that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

619. Also, two petitions signed by citizens of Albany, Oreg., urging that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

620. By Mr. PFEIFER: Petition of the New York State Farm Bureau Federation, approving the Bankhead-Jones Act (S. 1052 and H. R. 3690); to the Committee on Agriculture.

621. Also, petition of the Senate of the State of New York, Albany, memorializing the Congress to amend the War Risk Insurance Act; to the Committee on Ways and Means.

622. By Mr. RICH: Petition of members of the Daughters of the American Revolution, Women's Relief Corps of the Grand Army of the Republic, and the Legion Auxiliary, all of Westfield, Pa., protesting against the President's plan to reorganize the Judiciary; to the Committee on the Judiciary.

623. By Mr. SMITH of West Virginia: Resolution of the Bar Association of Logan County, W. Va., protesting against proposed legislation for reorganizing the United States Supreme Court; to the Committee on the Judiciary.

624. By Mr. THOMAS of New Jersey: Letter signed by Elizabeth R. Fisher and nine other members of the Everittstown Woman's Republican Club, Everittstown, N. J., strictly opposing President Roosevelt's plan to enlarge the Supreme Court; to the Committee on the Judiciary.

625. Also, resolution adopted by the Ramapo Valley Chapter, Daughters of the Revolution, of New Jersey, protesting against the proposed plan of President Roosevelt to reorganize the Supreme Court of the United States; to the Committee on the Judiciary.

626. Also, resolution adopted by Wyckoff Colony of the National Society of New England, Wyckoff, N. J., in opposition to any change in the set-up of the Supreme Court; to the Committee on the Judiciary.

627. Also, letter signed by Mrs. Dorothy L. Bray and 17 other citizens of Montvale, N. J., vigorously opposing the President's plan to "pack" the Supreme Court; to the Committee on the Judiciary.

628. By Mr. TREADWAY: Order of the General Court of Massachusetts, recording its opposition to legislation giving the President authority to appoint additional judges to the Supreme Court; to the Committee on the Judiciary.

629. Also, resolutions adopted by the General Court of Massachusetts, memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on the Judiciary.

630. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, relative to opposing enactment by Congress of any legislation giving the President authority to appoint additional Judges to the Supreme Court; to the Committee on the Judiciary.

631. Also, petition of the General Court of Massachusetts, memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on Labor.

632. By the SPEAKER: Petition of Homer Spillman and others, favoring the freedom of right of religion and of freedom of speech and of the press; to the Committee on the Judiciary.

633. Also, petition of master painters and decorators, soliciting consideration of their resolutions; to the Committee on Ways and Means.

634. Also, petition of the Democratic League of the District of Columbia, favoring the judicial reform which our President, Franklin D. Roosevelt, recently presented to the Congress, and the bill for restricted immigration; to the Committee on the Judiciary.

635. Also, petition of Julian M. Thomas, concerning the American Legion Building, Paris, Inc.; to the Committee on Military Affairs.

636. Also, petition of Michael O'Dea, concerning civil action no. 197353, in the Superior Court; to the Committee on the Judiciary.