

2251. Also, petition of the Valley Grange, No. 581, Issaquah, Wash., Elsie Lundell, secretary, opposing proposed division of Department of Agriculture into two departments, one for private lands and research under the present Department, and one for public lands under the Conservation Department, and expressing bitter opposition to such proposed division on the ground the same would be extremely detrimental to agriculture; to the Joint Committee on Government Organization.

2252. By Mr. CONNERY: Petition of the State Planning Board of the Commonwealth of Massachusetts, urging that the Congress adopt such legislation as may be necessary for expediting the topographic mapping of the United States as provided for in Document No. 14, Seventy-fifth Congress, first session; to the Committee on the Public Lands.

2253. Also, petition of the General Court of Massachusetts, memorializing Congress in favor of a standard living wage for Works Progress Administration workers; to the Committee on Appropriations.

2254. By Mr. JENKS of New Hampshire: Resolutions adopted by the members of Carroll Grange, No. 160, Granite, and Cheshire County Pomona Grange, No. 6, East Jaffrey, N. H., expressing opposition to the removal of the Forest Service and other conservation activities from the Department of Agriculture; to the Select Committee on Government Organization.

2255. By Mr. PFEIFER: Petition of American Manufacturing Co., Brooklyn, N. Y., concerning Senate bill 69, which limits the length of freight and passenger trains as a safety measure; to the Committee on Interstate and Foreign Commerce.

2256. By Mr. SWOPE: Petition of Charles W. Jackson and 11 other citizens of Dauphin County, Pa., urging support of an old-age pension bill as embodied in House bill no. 2257; to the Committee on Ways and Means.

2257. By the SPEAKER: Petition of the Presidents' Own Garrison, No. 104, Washington, D. C., concerning appropriations; to the Committee on Appropriations.

## HOUSE OF REPRESENTATIVES

FRIDAY, MAY 14, 1937

The House met at 11 o'clock a. m.

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

Almighty God, who doth encompass the earth, the sea, the sunset, and star, we feel that still beyond these there is something that urges us to bow and pray. Heavenly Father, make us increasingly satisfied that there is a divine side to human life and that our prayers are wafted to that source from which all blessings flow. In the tragic darkness of Calvary the supreme, quieting and healing word from the holy lips of our Savior was "Our Father." We rejoice that the falling sparrow is a signal for His regard, that He cheers the infirm and heartens the weary and the discouraged. We beseech Thee to inspire us with the spirit of brotherly love. May patriotism and statesmanship ever be in the ascendancy. O crown us with the calm of that soul life which Thou dost give to all who trust Thee. Be Thou our staff to help us up to the mount of God. Wash our hearts and hands that they be clean of all stains. We pray that our paths may never be strewn with shattered ideals or with the wreckage of noble purposes; and Thine shall be the glory. Through Christ our Lord. Amen.

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

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6523. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration

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for the fiscal year ending June 30, 1938, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 14. Concurrent resolution authorizing the publication of the proceedings in Congress and in Statuary Hall in connection with the unveiling of the statues of William Jennings Bryan and J. Sterling Morton, presented by the State of Nebraska.

### AMERICAN RETAIL FEDERATION

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

#### House Resolution 214

*Resolved*, That the expenses of conducting the investigation authorized by House Resolution 203, as amended by House Resolution 239, of the Seventy-fourth Congress, incurred during the years 1936 and 1937 by the special committee to investigate the American Retail Federation, not to exceed \$1,000, shall be paid out of the contingent fund of the House on vouchers signed by the chairman of the said special committee during the second session of the Seventy-fourth Congress and approved by the Committee on Accounts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### SECOND DEFICIENCY BILL, 1937

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6730) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WOODRUM, BOYLAN, CANNON of Missouri, TABER, and BACON.

### THE RELIEF BILL

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that when the House adjourns on next Wednesday that it adjourn to meet at 11 o'clock on Thursday; that when it meets on Thursday consideration of the relief bill may be in order, and that general debate on the bill be limited to 4 hours, one-half to be controlled by myself and one-half by the gentleman from New York [Mr. TABER].

The SPEAKER. The gentleman from Virginia asks unanimous consent that on Thursday of next week the House meet at 11 o'clock, at which time it shall be in order to consider the so-called relief bill, and that general debate on the bill be limited to 4 hours, to be equally divided and controlled by himself and the gentleman from New York. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, will not the gentleman from Virginia include in his request that the debate be confined to the bill? If we are to meet at 11 o'clock in order to expedite legislation, it seems to me the debate should be confined to the bill.

Mr. WOODRUM. I so modify my request, Mr. Speaker.

The SPEAKER. The gentleman from Virginia modifies his request to include the provision that debate shall be confined to the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, do I understand that the reason for meeting at 11 o'clock on Thursday is in order to pass the bill that day?

Mr. WOODRUM. It is hoped that we may pass it, although there will be no effort to railroad it through. I may say to the gentleman that it was our feeling that perhaps by meeting at 11 o'clock and having liberal debate we might pass the bill on Thursday; but if not Friday will be available.

Mr. MARTIN of Massachusetts. The bill being brought up in this way, of course, will be considered under the rules



of the House and will be subject to every possible amendment.

Mr. WOODRUM. Yes.

Mr. TABER. Mr. Speaker, reserving the right to object, as I understand it, the bill will be considered under the general rules of the House. It is not a general appropriation bill, and the rule relating to general appropriation bills does not apply.

Mr. WOODRUM. That is correct.

Mr. TABER. Would the gentleman's request as stated make the bill in order?

Mr. WOODRUM. That was the purpose of the request, to make the bill in order.

Mr. TABER. But would the request make the bill in order, coming from the Committee on Appropriations?

The SPEAKER. It would, as the request has been stated. The bill will be considered under the general rules of the House.

Mr. TABER. I suggest to the gentleman from Virginia that he modify his request to provide in lieu of the usual rule requiring that such bills be read by sections that this bill shall be read by paragraphs, the same as an appropriation bill. To read the bill by sections might possibly limit debate under the 5-minute rule to 10 minutes.

Mr. WOODRUM. Mr. Speaker, I have no objection to having the bill read by paragraphs, and so modify my request.

The SPEAKER. The gentleman from Virginia modifies his request, as indicated by the suggestion of the gentleman from New York, that when read the bill shall be read by paragraphs.

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia if he thinks 4 hours of general debate on a bill appropriating one and one-half billion dollars is adequate? We are placing that money and responsibility in the hands of the President of the United States and Mr. Harry Hopkins, when the Members of Congress do not know definitely what he is going to do with the money. We come here today with the Interior appropriation bill and spend 2 full days working on a hundred million dollar appropriation bill. Does not the gentleman think he is putting a great responsibility in the hands of the President of the United States that should be delegated to the Members of Congress, and doing it in double-quick time, spending 15 times more than the Interior appropriation bill and doing it in one-third the time in general debate?

Mr. WOODRUM. I may say to the gentleman I think 4 hours' general debate on a resolution that has but one issue involved in it is very much more liberal debate than is the case with the present Interior Department appropriation bill. When the bill is read under the 5-minute rule there will be a great deal of time consumed, and opportunity will be given the Members to discuss the bill. As far as I am concerned, I hope to be generous when the bill is read under the 5-minute rule.

Mr. RICH. Since there are involved in the Interior Department appropriation bill 25 or 30 distinct matters, this Interior Department appropriation bill involving an appropriation of \$100,000,000, and the other bill gives exclusively to the President of the United States the power to spend one and one-half billion dollars—15 times as much—how can the gentleman draw the distinction as to the responsibility of this Congress turning over to the President of the United States that authority, when the President knows nothing about finances, when he does not know what a dollar means, and when we all know he has been spending money foolishly?

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

Mr. BOILEAU. Mr. Speaker, reserving the right to object, in reference to this matter, as I understand it, the Appropriations Committee itself is divided on the question as to whether or not there should be \$1,000,000,000 or one and one-half billion dollars appropriated.

Mr. TABER. If the gentleman will yield, my own position will be that the funds should not be turned over for the pur-

poses set forth in the bill, but should be allocated to the States.

Mr. BOILEAU. Because of the position taken by various gentlemen on the Appropriations Committee, I am afraid if we have only 4 hours' general debate many of us who believe that the appropriation should be very much increased will not have the opportunity to express our views to the membership of the House. The gentleman from New York has been eminently fair to Members on this side, but because of the fact this is a matter of such great importance and because of the interest the gentleman from New York and other gentlemen have taken in this matter, I am inclined to believe there will not be an opportunity for those on both sides of the House who want to increase the relief appropriation to adequately express our views. Would the gentleman consider the proposal to extend the general debate to 6 hours, allowing Members of our group who believe this amount should be increased the extra 2 hours? This is rather unusual; I recognize that fact; but because of the great importance of this subject and the limitation of time, I am afraid those of us who entertain the view that this amount should be increased will not have the opportunity to properly express ourselves.

Mr. WOODRUM. I rather anticipate the consideration of this bill will take all of Thursday and most of Friday. We had hoped by meeting at 11 o'clock on Thursday and having 4 hours' general debate that when the bill was read under the 5-minute rule there would be liberal time for discussion. The gentleman will appreciate, so far as I am concerned, and I am sure the gentleman from New York will concur, the gentleman from Wisconsin and others will be given liberal opportunity to express their views. There will be no effort made to railroad the measure through.

Mr. BOILEAU. Under the 5-minute rule a Member is entitled to recognition for only 5 minutes. If a Member is expressing himself on a proposition that another Member does not agree with, that individual Member has the right to cut off debate by not permitting an extension of time. I know the gentleman would not do that, but some Members would.

Mr. WOODRUM. The gentleman will have time under general debate to express his views. When we get to consideration of the bill under the 5-minute rule, the Members of the House will be given ample opportunity, and we will not be unreasonable with the gentleman. It is my purpose to try to do as we usually do, and that is set some time for consideration of the different amendments. I do not think the gentleman will have any complaint about the treatment accorded him.

Mr. BOILEAU. There are many Members on both sides of the House who have a very definite position in reference to this matter.

Mr. TABER. Mr. Speaker, I think the gentleman's purpose would be better served if, when we came to the consideration of the paragraph relating to amount, we could be assured there would be at least an hour debate on that particular paragraph, so that those who have amendments to offer may have the opportunity to present them fully. There will undoubtedly be an amendment offered to reduce the amount. There will probably be offered as a substitute a motion to increase the amount, and upon those two items there should be rather liberal debate. On most of the details of the bill I think very much shorter debate would suffice. However, on that particular subject I think the purpose would be better served if rather liberal debate could be had.

Mr. WOODRUM. I concur with what the gentleman says. I may say it will be my purpose, when we reach that point in the bill dealing with the amount, to try to secure unanimous consent for some reasonable time for debate, and an hour sounds all right to me.

Mr. BOILEAU. I agree with both gentlemen, and I want to do what I can to protect the rights of those who think this amount should be increased. That will be our only opportunity to present the matter on the floor. I hope to have an opportunity to present the matter from my viewpoint, and there may be others. I want to be sure we have



adequate opportunity to express ourselves on behalf of an increased appropriation. If the gentleman will give us that assurance, I will cooperate to that end and shall not make any objection to this division of time.

The SPEAKER. Is there objection to the request of the gentleman from Virginia as modified?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE—FLOODS IN THE OHIO RIVER BASIN

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that on Tuesday of next week, May 18, after disposition of matters on the Speaker's table and following consideration of bills on the Private Calendar, I may be permitted to address the House for 40 minutes on the subject of floods in the Ohio River Basin.

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

There was no objection.

EXTENSION OF REMARKS

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD by having printed therein copy of resolutions passed relative to the life and service of the Honorable Foster B. Brown.

I may say that Mr. Brown was a Member of the Fifty-fourth Congress, and occupied a very important place here. He was a lawyer of the highest standing in our section.

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

There was no objection.

TENNESSEE VALLEY AUTHORITY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may address the House for 2 minutes in order that I may make an announcement.

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

There was no objection.

T. V. A. INJUNCTION DISSOLVED

Mr. RANKIN. Mr. Speaker, this morning the circuit court of appeals at Covington, Ky., reversed and wiped out the Gore injunction against the Tennessee Valley Authority, which releases the Tennessee Valley Authority so far as building lines and the sale and distribution of electric power throughout that area are concerned.

A contract has recently expired, which releases more than 550,000,000 kilowatt-hours of electricity a year, which the T. V. A. now has that it may supply to farmers throughout that area. This will supply electricity to every farmer within 350 miles of these dams, and would reach far up into the States of Indiana, Ohio, and Illinois, and probably cover the larger portions of those States as well as the States of Mississippi, Tennessee, Kentucky, Alabama, and portions of South Carolina, Virginia, North Carolina, Louisiana, Arkansas, and Missouri, and so forth.

I stated a day or two ago that by the promulgation of the yardstick rates the Tennessee Valley Authority had reduced light and power rates to the American people in this country to the extent that last year, 1936, the power consumers in this country saved \$537,000,000. In other words, the T. V. A. saved us last year more than twice as much money as the entire T. V. A. investment has amounted to up to this time. The Tennessee Valley Authority saved us last year more money by over \$100,000,000—in fact, almost \$200,000,000 more—than the cost of the Panama Canal. The T. V. A. is the most profitable investment this country has ever made. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's desk, following the address of the gentleman from Mississippi [Mr. WHITTINGTON], I may be permitted to address the House for 15 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill which I have introduced to amend the Home Owners' Loan Act, and to include therein a letter which I have addressed to the gentleman from Alabama [Mr. STEAGALL], the chairman of the Committee on Banking and Currency.

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

There was no objection.

Mr. QUINN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address on the Humane Society by Charles Edward Russell.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FADDIS. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the disposition of business in order on Calendar Wednesday and other privileged matters, I may be permitted to address the House for 15 minutes.

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

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the disposition of business in order on Calendar Wednesday or other privileged matters, and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address of the gentleman from Texas [Mr. RAYBURN], delivered on April 24, 1937, before the Red River Valley Improvement Association, at Shreveport, La., and to include also resolutions adopted by this association on the 25th of April 1937.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table, following the call of the Consent Calendar and the special orders already entered, I may be permitted to address the House for 20 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a tribute to the memory of the late Benjamin K. Focht.

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

There was no objection.

MISSOURI STATE FEDERATION OF LABOR

Mr. CANNON of Missouri. Mr. Speaker, the annual convention of the Missouri State Federation of Labor is in session in my State this week. I desire to announce the absence, attending this convention, of my colleague the gentleman from Missouri [Mr. WOOD], who has served for 25 years continuously as the president of this organization.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1938

Mr. JOHNSON of Oklahoma. 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. 6958) making appropriations for the



Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

For the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, \$600, and in addition there is hereby made available from any appropriations made for any bureau or office of the Department not to exceed the following respective sums: Indian Service, \$500; Office of Education, \$2,500; Bureau of Reclamation, \$2,000; Geological Survey, \$6,000; National Park Service, \$2,000; General Land Office, \$500; Bureau of Mines, \$3,000.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word, and ask unanimous consent that I may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANHAM. Mr. Chairman, I apologize for asking this time in view of the fact that I wish to talk about a matter I have discussed on this floor many times and for many years. However, the subject is made specially pertinent now by reason of the recent terrible tragedy to the *Hindenburg*.

Since I first became a Member of this body I have sought to impress upon legislators and the various departments the importance of conserving and developing the wonderful natural agency of offense, defense, and commerce, which we call helium, and of which, providentially, our country has a practical monopoly of the known sources of supply. When this tragedy occurred at Lakehurst the first thought, perhaps, which surged through our minds was that airships have been thoroughly tried and found wanting.

But our sober second thought came with the true announcement that had that dirigible been inflated with helium there would have been no such catastrophe; and, now, much as we deplore it, the *Hindenburg*, like the *Roma* and the *ZR-2* and many other similar vessels of the days gone by, has gone the hydrogen route to the scrap heap.

Anyone who boards a dirigible filled with hydrogen does so with knowledge of the fact that the lifting medium of that ship is a highly explosive gas. In a way, he takes his life in his own hands, though the Germans have heretofore made a fine record in dirigible operation.

Why have we not taken advantage of this God-given opportunity that is ours to foster aviation in the lighter-than-air field in order that foreign governments might not preempt by the good will that such ships establish our trade territory in South America and elsewhere?

The question may be asked, if we have a monopoly of this noninflammable element, why have we no commercial aviation in the lighter-than-air field? Why is it that Germany has been able to carry on its operations, using this highly explosive gas, hydrogen? We have in our present law a ban on the exportation of helium, and for this reason the *Hindenburg* was not inflated with this element, although the newspapers have carried statements that application for the export of helium to fill the *Hindenburg* was made to one President of the United States and permission given, but that by reason of certain difficulties of exchange it was not purchased by the foreign government. Be this as it may, the truth stands out that this accident by explosion would not have occurred, and could not have occurred, with the use of helium.

Now, I ask why, with a relatively bountiful supply of this element of safety, sufficient for a century or more, have we not carried on our commercial aviation in this field? Because not only does the law ban exportation but our laws have given no opportunity for the sale or lease of helium

for commercial aviation in this country of this sort. Those who wished to go into it could not get the helium, and the only practical source of supply was from the Government of the United States.

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

Mr. LANHAM. I should like to proceed for a moment before I yield.

It was thought for a long time, and it was advocated, that these airships, commercially, should be given the same stimulation that we give the surface ships and that we give airplanes in rates to carry the mail, which amounts largely to a subsidy, but it is worthy of note in this connection that in recent hearings before one of the committees of this House, reputable gentlemen appeared and said they had a company organized, that the capital was available and ready, that they had built a ship and had tested it in every way for a period of more than a year, that they were anxious to go commercially into aviation in the lighter-than-air field, that they wanted to procure the helium, for which they were willing to pay not only the cost, but also a profit, and that they would take passengers safely to Europe for less than the cost of travel on a first-class surface vessel and that they would be glad to do the same with reference to South America, and would also be willing and eager to enter into a contract to carry the mails to foreign shores in Europe and in South America at the regular rates of postage. Now, here are these people of our own country asking no subsidy, but only an opportunity to purchase, at reasonable value, this wonderful element.

Down at Amarillo, Tex., where the Government owns the gas rights in 50,000 acres of land, an entire geologic structure holding a natural gas that contains about 2 percent of helium, we have a plant with a capacity, under its present equipment, to extract 24,000,000 cubic feet of helium a year. The extraction has gone as high as 15,000,000 cubic feet a year and it is operating now at 5,000,000 cubic feet a year, because that is the extent of the Government's present demand; and even operating at 5,000,000 cubic feet a year, helium is being extracted today for a little more than 1 cent a cubic foot.

Operating at capacity it could be extracted for a little more than one-half of 1 cent a cubic foot, and relatively for aviation purposes this is as cheap or cheaper than hydrogen, because when hydrogen becomes contaminated with air, it is even more highly explosive and has to be released, whereas helium can be repurified at a nominal expense and used over and over again. So I say it is time for us to be aroused and to awaken to the importance of this matter and the value of the possession of this great asset about which it has been my pleasure to talk in this body for many, many years.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I gladly yield to the gentleman.

Mr. LUTHER A. JOHNSON. I noticed in the press the other day, since the *Hindenburg* disaster, that the United States had in this field to which my colleague refers enough helium to supply our needs for 100 years. Is this true; and if so, why is the Government hoarding it?

Mr. LANHAM. I think the statement was made that there is enough there for a much longer period, but, certainly, there is enough in that field, irrespective of our reserve in Utah and the possibilities of getting it elsewhere, to last this country a century.

[Here the gavel fell.]

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for 10 additional minutes. This is a very important subject and we ought to know something about it.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman may be permitted to continue for 10 additional minutes. Is there objection?

Mr. JOHNSON of Oklahoma. Mr. Chairman, I hope the gentleman can finish in the time allotted. I am not going to object at this time.



Mr. LANHAM. I should be glad to conserve time by extending my remarks in the RECORD. I do not want to trespass on the time of the Committee, although I do think this is an important matter for our consideration. I have not requested additional time, but I shall be glad, if the time is granted, to reply to questions from any gentleman.

The CHAIRMAN. Does the gentleman from Oklahoma object to the request of the gentleman from Mississippi that the time of the gentleman from Texas be extended 10 minutes?

Mr. JOHNSON of Oklahoma. No; I do not object.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

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

Mr. LANHAM. Yes.

Mr. RANKIN. Mr. Chairman, the gentleman stated a while ago that this helium could be produced at a cost of 1 cent per cubic foot. As I understand it, during the war we paid \$1,500 a cubic foot for helium.

Mr. LANHAM. Strictly speaking, it cannot be produced at all. You cannot manufacture helium. It is an element, and you have to take it where you find it. Up to 1917, the time we went into the war, there never had been a cubic foot of helium extracted for less than \$1,500, and that was derived by breaking down uranium ores in laboratories, and the chemists had it as an expensive curiosity; but from that experimentation they did learn the nature of the gas, that it is inert, that it is not inflammable, and that it has great buoyancy, which gives it 92 percent of the lifting power of hydrogen.

Mr. RANKIN. How much helium would it have taken to inflate the *Hindenburg*?

Mr. LANHAM. About 6,700,000 cubic feet.

Mr. RANKIN. About one-half of our present production per year?

Mr. LANHAM. Our present production, running at capacity, with equipment we now have for that purpose, would be 24,000,000 cubic feet per year, which could be increased at a relatively nominal expense by the addition of more equipment.

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

Mr. LANHAM. Yes.

Mr. MICHENER. The gentleman from Texas is an authority on helium and has furnished this Congress and the country its only real information on helium since 1919. He is entirely familiar with the subject. Following his statements through, we learn that we have in this country a monopoly of helium, that this kind of gas is a great military asset. In view of that fact, does the gentleman feel that we should sell or dispose of this gas to Germany or to any other country which could, after obtaining possession of it, use it for military purposes in their own country, on the Continent, or against this country? It is one thing this country does control that means something from a military standpoint.

Mr. LANHAM. While that may be a delicate subject to discuss just now, nevertheless, in appearing recently before the Committee on Military Affairs of the House of Representatives, I took the position, and take it now, that it is incumbent upon us with this valuable asset, having a practical monopoly of it, to encourage our own commercial aviation which can be carried on safely and certainly not to allow sufficient volume of this element for military purposes to be exported abroad. It might come back to plague us with reference to its military use even in wars with which we could otherwise have no possible connection. [Applause.]

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

Mr. LANHAM. Let me say this further: It has been found in insufficient volume to be of practical value in a few countries of the world. Newspapers in the last few days have reported that some of it has recently been found in Russia. I do not know how extensive that may be.

Let me call your attention also to this: Helium is relatively a new discovery. Its extraction as a business was inaugurated by our Government when there was no such business, in order that we might have helium in wartime, and

there were 210,000 cubic feet of it, enough to inflate one blimp, on the docks at New Orleans to be exported to Europe when the armistice was signed.

Recent testimony and motion pictures shown before the Committee on Military Affairs conclusively proved that in the treatment of asthma and other bronchial and pulmonary troubles many people have been relieved and some cured by administering helium mixed with oxygen, people who otherwise would have passed on with those maladies. Its possibilities seem without limit in the medical world, perhaps in treating tuberculosis, in treating pneumonia, or in treating soldiers who have been gassed. The progress that has been made medically is remarkable, and the medical fraternity is coming in and saying, "Give us an opportunity to buy this helium from the Government at cost in order that we may relieve suffering humanity."

Mr. COLDEN. Mr. Chairman, will the gentleman tell us what kind of gas is used by these blimps in Washington and Los Angeles that are flown for excursion purposes?

Mr. LANHAM. Helium gas is used in the blimp that soars over Washington which you see flying daily in spite of all these catastrophes. The Government has leased to the Goodyear Co. 1,000,000 cubic feet of helium, used in its various blimps, and they have carried over a quarter of a million passengers and never injured one by so much as a scratch of a finger.

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

Mr. LANHAM. Yes.

Mr. MAY. I had the pleasure of hearing the statement of the gentleman a few days ago before our committee on this subject. There is one feature of the matter that he has not yet discussed, and I wish he would explain to the House the extent to which this gas may be preserved and used and reused and reused, and the small amount of leakage or loss there is in it.

Mr. LANHAM. The amount of leakage has been very much reduced, of course.

Helium can be repurified and used over and over again at nominal expense, as I have stated, and the apparatus for that purpose can be carried on two flat cars. Formerly it was necessary, when the weight of the ship was reduced by the consumption of fuel, to valve some of the helium in order to keep an even balance, but necessity being the mother of invention, our progress was so great that we soon discovered a process of water recovery, whereby in condensing the exhaust from the motors it is possible to recover more water in weight than the fuel consumed. Consequently we do not lose the helium now as we did before in an operation of this character.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield briefly?

Mr. LANHAM. I yield.

Mr. MARTIN of Colorado. I wanted to interject in the gentleman's very informative remarks that Colorado has an undeveloped field of very rich proven helium which it is unable to develop because of the restricted market for it at this time.

Mr. LANHAM. The helium content of the gas in Colorado is higher than that found at any other place in the United States. It is true that field probably is not very large, and the testimony shows it likely would not last more than about 7 years. But, as I understand, there is between 6 and 7 percent of helium in the natural gas there. It has also been found in a number of our other States. In Kansas, the State from which the gentleman, Mr. Houston, comes, the first discovery of helium in natural gas was made by Dr. Cody, of the University of Kansas.

Mr. HOUSTON. I thank the gentleman kindly. I just wanted to beat Oklahoma to the draw. [Laughter.] Would the gentleman tell us what kind of gas was used in the *Akron*, the *Macon*, and the *Shenandoah*?

Mr. LANHAM. Yes. They were filled with helium, and you will recall there was no explosion in any of those cases. We have built only three of these dirigibles. The German people have built approximately 150 of them. Naturally they know more about such construction. Commander C. E.



Rosendahl, the leading authority in the United States in aviation in the lighter-than-air field, has shown conclusively that all of those accidents of ours could have been avoided. You will recall that when the *Shenandoah* broke into three pieces in a storm all of the men who were up in the envelope of that dirigible came safely to the ground, despite the fact that it was broken into three pieces, whereas had it been inflated with hydrogen they would have all perished in flames.

Now, here are these domestic commercial companies that want to develop this kind of aviation and want to buy the helium. They are not asking for a cent of subsidy from the Government. If we let them have it at no expense to us, not only will we have the ships that they will build, which we can use in time of stress and strain, but we will have also trained personnel for such operation, which we do not get now. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. LANHAM. I am sorry, but my time has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro-forma amendment.

I wish to ask the gentleman from Texas at this time what he feels the Congress can do to assist in the development of the use of helium gas? It is one of the most vital things we have taken up at this session. I believe we have only scratched the surface in the development of our natural resources and that there are great possibilities for commerce. We are a young country and with research and progress thousands may be given employment in many lines of industry and commerce.

Mr. LANHAM. I think the Congress cannot only assist in this matter but perhaps bring about the realization of our dreams by passing a bill, perhaps with a few modifications, now pending before the Committee on Military Affairs, on which that committee has conducted 3 days of hearings. It will enable the medical fraternity to get this helium from the Government at cost to relieve sufferers, and will enable those who wish to go into commercial aviation of this character in the United States to either buy or lease the helium from the Government without any financial loss on the part of the Government by way of subsidy or contribution. I think the passage of that bill will make this operation certain, because those gentlemen have testified that they have the capital and that they have made all of their experiments, and that they are ready to begin construction of their dirigibles just as soon as they can have assurance that they can buy or lease this helium from the Government.

Mrs. ROGERS of Massachusetts. I thank the gentleman for his valuable information.

Mr. MICHENER. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. MICHENER. I would like to ask the gentleman from Texas if that bill will permit the United States to sell this helium to foreign nations?

Mr. LANHAM. That bill provides against export, except in relatively small volume for scientific and humanitarian purposes. There is a provision in the bill that not enough shall be exported to be of any military value.

Mr. MICHENER. The bill contains no provision providing that an American company buying helium from the Government shall never dispose of the helium so purchased to a foreign government?

Mr. LANHAM. Yes; because there is a ban on exportation. They cannot send it abroad. Furthermore, representatives of an American company appearing before the committee said frankly that they would prefer to pay the cost of the helium and a profit, if the Government so desired, and not purchase the helium, but lease it, so that the Government would have the control of it in its own hands.

Mr. MICHENER. I hope this can be done.

Mrs. ROGERS of Massachusetts. Is it not true also that during Mr. Hoover's administration Germany could have bought helium gas, but decided not to because she could not produce it herself? She felt probably in time of peace it would

be better to use hydrogen, a gas which she could produce herself, and the gas Germany would have to use in case of war.

Mr. LANHAM. I have seen that statement in the newspapers, but I cannot vouch for its accuracy.

Mr. HARTER. Mr. Chairman, will the gentlewoman yield to permit me to ask a question of the gentleman from Texas?

Mrs. ROGERS of Massachusetts. Certainly.

Mr. HARTER. Doubtless during the last few days the gentleman has seen statements in newspapers by columnists and heard statements on the part of certain radio commentators that this country is in a measure to blame for the loss of the *Hindenburg* through our refusal to sell helium to Germany. I may say to the gentleman that I have taken occasion to inquire officially of various administrative officers of this Government, and I find that no request was ever made upon this Government in recent years, and particularly with reference to the filling of the *Hindenburg* with helium, for helium produced in this country. I do not believe that we can in any way be blamed, and I think many of the statements that have been made are entirely uncalled for.

Mr. LANHAM. I think the gentleman is quite right. There is no culpability on our part. I also have heard commentators make erroneous and inaccurate statements.

Mrs. ROGERS of Massachusetts. That bears out my statement that Germany had the opportunity a number of years ago but did not avail herself of it.

Mr. RANKIN. Mr. Chairman, every man who is interested in his country's welfare is bound to be interested in the statement on helium just made by the distinguished gentleman from Texas [Mr. LANHAM].

One trouble I find is that whenever anything new is discovered we try to hoard it until we find out that hoarding is unnecessary. When we first began to use electricity in this country for electric lights some people got uneasy, fearing that we were going to use it all out of the atmosphere and bring disaster to the world.

One of our former colleagues, the Honorable Charles F. Curry, who was in the House from California a few years ago, used to tell this significant story: He said that back in prehistoric days a wild-eyed agitator went down through Asia Minor making speeches in certain countries telling the people that they were rapidly exhausting the supply of flint, from which they were making their arrow spikes and tomahawks. He got the people so badly excited that they put an embargo on flint and began to hoard and hide it, and created a panic that lasted several hundred years.

I am just wondering if we are not following in that wake today by hoarding our supply of helium and refusing to permit our own people to use it, not knowing but that the time may be close at hand when there will be discovered vast and unlimited supplies of it.

It seems to me that the gentleman from Texas [Mr. LANHAM] is correct that we ought to permit our own people to use this helium for commercial purposes. But I must agree with the gentleman from Michigan that I would oppose supplying 1 cubic foot of helium to any country that is at war to destroy human beings with if I could help it. It seems to me that if the Government wants to protect itself it could lease this helium to private enterprises or sell it to them with a recapture provision, and with the proviso that it should not be shipped out of the United States. We might even supply it for use in passenger airships of other countries with a similar understanding. But it seems to me that it is the height of folly for us to proceed on the theory that we have a monopoly and that no more will ever be discovered.

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

Mr. RANKIN. I yield.

Mr. MAY. Helium is extracted from natural gas, and has been discovered in only two or three places in the United States, but is there any reason to believe that it does not exist in numerous other places in the country? Do we have any statute that would prevent an individual or the Government from discovering other deposits of helium?

Mr. RANKIN. I do not know. All that I know about helium I have learned from the gentleman from Texas [Mr. LANHAM].



Mr. MAY. And the gentleman does not know of any statute prohibiting the use of it if they should find it?

Mr. RANKIN. No; I know of none.

Mr. MAY. But we ought to have a statute prohibiting its export.

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

Mr. RANKIN. I yield.

Mr. LANHAM. We have a reserve on public lands in Utah, and we have a provision in the law that wherever we find helium gas on public land it may be reserved. We have no authority here, however, to pass a law that will prevent a man from using gas that he finds on his own property in any way that he pleases.

Mr. RANKIN. But we do have authority, as a matter of national defense, to prohibit its export.

Mr. LANHAM. To be sure, and there is a provision in the present law and also in the proposed bill before the Committee on Military Affairs against the export of helium except under permit from the President.

Mr. BOILEAU. Will the gentleman yield?

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

Mr. BOILEAU. The argument has been made we should not permit the exportation of our helium. At first blush that sounds reasonable and proper, because we would not want it to get into the hands of other countries. But, on the other hand, if the other countries want the helium and are not able to get it, would they not retaliate by refusing to send us manganese, tin, and other things we need? It is all right to say we should not export these things for war purposes.

Mr. RANKIN. I said I would not want to sell helium to any country that is at war. If I could do so, I would prohibit its use by a foreign power for war purposes.

Mr. BOILEAU. Other Members have stated we should not under any circumstances export it. It is a rather dangerous policy to be so definite.

Mr. RANKIN. I would go as far as possible to prevent it from being used for human destruction.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the Clerk proceed to read the bill. It has been a very interesting discussion; but we have an Interior Department appropriation bill pending before us, and we must proceed in orderly fashion if we are to finish consideration of this bill today.

The CHAIRMAN. Does the gentleman propound a unanimous-consent request or make a motion to limit debate at this point?

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MURDOCK of Utah. Mr. Chairman, I object.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. MURDOCK of Utah. Mr. Chairman, I rise in opposition to the pro-forma amendment, and ask unanimous consent that I may be allowed to proceed for an additional 5 minutes, making 10 minutes in all.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MURDOCK of Utah. Mr. Chairman, it is not often that I ask for time to speak on the floor of this House, and I would not do so at the present time if I did not have in mind a matter very vital to my State and adjoining States and also very vital to the entire United States, and a subject to which I have given careful study. The grand old Mormon pioneers of my State were the first ones in America to reclaim land by irrigation, and by reason of that fact there is no subject nearer or dearer to my heart than reclamation. But as near and dear to my heart as it is, Mr. Chairman, I say that when a State or group of States are given Federal aid to construct a great reclamation project, then each and every one of those States should be willing to abide by

the laws of the United States which make possible the aid and cooperation from the Federal Government.

I call attention to line 20, page 76, of the pending bill, under the head of the Gila project. I want to state in the brief time I have at my disposal the history of the great Boulder Canyon project.

Seven great Western States came to the Federal Government back in 1921. They asked the Federal Government for what? They asked the Federal Government to authorize by law that they be allowed to enter into a compact for the equitable division and apportionment among them of the waters of the Colorado River system. They asked for the right to enter into a compact, knowing that they would come back, once that compact was entered into, for assistance from the Federal Government to build a project costing \$165,000,000. The Federal Government immediately passed the act—act of August 19, 1921, Forty-second Statutes, page 171—providing for the seven States to enter into a compact and divide between them equitably the waters of the great Colorado River which rises and flows through those seven States, the compact to be approved by Congress.

After the first law was passed those seven States by their legislatures created commissioners to act on and in their respective behalf. They met at Santa Fe and entered into what is known as the Colorado River Compact, November 24, 1922. The States involved were Arizona, California, Nevada, Wyoming, Utah, Colorado, and New Mexico. After that compact was agreed to by all seven State commissioners and approved by Secretary of Commerce Hoover, who represented at that time the United States, it was submitted to the legislature of each one of those States and to the Congress of the United States for ratification. Six of those great States immediately ratified that compact. The seventh State, Arizona, said, "No; we will not ratify it," notwithstanding her commissioner was the first to sign it.

Then what did they do? They all came back to the United States Government and said, "Notwithstanding the fact that Arizona has broken faith and has refused to go into the compact, we ask this Government for \$165,000,000 to go ahead with that project." Uncle Sam appropriated the money. In the Boulder Canyon Project Act every effort was made by Federal legislation to bind Arizona and to preserve the rights of the other six States, as well as of the Federal Government, against Arizona.

After the act was passed and the money provided, what did Arizona do? Arizona took California and the other States and the Secretary of the Interior into the Supreme Court to do what? To get a pronouncement of the Supreme Court of the United States that regardless of Federal legislation the State of Arizona could not be bound until it signed by legislative sanction that Colorado River compact. See United States Reports, volume 283, beginning on page 423.

From said decision I quote as follows:

The act (Boulder Canyon Project Act) does not purport to affect any legal right of the State or limit in any way the exercise of its legal right to appropriate any of the unappropriated 9,000,000 acre-feet which may flow within or on its borders. On the contrary, section 18 specifically declares that nothing therein "shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified" by interstate agreement. As Arizona has made no such agreement, the act leaves its legal rights unimpaired.

This pronouncement by the Supreme Court of the United States assured Arizona that its sovereign right as a sovereign State to control by legislative act the appropriation, use, and control of water within its borders or on its borders was unimpaired by the Boulder Canyon Project Act. Arizona then knew that it would have every benefit contemplated by the construction of Boulder Dam, and that by refusing to sign the compact she assumed none of the obligations incident thereto.

That State has never signed it and never will sign it, unless this Congress says to her, "You get not one more dollar for reclamation projects on the Colorado River until you have kept faith with the Government of the United States and the other six States."



What is the proposition today? The gentleman from Arizona gets up on the floor of this House and makes the one argument that might justify that action on the part of his State. What is that argument? That they might lose some water to the Republic of Mexico. But if the gentleman from Arizona will look at the Colorado River compact, if the gentleman from Arizona will look at the Boulder Canyon Project Act, he will see that not one drop of water of the Colorado River can ever go to Mexico unless this country by treaty agreement gives Mexico the right to such water.

Therefore the argument that Arizona may lose water to Mexico is absolutely "bunk" and ridiculous; and the State of Arizona, as are all the other States in the Colorado River Basin, is protected by the Boulder Canyon Project Act and the compact.

To show that Arizona, together with the other six Colorado River States, are adequately protected against any loss of water to Mexico, I quote from article 3 of the compact as follows:

ART. III. (a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses.

I quote also from certain correspondence between the Honorable CARL HAYDEN, now Senator from Arizona, and at that time Representative from the State of Arizona, and the Honorable Herbert Hoover, who at that time was Secretary of Commerce. This correspondence may be found in a volume entitled "The Hoover Dam Contracts", at pages 396, 397, and 398, published by the Interior Department in 1933. The questions were propounded by Senator HAYDEN and answered by Secretary Hoover.

Question 9. Does paragraph (c) of article III contemplate a treaty between the United States and the Republic of Mexico under which one-half of a deficiency of water for the irrigation of lands in Mexico shall be supplied from reservoirs in Arizona?

Answer. No. Paragraph (c) of article III does not contemplate any treaty. It recognizes the possibility that a treaty may, at some time, be made and that under it Mexico may become entitled to the use of some water, and divides the burden in such an event, but the quantity to which that country may become entitled and the manner, terms, and conditions upon which such use may depend, cannot be foreseen.

It is a certainty that no such treaty will be negotiated and ratified which is unfair to the United States or any State or detrimental to their interests. To discuss whether or not a treaty might be made under which Mexico might be permitted to receive water impounded in a reservoir which may be constructed is to indulge in speculation, but it is safe to say that if such a situation should result it will be only under conditions fair and satisfactory to all parties concerned.

Question 10. What is the estimated quantity of water which constitutes the undivided surplus of the annual flow of the Colorado River, and may the compact be construed to mean that no part of this surplus can be beneficially used or consumed in either the upper or the lower basins until 1963, so that the entire quantity above the apportionment must flow into Mexico, where it may be used for irrigation and thus create a prior right to water which the United States would be bound to recognize at the end of the 40-year period?

Answer. (a) The unapportioned surplus is estimated at from 4,000,000 to 6,000,000 acre-feet, but may be taken as approximately 5,000,000 acre-feet.

(b) The right to the use of unapportioned or surplus water is not covered by the compact. The question cannot arise until all the waters apportioned are appropriated and used, and this will not be until after the lapse of a long period of time, perhaps 75 years. Assuming that each basin should reach the limit of its allotment and there should still be water unapportioned, in my opinion such water could be taken and used in either basin under the ordinary rules governing appropriations, and such appropriations would doubtless receive formal recognition by the Commission at the end of the 40-year period. There is certainly nothing in the compact which requires any water whatever to run unused to Mexico, or which recognizes any Mexican rights, the only reference to that situation being the expression of the realization that some such rights may perhaps in the future be established by treaty. As I understand the matter, the United States is not "bound to recognize" any such rights of a foreign country unless based upon treaty stipulations.

Question 11. Is there any possibility that water stored by dams in the tributaries of the Colorado River in Arizona, such as the Roosevelt Reservoir, on the Salt River, or the San Carlos Reservoir, on the Gila, might under the terms of such a treaty, be released for use in Mexico to the injury of the water users of the projects for whose benefit such dams were constructed?

Answer. I cannot conceive of the making or the ratification of a treaty which would have such an effect. If it were possible to believe that the Federal Government would treat its own citizens with such absolute disregard of their property and rights, I presume that they would receive ample protection, even as against the Government, under the provisions of the Federal Constitution.

It must be remembered that the United States now has a large financial interest in the projects already constructed. It is not to be presumed that action will be taken detrimental to these interests. Furthermore, each of the seven States directly concerned has two Members of the Senate, by which any treaty proposed must be ratified.

Question 12. Is it true, as has been asserted, that if the Colorado River compact be approved the water should reclaim 2,500,000 acres of land in Arizona will go to Mexico and there irrigate a vast area owned by American speculators, who will cultivate the same with Asiatic coolie labor and raise cheap crops in competition with Arizona and California farmers?

If such assertions have been made, there is absolutely nothing in the compact upon which they can be based. They are the result solely of unrestrained and unfounded imagination. As already stated, there is no reference in the compact to any rights of any persons in Mexico; none are created and none are recognized. That entire question, if it ever arises, must be dealt with by the Federal Government in the exercise of its treaty-making power. Such a subject was beyond the purview of the acts creating the Commission, and it was intentionally omitted from the compact.

I now quote from section 4 of the Boulder Canyon Project Act, providing for the protection of the State of Arizona against any claims of Mexico to the waters of the Colorado River system:

(4) That the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin.

Mr. Chairman, there is no finer example of our great system of dual sovereignty than we find in the Colorado River compact between these seven States—had Arizona ratified it—and the Government of the United States. I take the position that my State is just as much entitled to water from the Colorado River as is Arizona. My State has agreed to this compact, and in every 10-year period we, the upper-basin States, must let flow down to Boulder Dam for California, for Nevada, and for Arizona 75,000,000 acre-feet of water regardless of what is left for us; this quantity must be allowed to flow down to Arizona, California, and Nevada even though the upper-basin States go dry. To protect the rights of the Federal Government at Boulder Dam we made this sacrifice, although the upper basin furnishes 90 percent of the water of the entire system.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for 5 additional minutes. This is an extremely important matter.

The CHAIRMAN. The Chair regrets to announce that the time has already been limited by a vote of the Committee.



Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not want to object, but the gentleman will have sufficient time during the later consideration of the bill to make whatever statements he pleases.

Mr. MURDOCK of Utah. I can finish my statement in 5 minutes. I should be entitled to this time.

Mr. JOHNSON of Oklahoma. I will not object.

Mr. LEWIS of Colorado. Can we not do this by unanimous consent?

The CHAIRMAN. It can be done; yes.

Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MURDOCK of Utah. The upper-basin States have joined California and Nevada in the preservation of the rights of this Government, but the Supreme Court of the United States has stated that until Arizona agrees to this compact by action of its legislature there is reserved to Arizona in the Colorado River Act the right to appropriate water and control it as that sovereign State sees fit to control and appropriate it, which right cannot be impaired by congressional action but only by legislative action of Arizona.

What is the condition we face? Not only a loss of water to the upper-basin States but a loss to the Federal Government. After you put \$165,000,000 into Boulder Dam, and after you spend \$80,000,000 on the Gila project in Arizona, you still are subject to the sovereign rights of Arizona in the disposition and appropriation of the water. Any man who denies this, any man who challenges this statement, is not familiar with the water-appropriation laws of the Western States.

I am not here today asking that the Gila project be not given this appropriation. I am here asking that when a great sovereign State joins six other States and the United States in asking for a thing, then participates in the drawing up of the compact, and her commissioner signs it, which is then ratified by the other States, and the Congress has approved, such State should be required as in duty bound and in good faith to come in and say, "Yes; we requested this, but we broke faith. The only way we can rectify and undo what we have wrongly done is to come in and sign this compact before we are entitled to one more dollar of Federal money."

They come here and sing this song about losing water to the Republic of Mexico. I challenge the gentleman from Arizona or any other man on this floor or any other floor to stand up and contradict the statement that not one drop of water from the Colorado River can go to the Republic of Mexico unless under a treaty signed by the Government of the United States.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield? The gentleman challenged the Members on this floor, and I would like the gentleman to yield to me for a minute.

Mr. MURDOCK of Utah. All right; I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is not the same condition going to apply in Mexico about appropriating this water, whether California or Arizona have broken the compact? The procedure with respect to international relations would then apply.

Mr. MURDOCK of Utah. Mexico can get no water, except by treaty.

Mr. WHITE of Idaho. How are you going to get around that?

Mr. MURDOCK of Utah. If the gentleman will sit down, I will tell him.

Mr. WHITE of Idaho. I can hear the gentleman standing up.

Mr. MURDOCK of Utah. All right. If the gentleman will read the three Supreme Court cases on the Colorado River, if he will read the correspondence which passed between Senator HAYDEN, at that time the Representative from Arizona, and the Secretary of Commerce, Mr. Hoover, quoted by me, he will find that by reason of the fact that

water is available to Mexico only by reason of its regulation at Boulder Dam, by the United States, Mexico cannot legally ask for a drop of this water in excess of what it was using prior to the time the Boulder Canyon Dam was constructed.

Mr. WHITE of Idaho. If this water flows down the Colorado River unappropriated, and Mexico appropriates it, how are you going to take it away from them? That is what I want to know.

Mr. MURDOCK of Utah. I cannot now take time to give the gentleman from Idaho a lesson in irrigation law, but if the gentleman is interested sufficiently to read the Boulder Canyon Act, if he is interested sufficiently to read the Colorado River compact, and if he is interested sufficiently to read the correspondence between Senator HAYDEN, the Representative from Arizona at that time, and Secretary Hoover, and the court decisions, he will have his answer, explicit and right to the point, without a question.

I have implored the Representative from Arizona and others from that State to take the position that Arizona is in duty bound to sign the Colorado River compact, which she joined her sister States in asking authority from the Federal Government to promulgate, and, after securing authority from Congress, she by legislative action appointed her commissioner, who, acting with commissioners from the other six States, drafted the compact, and Arizona's commissioner was the first to sign it. This they say they cannot do, and the only reason they give therefor is that Arizona is apprehensive that she might lose some water to the Republic of Mexico.

I feel that I have answered this question conclusively. I cannot help but conclude that the State of Arizona, in refusing to ratify the compact, is acting selfishly, in bad faith, and in utter disregard of the rights of her sister States and the Federal Government. She is willing to take all the benefits; she is willing to ask and receive from the Federal Government millions of dollars to construct reclamation projects in Arizona; but she is unwilling to assume her just obligations to the Federal Government and to her sister States. In addition to all other benefits in the way of power and water for irrigation and culinary use, Arizona has reserved to herself, to which reservation the Federal Government has assented, 18 3/4 percent of all surplus revenues from the Boulder Canyon project. This is granted to her in lieu of taxation that she might have received had the Boulder Canyon project been built by private enterprise. Although compared with the State of Arizona my State has received a negligible sum for reclamation, I would gladly join today the splendid Representative from Arizona in asking approval of every dollar contained in the appropriation bill for Arizona projects, if Arizona's Representative was willing to bind Arizona to ratify the Colorado River compact or even protect by proper amendment the rights of the upper-basin States. But this he refuses to do. Therefore it becomes my solemn though grievous and disagreeable duty, in the protection of the rights of my State, to now admonish the gentleman from Arizona that at the proper place in his bill I shall offer an amendment to make the appropriation for the Gila project in Arizona available only after the State of Arizona has, through its legislature and Governor, bound itself to respect the rights of Utah, the Federal Government, and the upper-basin States. I deplore the fact that there should be any dissension or contention among Representatives coming from reclamation States. But if the State of Arizona insists on the selfish and unfair position she has assumed up to this time on the Colorado River, then she forces me to the only alternative I have, and that is, in defense of the rights of my State, I am forced to take action, the consequences of which might result unfavorably to the item of appropriation in this bill for the Gila project. [Applause.]

The pro-forma amendments were withdrawn.

The Clerk read as follows:

Furniture, furnishings, and equipment, new Interior Department Building: The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any expenditure authorized under this head in the First Deficiency Appropriation



Act, fiscal year 1936 (49 Stat., p. 1619), when the aggregate amount involved is less than \$300.

Mr. WIGGLESWORTH. Mr. Chairman, I reserve a point of order on the paragraph and do so to ask the chairman of the subcommittee whether, in the interest of uniformity, the amount of \$300 should not be reduced to \$50.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I may say to the gentleman from Massachusetts that these small purchases are for furnishings for the new Interior Building and have heretofore been made. It is my understanding that the Secretary of the Interior was of the opinion he had the authority to make such purchases up to \$300, but now it has developed that there may be some question about it, and the purpose of this provision in the bill is to give him the specific authority.

Mr. SHORT. Mr. Chairman, will the gentleman kindly yield at this point?

Mr. JOHNSON of Oklahoma. Yes.

Mr. SHORT. Is this the reason, in the reorganization plans of the administration, they wish to abolish the office of Comptroller General?

Mr. JOHNSON of Oklahoma. Well, of course, the gentleman is not asking the question seriously.

Mr. SHORT. There is no authority of law to make purchases until appropriations have been made.

Mr. JOHNSON of Oklahoma. They already had the appropriation and they thought they had the authority.

Mr. SHORT. They may have made the purchases, but they had no authority of law to do so.

Mr. JOHNSON of Oklahoma. The furnishings all are in the building, and no one even intimates any wrong has been done, and this provision simply gives the Secretary the authority which he thought at the time he had.

Mr. SHORT. They may have thought they had it, but they did not have any authority of the law for it.

Mr. JOHNSON of Oklahoma. I would suggest, Mr. Chairman, that the ruling on the point be made.

Mr. WIGGLESWORTH. Mr. Chairman, I make a point of order against the paragraph on the ground it is legislation on an appropriation bill.

The CHAIRMAN (Mr. COOPER). Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. We will admit, Mr. Chairman, that a point of order would lie against this provision if the gentleman from Massachusetts insists, but we feel that the gentleman will undoubtedly withdraw his point of order when he knows the facts.

Mr. WIGGLESWORTH. I may say to the gentleman from Oklahoma that I shall be glad to withdraw the point of order if the amount is reduced from \$300 to \$50, in accordance with the usual practice in other departments.

Mr. JOHNSON of Oklahoma. I am not in a position to accept the gentleman's proposition. As the gentleman knows, this was originally public-works money, and under the public-works appropriation the Department was permitted, under the law, to spend as much as \$300 for a single item. Some members of the committee felt that as a matter of fact, morally and legally, the Secretary of the Interior was entitled to make the expenditures up to \$300. No ruling by the Comptroller has been made, but the committee desires to make the law clear and specific.

Mr. WIGGLESWORTH. I understand the Comptroller General has held that he was not, in fact, authorized to make these purchases.

Mr. JOHNSON of Oklahoma. That is incorrect. But there is always the possibility that he might rule adversely in matters of this nature.

Mr. WIGGLESWORTH. I make the point of order, Mr. Chairman, against the provision.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Massachusetts makes a point of order against the paragraph appearing on page 8, lines 8 to 14, inclusive, of the pending bill—

Mr. SCRUGHAM. Mr. Chairman, before a point of order finally lies, would the gentleman from Massachusetts care to have a little additional information? Clearly, a point of

order would lie if the gentleman cares to press it; but I may say there have been exceptions made to this rule in United States Code 41, section 6 and section 6 (a), which were similar cases. So this is not entirely without precedent. However, we admit that in case the point of order is insisted upon it undoubtedly will lie.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WIGGLESWORTH. I make the point of order, Mr. Chairman, and I understand it is conceded.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order against the language to which the Chair has referred.

The purpose of this provision is to waive the provisions of section 3709 of the Revised Statutes, and therefore would have the effect of repealing or changing existing law, and is legislation on an appropriation bill not authorized under the rules. The point of order is sustained.

The Clerk read as follows:

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Alaska Railroad, the Geological Survey, Vocational Education, and the Bureau of Reclamation, \$240,000, of which \$55,000 shall be for the National Park Service, \$75,000 for the Bureau of Mines, and \$50,000 for the Office of Education, no part of which shall be available for correspondence instruction: *Provided*, That leaflets concerning the national parks, monuments, and other areas administered by the National Park Service may, in the discretion of the Secretary of the Interior, be produced with multilithing, multigraphing, and mimeographing facilities of the Department.

Mr. DITTER rose.

Mr. LAMBETH. Mr. Chairman, I make a point of order against the proviso in line 23, page 8.

The CHAIRMAN. Does the gentleman from Pennsylvania, a member of the committee, desire to be heard?

Mr. DITTER. Mr. Chairman, I have an amendment at the Clerk's desk which I desire to offer, but I shall withhold it for the time being in order that the point of order may be disposed of.

The CHAIRMAN. Will the gentleman from North Carolina please state his point of order?

Mr. LAMBETH. Mr. Chairman, I make the point of order that the language beginning with the proviso in line 23, page 8, is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. SCRUGHAM. Mr. Chairman, will the gentleman withhold his point of order for a moment?

Mr. LAMBETH. Yes.

Mr. SCRUGHAM. Mr. Chairman, it is represented that a considerable sum of money could be saved by the Interior Department in connection with the National Park Service by utilizing existing facilities for mimeographing, photographing, and so forth. The equipment is already available, the personnel is available, and it would be false economy on the part of the Government to attempt to limit them in the use of the facilities which could be used with no additional expense, except the paper necessary. I hope the gentleman will not make the point of order. This does not in any way infringe upon the functions of the Government Printing Office.

Mr. RICH. Mr. Chairman, will the gentleman withhold his point of order for a moment?

Mr. LAMBETH. Yes.

Mr. RICH. Mr. Chairman, I took this matter up with the Government Printing Office. I realize there has been much said in reference to the Government Printing Office charging too much for printing periodicals or circulars that the other departments of the Government would like to have for their use, that they do not want to go to the Government Printing Office because of the extreme high cost charged. I took the matter up with the Printing Office. I have here a letter from Mr. Giegengack, the Public Printer, which will reveal to Members of Congress information they ought to have, and I ask that I be permitted to insert this letter in the RECORD at this point so that Members of Congress will realize why other departments of the Government claim that some items are too high. Also, to give the prices charged



by the Government Printing Office and what is charged by some of the independent manufacturers. I think it would be well for this House to have this information, and I ask that it be inserted in the Record at this point.

The CHAIRMAN. The Chair reminds the gentleman from Pennsylvania that that request would have to be made in the House.

(Mr. RICH subsequently obtained permission to insert in the RECORD the letter above referred to, which is as follows:)

UNITED STATES GOVERNMENT PRINTING OFFICE,  
Washington, D. C., May 12, 1937.

The Honorable R. F. RICH,  
House of Representatives, Washington, D. C.

SIR: In compliance with your informal request as to a statement with reference to the prices charged by the Government Printing Office, I am glad to advise as follows:

The cost of printing in the Government Printing Office has been a very lively and controversial question for many years. It frequently occurs that in hearings before committees of Congress statements are made that the Government Printing Office prices are higher than commercial prices. It seems, however, that in most cases there is nothing more definite to base these general assertions on than the fact that a commercial printer, after being shown a copy of the finished product and the price charged therefor by the Government Printing Office, says he would have done it for less.

It would seem that for years there has been an effort to discredit the Government Printing Office prices by very general statements of excessive costs. Frequent check-ups by this Office have shown that such statements are not justified, as Government Printing Office prices are not generally higher than the prices published by reputable associations of master printers; whether or not the commercial printer follows these published scales is a matter for his decision at the time he is requested to bid on a job, and is governed by the condition in his particular shop at that time. For this reason, no general statement that prices charged by the Government Printing Office are higher, or lower, than outside prices is true. The departments may, in some instances, be able to get a particular job printed at a lower figure by a commercial printer, while other jobs would unquestionably cost them more if carried to an outside firm.

Comparisons of prices for printing are often misleading. Even in cases where bids are requested, it often develops that if the work is performed by the low bidder, it costs as much or more than the high bid, due to the sometimes excessive charges made by low bidder for extras—such as changes in the original manuscript or authors' alterations that are not included in the original contract. It is a well-known fact in the printing industry that many bids are submitted low with the idea that any loss will be made up by excessive charges for extras.

While, as stated, comparisons in prices are often misleading, the Public Printer decided in 1918, when departments and bureaus were having a large amount of printing and binding done commercially, to make an official inquiry into the matter for the purpose of determining, as definitely as possible, whether or not the Government Printing Office prices were excessive. At his request, President Woodrow Wilson issued instructions to all departments and bureaus to send to the Public Printer copies of the jobs that they had secured commercially, with the prices paid therefor; departments thereupon submitted about 400 such samples, all of which were at once priced at the then current fixed scale for Government Printing Office work. From this survey it was found that 95 percent of the commercial charges submitted exceeded what the Government Printing Office would have charged for the particular jobs by from 2 percent to as high as 471 percent; the Government Printing Office was found to be slightly higher on about 5 percent of the work.

As a result of this survey the act of March 1, 1919, which requires all printing to be done at the Government Printing Office was passed. Since that date the departments have, of course, procured their printing from the Government Printing Office with the exception of that which they are now doing on so-called duplicating equipment, and it is therefore not possible to make as dependable a comparison as that made when the departments were procuring their work commercially. However, I have selected 25 jobs produced by this Office, priced them by the scale outlined in the Franklin Printers' Catalog, and compared the prices thus arrived at with the prices actually charged by this Office. The jobs selected include briefs, pamphlets, circulars, ruled sheets, printed forms, etc., every effort being made to select a wide variety of work. The Franklin scale represents a composite commercial pricing scale and is the latest and most up-to-date pricing list issued for the guidance of the printing trade. But it must be remembered that it is for their guidance only, for, as stated, in the great majority of cases the price quoted is governed by the conditions existing in the particular shop at the particular time the request for an estimate is received. The comparison is as shown in the statement attached hereto.

From the statement it will be seen that the Government Printing Office is higher on 5 of these jobs, lower on 20, and on the total 25 jobs the Franklin Printing Catalog is higher by 20.8 percent.

It is the desire of the Government Printing Office to bill the work done for the various departments to them at actual cost, and

that this is the approximate result is indicated by the fact that the margin of computed product over operating expense is usually around 1 percent—sometimes slightly less. All expenditures from the working capital, except for congressional work, must be recovered through repayments from departments. The Government Printing Office has no other way to finance its operations.

When comparing Government Printing Office prices with commercial prices, it must be borne in mind that the Public Printer is the printer for the United States and as such must produce the highest possible class of work. He cannot do this under sweatshop conditions. His plant and equipment should be modern and up-to-date, and the welfare of his employees, from the standpoint of compensation and working conditions, should be a model for the industry to follow. As the Public Printer is operating a Government organization, he is bound by certain definite laws and regulations which add items of expense, tending to increase the cost of the Government Printing Office's finished product, that do not enter into the cost accounts of the commercial printer. A few of these items are as follows:

1. The 40-hour week with 48 hours' pay (Public, 141, 73d Cong., sec. 23). When this law went into effect the employees were working 44 hours a week and were receiving 48 hours' pay. It therefore cut production time 10 percent and increased the production pay roll by approximately the same figure. Commercial employees, generally, are paid for the time they actually work, while Government Printing Office employees are paid their basic rate for 20 percent more hours than they really work.

2. Annual and sick leave of absence with pay and full compensation for all legal holidays to all employees.

3. Full pay to employees who are on leave to serve with the National Guard, which adds approximately \$10,000 to the pay roll annually.

4. Veterans' preference: It must be remembered that this is a Government organization and as such should, and under the law must, give every possible consideration to veterans who have served their country honorably. However, in an analysis of costs this is an item that cannot be overlooked, as the Government Printing Office, in carrying out its duty under the law, employs veterans at full pay—notwithstanding the fact that they may be disabled—in preference to fully efficient persons in the same line of work; it must consider the welfare of the veteran, rather than the condition of the work, when changing him from one job to another; and in any reduction of force must retain the veterans in preference to other employees who may be more efficient or of more general service to the Office. This item alone increases the Government Printing Office expenditures considerably, but, as stated, is carrying out a duty to the veteran.

5. The constant preparedness for rush demands: A commercial plant will take on only the quantity of work it can handle economically and efficiently. No matter how congested work in the Government Printing Office may be, jobs must be accepted when submitted by departments. If work is wanted immediately, work on hand must be stopped, frequently forms on the presses must be lifted to deliver other work by the time it is wanted, all of which adds very materially to the expense. Many demands are made on the Government Printing Office for delivery of work on a specified time that compels working overtime, Sundays, and holidays. Employees working overtime or Sunday receive 50 percent additional wage, which cost necessarily must be included in billing departments. For example, on a Friday evening at 4 o'clock, when the plant was supposed to be closed on Saturday, copy for 40 different jobs from one of the new activities was submitted to the Office, accompanied by an insistent demand that proof be delivered by 9 a. m. the following morning. This involved not only the payment of the night rate but in some cases overtime. In order to deliver the CONGRESSIONAL RECORD on time it is necessary to have the maximum number of stereotypers on hand to plate the maximum number of pages, which ranges from 200 to 300. If the number of pages is small, the employees must be shifted to work on which they are not so efficient—result, added cost because of reduced production on work with which they are not familiar.

6. Proofreading: Public Printers have always considered that Government printing must be typographically as perfect as it is possible to make it. To attain this result each proof is handled by two printers—one to read the proof and the other to hold copy—and each is paid \$52.80 for 40 hours' day work a week. Commercially, the practice is to employ one proofreader at trade pay and one copyholder at about \$15 a week. As the Government Printing Office carries 357 proofreaders, this item alone increases the pay roll approximately \$380,000 a year. The Public Printer could not adopt this commercial plan, even if he so desired, because of the requirements of the 40-hour-week law that the weekly rates in effect June 1, 1932, must be maintained.

7. Employees in the Government Printing Office receive a differential of 15 percent over day rates of pay while engaged on night work. This places the premium for night work in this Office at from \$3.96 to \$8.64 a week, as compared with the weekly night differential in commercial plants, which, except in few instances, ranges from \$2 to a maximum of \$5. Night work in the Government Printing Office adds approximately \$400,000 annually to the operating expense.

The above are only a few of the major items of expenses necessarily carried by the Government Printing Office that are not incurred by commercial concerns. Other items too numerous to mention would include, for example, such expenses as those occasioned by the highly confidential nature of much of the work, the necessity for storing indefinitely large quantities of type, plates, mats, etc., the expense of maintaining guides to show



visitors through the plant, and the expense incurred by the requirement that the CONGRESSIONAL RECORD be delivered each morning by 8 o'clock.

The foregoing comments are all for consideration and are particularly applicable to any comparison of Government Printing Office prices with commercial prices. As an illustration of the misinformation which may be given to appropriation committees when they are considering the printing and binding appropriations, attention is especially invited to the last paragraph on page 287 of the hearings on the legislative appropriation bill for 1938, in which it is pointed out that a representative of one of the departments in testifying before the appropriation committee stated that the Government Printing Office charged 10 percent for handling certain types of paper used by his particular department, whereas, as a matter of fact, the charge by the Government Printing Office was only 2½ percent. The facts in connection with this case, which was used only as an illustration, are clearly outlined in the paragraph referred to.

The statements that the departments can produce their own work in their own printing plants more cheaply than it can be produced in the Government Printing Office are not new. The Acting Comptroller General, at the request of Congressman Lurion, investigated one of these allegations and advised Congressman Lurion that the total cost of the jobs referred to in his request, as furnished by the department concerned, was merely an estimate by the foreman, as no cost-accounting system was maintained by the department making the allegation or cost figures accumulated and that all factors of cost were not included, and that further the figures furnished by the department could not be compared with those of the Government Printing Office, where all factors of cost are included.

Another point of importance to be borne in mind when making comparisons as to costs is the quality of the product secured for the price paid. Some of the work turned out on the so-called duplicating equipment in the departments by clerks, messengers,

and other employees unskilled in the work they are required to do is high at any cost, and the spoilage of paper and the waste of time due to inexperience are considerable items in themselves. In my opinion, Government publications should set a high standard and be of a more permanent nature than that of some of the publications now going out from some of the departments. Publications of a permanent nature, as printed at the Government Printing Office, are printed on tested paper and with durable ink. Publications going out from some of the departments now are not only unattractive but also practically illegible, and in a short period of time, due to the poor quality of papers and inks, will be completely worthless, and are therefore, as I have said, expensive at any cost.

The Government Printing Office is cooperating with the departments in their efforts to conserve their printing appropriations and to enable them to have unexpended balances in such appropriations at the end of the current fiscal year. Some of the steps which were taken to reduce expenditures in the Government Printing Office will be found in the hearings on the legislative establishment appropriation bill for 1938, beginning on page 283. As a result of the action outlined therein the Public Printer was able to pick up the heavy financial burden placed upon the Office by the passage of the leave laws without any increase in the prices the Government Printing Office charged the departments for the work it did for them or without any increase in the appropriation for congressional printing. To do this it was necessary to reduce expenditures at least \$742,000 a year. In other words, if the additional burden had not been placed upon the Office, it would have been able to have turned back into the Treasury \$742,000—had the Government Printing Office not reduced its prices to the departments—at the end of the fiscal year.

I trust the above gives you the information you desire.

Respectfully,

A. E. GIEGENACK,  
Public Printer.

Government Printing Office scale of prices compared with the latest edition of the Franklin Printing Catalog

Description of job	Size	Quantity	Government Printing Office scale	Franklin scale	Franklin scale higher by—	Government Printing Office scale higher by—
					Percent	Percent
144-page pamphlet, 4 printed page, cover.....	5½ by 9¼ inches.....	6,350	\$1,058.01	\$1,168.06	10	
8-page pamphlet, no cover.....	do.....	80,000	361.85	581.40	60½	
4-page pamphlet, no cover.....	do.....	1,000	16.59	17.51	5½	
8-page pamphlet, no cover.....	do.....	40	28.02	25.59		9
36-page pamphlet and cover.....	6¼ by 9¼ inches.....	100	87.62	97.41	11	
Blank form, printed 1 side.....	8 by 10½ inches.....	30,000	46.22	52.25	11	
Do.....	do.....	80,000	105.40	145.50	38	
Blank form, printed both sides.....	8 by 14 inches.....	150,000	228.96	332.30	45	
Letterheads.....	8 by 10½ inches.....	300,000	476.42	570.50	20	
Blank check book, one-fourth cloth (5 numbered checks to a leaf).....	7¼ by 16 inches.....	130	63.09	61.60		2
Blank form:						
Printed both sides (padded).....	8 by 10½ inches.....	550,000	1,243.33	1,618.18	30	
Printed both sides.....	9¼ by 6 inches.....	50,000	226.83	276.25	22	
Printed 1 side.....	14 by 8½ inches.....	3,000	38.41	36.35		5
Circular letter, folded to 8 by 3¼ inches.....	8 by 10½ inches.....	20,000	69.60	76.88	10	
Blank book printed and ruled (full canvas).....	12 by 13 inches.....	1	23.66	24.50	3½	
Form, printed and ruled, both sides.....	11¼ by 18 inches.....	2,000	27.03	26.25		3
Do.....	25 by 13½ inches.....	5,000	139.56	172.50	23½	
Ruled card, 1 side.....	8 by 5 inches.....	3,000	11.82	12.92	9	
Rebind 4 books, buckram.....	Royal octavo.....	14	11.25	10.50		7
Blank book (full canvas) 300 pages.....	8¼ by 13½ inches.....	12	10.44	16.75	60	
Ruled sheet, both sides, edged.....	10 by 16 inches.....	1,000	17.09	18.50	8	
Blank form, printed one side.....	8 by 21 inches.....	50,000	114.01	147.50	29	
Form, printed and ruled, both sides.....	9¼ by 6 inches.....	100,000	471.87	479.63	1½	
260-page pamphlet, no cover.....	5½ by 9¼ inches.....	500	777.41	783.13	1	
16-page pamphlet, no cover (plates on hand).....	do.....	50,000	346.17	501.10	45	
Total charges and average percent.....			6,001.46	7,253.26	20½	

<sup>1</sup> Books.

Mr. LAMBETH. Mr. Chairman, in reply to the remarks of the gentleman from Nevada [Mr. SCRUGHAM] the Joint Committee on Printing is now conducting an investigation of the printing which is being done by the multilithing and multigraphing processes in the various departments of the Government, and until that investigation is completed we do not think that any exception should be made to the law. We are informed that a great deal of what might be termed "bootleg" printing is springing up in the departments of the Government in order to circumvent their regular appropriations, and until that investigation is completed we feel that no changes in the present law should be made. I shall have to insist upon the point of order.

The CHAIRMAN. The gentleman from North Carolina makes the point of order against the proviso appearing in the last paragraph on page 8. Existing law provides that all printing be done by the Government Printing Office.

The effect of the language to which the point of order is made is to repeal existing law, and, therefore, is legislation on an appropriation bill. The Chair sustains the point of order.

Mr. DITTER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DITTER: Page 8, line 19, strike out "\$440,000" and insert in lieu thereof "\$200,000."

Mr. DITTER. Mr. Chairman, my purpose in presenting this amendment at this time is to try to bring back this item of printing cost to the point it was last year, or, better still, below the point it was last year, because we have reason to believe that there were some expenditures made last year that were not necessary. This is an increase of \$21,000 over the amount of last year's bill. It seems to me that we can go back to the \$200,000 and still provide a



sufficient sum for the printing items necessary for this Department.

I believe the New Deal should be complimented for one thing, and that is that New Dealers appreciate the value of advertising. "It pays to advertise" has been a slogan of the New Deal, and your office and my office and every place that any possible pamphlets could be sent have had pamphlets sent extolling the efforts of the present administration. What this bill is providing for at the present time in the matter of printing is nothing more or less than to pay a part of the printing bill that the Democratic National Committee should be paying. I have a high regard for you gentlemen on the other side of the aisle, and I believe you want to pay your own way. I really believe that every one of you men want to do just that and pay the charges that you know are due by your party for this propaganda machine. They tell me that back in Pennsylvania, for instance, you are getting contributions of 5 percent every month from every one of the employees; that every one of the employees from the most humble laborer up is required to hand over 5 percent of his monthly salary in order that this New Deal program may be carried through. Why not dig into that 5-percent contribution from the lowly workers and pay your own printing bill? Why ask the taxpayers of the country to pay the printing bills that you most justly owe?

Why do you ask the taxpayers, for instance, who are good Republicans to help pay your bill? We have a few good Republicans in the country and the number is increasing. A lot of them were in Vermont and a lot of them were in Maine, but we had many elsewhere, and they all resent the idea that they have to pay a part of your printing bills. Why not bring it back where it was last year, bring it back to \$200,000 and do two things by that, which I believe every one of you will be proud to do. You will first feel pride in paying your own way, in not being indebted to any of us on this side of the aisle or any other Republicans, for paying any part of your bill for advertising the New Deal. Then the second thing you will be proud of is that you will be carrying out your President's program of economy. Here is a chance to save some money. It is not concerned with public relief. Of course, we know it has to do with the relief of your party. I know that, but it has nothing to do with the relief of those who are in distress throughout the country, unless you are distressed by your party's present embarrassment. Now get busy and show the people of the country that you are sincere, that you want to save some money, that you want to bring this big item of printing down to where it can be justified and not use any part of it for the propaganda machine that you are presently carrying on at the expense of the taxpayers. It is not only the printing presses that are being paid by this item. You have experienced editorial writers down there. You have skilled newspaper men. You have capable columnists. All of them are doing splendid work to advertise the New Deal, to try to sell its virtues to the country, to carry on purely a political propaganda machine for which the taxpayers are paying the bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. DITTER] has expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

We have heard another political lecture by one of the distinguished Republican leaders. He started his political lecture yesterday afternoon and is just winding up his tirade against the New Deal today. At least I hope he is winding up, so that we may proceed orderly with the consideration of the pending bill.

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

Mr. JOHNSON of Oklahoma. Let me finish my statement first. The gentleman has given us the benefit of a very interesting but highly partisan speech, but with all due deference it does not apply to this item. The fact is, the committee cut this item to the bone, thinking it would be permitted to have these leaflets mimeographed in the dif-

ferent departments. That has been eliminated by the point of order. The fact is, this item really should be raised now, because it will cost several thousand dollars more to print these little leaflets. I am not talking about pamphlets or booklets, but of leaflets printed in the Printing Office rather than in the departments, where they already have the employees to do the work without any additional expense.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield at that point?

Mr. JOHNSON of Oklahoma. Not at this moment. That is out of the picture now because of the point of order. The committee cut this item below the Budget estimate \$3,000, and also cut it several more thousand dollars below the request of the Department. However, the committee is willing to leave this item as it is.

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

Mr. JOHNSON of Oklahoma. I yield.

Mr. LAMBETH. The gentleman says it will cost several thousand dollars more because the proviso was ruled out of order.

Mr. JOHNSON of Oklahoma. That is true.

Mr. LAMBETH. Of course, I do not agree with the gentleman in that; but I wish to say to the gentleman that the joint committee has authority, and it frequently exercises the authority, to permit printing to be done in the field, where it is necessary and can be done more economically. That is frequently done.

Mr. JOHNSON of Oklahoma. I am glad to know that is done, but it is not done in this instance.

Mr. LAMBETH. There has been no application made to the committee.

Mr. JOHNSON of Oklahoma. I think the gentleman is of the opinion that it was the purpose of the Department to print a lot of booklets and other publications. It was not the thought at all. It is only some mimeographing that was done of leaflets which would not compete at all with the Government Printing Office.

I now yield to the gentleman from Pennsylvania.

Mr. DITTER. Is it not true that you contemplate a change of policy, and that hereafter you will charge for the booklets that are distributed in the national parks? Is that not a distinct change in policy which should profit, if enacted, and thereby decrease the cost? I may be mistaken on that. I am seeking information.

Mr. JOHNSON of Oklahoma. That is only a recommendation of the committee. The Department has not agreed to do that, but I sincerely hope the Department will do so.

Mr. DITTER. If the gentleman will yield further, the purpose of my inquiry was to understand the phrase in the committee report, that a recommendation was to be made with respect to a charge for these booklets, and I wondered whether the Department had adopted the recommendation?

Mr. JOHNSON of Oklahoma. Again I want to remind the gentleman that the mimeograph work has no connection whatever with the booklets for which a small charge is to be made. That only has to do with the booklets that go into the Park Service.

Mr. DITTER. I appreciate that.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DITTER].

The amendment was rejected.

The Clerk read as follows:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$675,000, including not to exceed \$5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of



the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon & California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation fund, or special deposit.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 12, line 1, after the word "Interior", strike out "\$675,000" and insert in lieu thereof "\$650,000."

Mr. TABER. Mr. Chairman, this is an effort to keep this bill down to the Budget. I have not made an effort, as I believe I should, to cut it below the Budget. I cannot understand why there is any possible reason for surveying these lands at any greater speed than could be accomplished by the Budget appropriation. There are no such purchases of public lands going on at such an increased rate as would possibly justify this increase above the Budget for surveying purposes. It ought to be a fact that this House would take into consideration when a bill appropriating money is before it the absolute needs of the offices to be served.

The Budget has estimated \$650,000 for this purpose. There is absolutely no excuse given in the hearings or anywhere else for going beyond the Budget, and I hope that the House will keep this appropriation down to the Budget and keep it somewhere within bounds. I would like to see this House begin to show some evidence of economy. This would be a good place to start.

Mr. JOHNSON of Oklahoma. Mr. Chairman, those Members who were present yesterday and heard my opening remarks recall that I stated that this was one of the very few places in this entire bill where the committee went beyond the Budget estimate. The committee has respect for the Budget, and, generally speaking, the committee not only kept within the Budget estimate but went far below it. This is evidenced by the fact that the committee was able to bring this bill here over \$4,700,000 below the Budget estimate and more than \$5,000,000 below the appropriation for the current year, in spite of the fact that the committee was able to raise one item, that of vocational training, from \$3,000,000 to something over \$7,200,000.

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

Mr. JOHNSON of Oklahoma. I yield.

Mr. TABER. But there is a reappropriation of \$33,000,000 that does not appear even by statement in the tables of the report.

Mr. JOHNSON of Oklahoma. That is true. At the same time, however, taking the activities that are handled by the Department, public works, and others, we are appropriating considerably less this year for these activities than we appropriated a year ago.

I am particularly interested in this specific item. In the first place we have 128,000,000 acres of unsurveyed land in the United States at the present time and 376,000,000 unsurveyed acres of land in Alaska, making a total of more than 500,000,000 acres of land that must be surveyed by the Land Office. This item is not an increase for surveying. We will spend \$700,000 less for surveying this year than we did last year. Last year the Land Office had \$750,000 of Public Works appropriations for this purpose. The reason for adding \$25,000 this year is specifically set forth in the report. It is for the purpose of permitting the Land Office to employ a number of high school and college students to assist as surveyors' helpers. There is a human element in this item. Several young men from several States have had the opportunity of surveying in the Land Office in recent years.

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

Mr. JOHNSON of Oklahoma. I yield.

Mr. MICHENER. How are these young men selected?

Mr. JOHNSON of Oklahoma. They are selected by the Commissioner of the Land Office.

Mr. MICHENER. Yes; I have had occasion to make some inquiry—I see my Democratic brethren smiling—as to just how they are appointed. I did not know whether the gentleman knew who did the recommending. Have any of the boys recommended by the gentlemen been appointed?

Mr. JOHNSON of Oklahoma. I may say that a great many deserving boys have been appointed for these places throughout the country from many States and of different political affiliations. Boys have been appointed upon their merits. Personally I have recommended several worthy young men for these positions and I will say to the gentleman that I have never asked one of them his political faith. So the gentleman is unduly alarmed about these places being so political.

Mr. MICHENER. If they are not political appointments I would like to know what they are. Are they not appointed upon the recommendation of a Democratic Congressman, a Democratic Senator, or some political committee with a Democratic personnel officer in Washington?

Mr. JOHNSON of Oklahoma. Irrespective of how they are appointed, several hundred very worthy young men have been appointed to help survey the public land. They are doing a fine job. I, of course, do not know, but it is possible that some of them were appointed on the recommendation of Republicans.

Mr. MICHENER. Just name them.

Mr. JOHNSON of Oklahoma. I do not profess to have the information but certainly there is no occasion to apologize for the type of young men who have been able to secure temporary work under the Land Office. No; I cannot possibly give the gentleman the information he so much desires.

Mr. MICHENER. I am sure the gentleman cannot.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I move to strike out the last word. I do so, Mr. Chairman, in the light of the statement of the chairman of the subcommittee as to economy said to be in this bill.

Mr. Chairman, I desire to point out that 4 years ago this bill for the fiscal year 1934 carried a total of about \$43,000,000. For 1935 the total was raised to \$47,000,000. For 1936 it went to \$77,000,000. Last year at this time, before the bill had gone to the other body, it carried a total of \$81,000,000. Today we are considering a bill carrying a total of over \$115,000,000.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. We did not have public works at that time. There are many new activities, a list of which I placed in the RECORD yesterday. Some 20 new activities have been added to the bill, such as the many public-works projects, Bureau of Mines, public buildings and parks, national military parks, Federal vocational education, the operation and maintenance of public buildings in the District of Columbia and numerous other governmental activities. The gentleman wants to be fair, I know. He does not mean to say that the additional amount has been appropriated for the same activities, with some 20 new and important activities that have been added to the bill.

Mr. LAMBERTSON. May I say that 4 years ago we had not had born the hundreds of these babies from emergency funds that we have in this bill.

Mr. WIGGLESWORTH. I may say to the gentleman from Oklahoma [Mr. JOHNSON] that I certainly do not intend to be unfair. I merely want to point out the general trend of the totals carried in this bill for the last 4 years. I think it is also fair to point out that there was carried in last year's bill above a million dollars for the Bituminous Coal Commission, which does not appear in this bill, but which will presumably appear subsequently in a deficiency bill under recently enacted legislation.

Mr. MAY. Will the gentleman yield?

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



Mr. MAY. The inquiry I wish to make is directed more to the chairman of the subcommittee than to the gentleman on the other side of the House. If we have several hundred million acres of land, most of which is in Alaska, and it is not to be occupied immediately, and the Government is hard up for money, why go to the necessity of spending \$675,000 surveying it?

Mr. JOHNSON of Oklahoma. I may say to the gentleman it is not contemplated that the Government will survey any great amount of land in Alaska in the near future. As I pointed out yesterday—and it may be a surprise to some—there are 376,000,000 acres of land in Alaska that were not surveyed. There are 128,000,000 acres of land in the United States still unsurveyed, and it would not be in the interest of economy to refuse to survey that land as soon as is reasonably possible.

Mr. MAY. The same proposition would apply to land in the United States that applies to Alaska land. If this land is not occupied, why go to the expense at this time when the Government's Budget is out of balance?

Mr. JOHNSON of Oklahoma. It has been reduced more than \$700,000 below the amount used for that purpose last year, which is more than a 100-percent reduction under the amount actually expended during the current year.

Mr. MAY. Let us take off that amount and put it on vocational education, where they need it.

Mr. JOHNSON of Oklahoma. If the gentleman heard my statement yesterday on vocational education, he evidently knows that I have done my best to raise that item as high as possible. I am a firm believer in vocational education, but I am not in favor of taking it away from these young men who are acting as surveyor helpers. That would be like robbing Peter to pay Paul.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$505,270.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 15, line 4, strike out "\$505,270" and insert in lieu thereof "\$400,000."

Mr. TABER. Mr. Chairman, in the bill for 1936 the figure for salaries in this office was \$471,900, while in the bill for 1937 it was \$493,000. This is a step-up of \$12,000 above last year's figures. In the last 4 years this item has gone up so that it is practically double what it was 4 years ago.

This is one of those outfits which is piling up increases on the Treasury of the United States year after year. This year the Budget estimates for the Bureau of Indian Affairs called for \$33,259,000. The bill as reported calls for \$31,095,000, an increase over last year of \$28,189,000. Because they have so much surplus help over there in the Bureau of Indian Affairs for which they have not legitimate business, they were able to persuade the Budget to increase the item of appropriation for this Bureau \$5,000,000 and they were able to persuade the committee to increase it \$3,000,000.

Let us cut off this surplus help so that they will not have this surplus help to go after the Budget and the committee to get increased appropriations. Let us see if we cannot put some order in down there by cutting down the surplus and unnecessary help and restore them to a frame of mind where they will not try to get so much money out of the Treasury.

I hope this House will come to a realization of the necessity for cutting down on these increases which go along year after year. There is absolutely no limit to what will happen if we permit it to continue. I hope the House will finally arouse itself to a position where it will vote at least once for economy. This is only a cut of \$100,000 out of \$505,000, and I hope the amendment I have offered will be agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I hold no brief for the Commissioner of Indian Affairs or for the Office

of Indian Affairs. If you will read the hearings, you will find where I have not hesitated to criticize some of the activities of the Indian Office. If you will examine the bill, you will find that the committee slashed some \$2,000,000 from the Indian Service below the Budget estimate and several million dollars below what the Indian Office asked for.

Of course, I am sure that no Member on either side of the aisle will take the gentleman's amendment seriously. Members realize there has been a necessity for increases in the Indian Service. For example, it was absolutely necessary for the committee to add some amount to the Commissioner's office because of the rulings of the Comptroller General that the Indian Office must comply with certain General Accounting Office procedure.

There is a reason for everything done by this committee. The gentleman attended none of the hearings. Every Member of this committee—Republicans and Democrats—heard the evidence offered in the hearings and agreed on this item for the Indian Office. So far as I am concerned, I am ready to vote.

Mr. TABER. The gentleman said I attended none of the hearings, which is true; but I have them here in printed form and I have marks in here indicating the places where the most outstanding and outrageous raids have been made upon the Treasury of the United States; and they are outrageous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—yeas 27, noes 53.

So the amendment was rejected.

The Clerk read as follows:

For pay of judges of Indian courts, pay of Indian police, and pay of employees engaged in the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among Indians, including traveling expenses, supplies, and equipment, \$210,540.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not know just what to say upon this subject, as I have every confidence in the committee and the subcommittee which have handled this appropriation, but I am inclined to believe that these gentlemen do not know what is going on out in the Indian country.

This bill provides for paying judges and police of Indian courts \$210,540. Through the New Deal in the handling of Indian affairs we apparently have set up a government within the Government. Today in 57 tribes of this Nation Indians are tried in civil actions and criminal actions, not according to the codes of the United States but according to the code which has been arbitrarily set up by the Indian Bureau. This code, which was presented to the Committee on Indian Affairs 2 years ago, and I believe 4 years ago was rejected by the Committee on Indian Affairs even when the Wheeler-Howard Act was first under consideration.

There is no law for the Indian courts to follow except such civil and criminal laws as have been promulgated by the Bureau of Indian Affairs. The authority for it, they say, rests in the fact that years ago the President of the United States was authorized to make rules and regulations for the government of the reservations. However, all of these rules and regulations have now been codified into a civil and a criminal code, and the Indians are being tried in the United States today under these codes, irrespective of what the laws of the United States may be as applied in the Federal courts. The authority of the Federal courts of this country extends to every foot of Indian country, if you know what Indian country is. The law of the Federal courts reaches out to crimes committed in the Indian country. However, today you are appropriating money to foster trials in an Indian court, where the civil and criminal laws are made by the Indian Bureau. Is this the kind of a court you want to have in this country?

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

Mr. BURDICK. Yes.



Mr. CULKIN. Is it not a fact that Mr. Collier's purpose is, among other things, to stamp out Christianity and establish the earlier paganism among the Indians? Is not that his idea?

Mr. BURDICK. If the gentleman can find out what Mr. Collier's idea is, he has me beaten.

I am not making this statement to hear myself talk. I am making this statement simply to call this matter to your attention, because one of these days, when an Indian has been convicted in a court which has no standing in this Nation and he is lodged in jail because of the violation of some criminal law which the Bureau of Indian Affairs has seen fit to set up, there will be an appeal to the courts of this country. A lot of you will be surprised, then, to find out the Supreme Court of the United States will have to hold that this man was convicted contrary to the provisions of the Constitution of this country. I know, as a lawyer and as a man who has lived with the Indians for 50 years or more, that this provision of the law is unconstitutional.

[Here the gavel fell.]

Mr. CULKIN. Mr. Chairman, I ask unanimous consent that the gentleman from North Dakota may be permitted to proceed for 5 additional minutes.

Mr. DISNEY. Mr. Chairman, reserving the right to object, will the gentleman direct his remarks also to the matter of the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among the Indians? I understand the appropriation is for this purpose.

Mr. JOHNSON of Oklahoma. Mr. Chairman, reserving the right to object, I shall not object to this one request, but I give notice now that I shall object hereafter to any extension of time. We must make progress in the consideration of this bill if we are to get through today.

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

There was no objection.

Mr. BURDICK. So far as I know, there is no Federal court having jurisdiction of Indian country in the United States which does not use every power in its possession for the suppression of illicit traffic with the Indians in the Indian country. All the resources of the Federal Government in the offices of the prosecuting attorneys are available for use in the Indian country and are used there every day.

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

Mr. BURDICK. I yield.

Mr. DISNEY. This appropriation, as I understand it now, is to be used in the suppression of the traffic in drugs and liquor on Indian reservations.

Mr. BURDICK. This appropriation goes to carrying out the functions of this new-fangled Indian court within the territory.

Mr. DISNEY. Will the gentleman yield further?

Mr. BURDICK. No; I will not yield further until I make my statement.

In looking over the report which has been filed by the committee, I notice you separate the item of \$210,540 into divisions and state that a part of this sum is \$15,000 for the pay of Indian judges who are sitting as judges in the enforcement of this new code of yours. Also, so much of the appropriation is used for the Indian police who carry out the orders of this court. I cannot find out how much you are going to use for the suppression of liquor.

Mr. DISNEY. Will the gentleman now yield for just a very brief statement?

Mr. BURDICK. I will yield for a question.

Mr. DISNEY. Let me include a statement in it.

We in Oklahoma do not have the Wheeler-Howard Act in effect. It was excluded upon the insistence of the Members from Oklahoma. However, we do have the benefit of this appropriation for the suppression of the liquor and drug traffic amongst the Indians on our reservations, and generally among the Indians, and these efforts find culmination in trials in the Federal courts. We do not have the Wheeler-Howard Act in effect in Oklahoma, but we do want this appropriation.

Mr. BURDICK. Wherever this Indian court is in operation as an Indian court, for which we are making this appropriation, an Indian is tried in that Indian court, and he is sentenced in that Indian court. He is sentenced under a criminal code that the gentleman has never seen, and I have never seen, a criminal code built by this Bureau, which the Congress never had a chance to examine.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. BURDICK. I yield.

Mr. CRAWFORD. Is it not also true that the only relief we have from this procedure which has been so well described is by denying this appropriation?

Mr. BURDICK. Well, I would say to the gentleman the reason I did not prepare an amendment limiting this appropriation was because I did not know how much money the committee had anticipated would be used for the operation of these Indian courts.

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

Mr. BURDICK. I yield.

Mr. MAY. I was somewhat interested in what the gentleman has just said about these new codes that have been set up and I wanted to ask the gentleman if he means to say that these Indians are tried under some code that is not enacted by the legislature of the State in which they live or by the Congress.

Mr. BURDICK. That is right.

Mr. MAY. Where do they come from?

Mr. BURDICK. These codes were set up about 40 years or more ago under authority conferring the right on the President of the United States to enact certain rules and regulations for the government of the wild and untamed Indians.

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

Mr. BURDICK. I have been yielding quite a lot.

Mr. HARLAN. The gentleman certainly would not intimate that any prior Congress had ever delegated any power to the Executive before the New Deal?

Mr. BURDICK. I do not know who was in control, but it was about 50 years ago, or maybe 60 years ago, and the gentleman can figure that out, but that does not make any difference. I am not taking the floor for any political purpose; I am taking the floor for the protection of the American Indian, and this is all I care to say upon the subject, and if you want to appropriate money to keep up these courts, go ahead; but if the Supreme Court sets it aside, do not say, "Abolish the Supreme Court." This is all I have to say about it. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the pro forma amendment.

I was interested in the suggestion of the gentleman that the members of the committee know so little about the Indian Service. Certainly this Committee does not assume to know all about it.

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

Mr. JOHNSON of Oklahoma. In just a moment. But one-third of the Indians of the entire United States live in my State, and I thought I knew something about the Indian Service until I heard the distinguished gentleman from North Dakota.

The gentleman did not come before the committee and did not ask to come before the committee to enlighten it on Indian affairs. With respect to all this hullabaloo the gentleman has raised about these courts, let me explain to the members of the committee that these Indian judges are on the Indian reservations only and they are for the purpose of enforcing Indian laws on such reservations. This is considered a place of honor and it pays the large salary of \$120 to \$320 a year. The Indian gives practically all of his time to helping enforce the liquor laws, the drug laws, and other laws on Indian reservations. The outstanding Indian on each reservation has been selected and they call him an Indian judge and he is proud of being called judge. The gentleman did not tell this committee that some flagrant violation of law or miscarriage of justice has been perpetrated by these Indian judges. Oh, no; neither did he tell us that these judges have jurisdiction only on Indian res-



ervations. And he evidently forgot to further advise the committee concerning the meager salaries paid.

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

Mr. JOHNSON of Oklahoma. Yes; I yield to the gentleman.

Mr. BURDICK. I had not anticipated that the gentleman would try to be facetious about this matter.

Mr. JOHNSON of Oklahoma. I am simply answering the gentleman.

Mr. BURDICK. And I did not make the statement that you did not know anything about Indian affairs.

Mr. JOHNSON of Oklahoma. The gentleman certainly was not facetious or funny when he intimated that the members of the committee knew nothing about the Indian Service.

Mr. BURDICK. I made no such statement in this House. I said you did not know about this code. Has the gentleman read that Indian code?

Mr. JOHNSON of Oklahoma. I do not pretend to know as much about the code as the distinguished gentleman, but having lived among several tribes of Indians for the past 35 years I ought to know something about Indian affairs.

Mr. BURDICK. The gentleman does know about Indian affairs, and I admit it.

Mr. JOHNSON of Oklahoma. I thank the gentleman very much for that very nice compliment, and I desire in turn to compliment him on the very splendid speech he made a few moments ago.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, it is never a very pleasant matter for Representatives of a State to have to oppose the wishes of a sister State, but the very able presentation made by my colleague, the gentleman from Utah [Mr. MURDOCK], regarding the Colorado River compact and the differences between the upper-basin States and the State of Arizona, have prompted me to exhibit a piece of legislation enacted in the Seventy-fourth Congress which will show to what lengths a State will sometimes go, and go successfully, in accomplishing its wishes in disregard of the rights and interests of other States and of regular legislative procedure.

I hold in my hand a print of the rivers and harbors bill passed at the first session of the Seventy-fifth Congress, as it came from the Senate, with the Senate amendments printed in italics. This bill H. R. 6732 originated in the House of Representatives and is now law. It carries authorizations for \$600,000,000 worth of river and harbor improvements. It was a rivers and harbors bill pure and simple. Under the rules of the House no reclamation project could have been attached to the bill. After it got into the Senate, however, certain Members of that body succeeded in injecting, as an amendment, a new section entitled "Section 2, amendment 71", carrying what is purely and simply a reclamation project.

It appears there had been begun in Arizona the construction of a dam known as Parker Dam, which was an unauthorized project, and it was taken into the Federal court and was declared invalid because it was unauthorized, although Federal funds had then been expended on construction. So they put into the rivers and harbors bill in the Senate, as a new section, a validation of Parker Dam. So far, so good. For good measure—window dressing, I take it—they threw in the Grand Coulee Dam, whose validity had not been attacked, and validated that also. It looked better. In addition to that, they injected the authorization of the construction of a new dam, known as Head Gate Rock Dam, a project which I understand will cost sixteen or seventeen million dollars. Now, in order to prevent the validation of Parker Dam from giving the State of Arizona any additional claim of priority against the upper-basin States in the waters of the Colorado River, my colleague [Mr. TAYLOR] got in an amendment providing that—

None of the waters conserved, used, or appropriated under the works hereby authorized—

By the amendment—

shall be charged against the waters allocated to the upper basin by the Colorado River compact.

In short, they put the Head Gate Rock Dam into the middle of an amendment that did not belong in the bill, validating Parker and Grand Coulee Dams. Then they put in an authorization of Head Gate Rock Dam and tied the upper-basin reservation to it in one continuing sentence. In other words, they embedded Head Gate Rock Dam into this bill so that it could not be blasted out without removing from the legislation the provision necessary to protect the upper-basin States against any further claims on the part of the State of Arizona. It is the smoothest piece of legislative carpentering I ever saw, and they got away with it.

I shall insert at this point the Senate amendment referred to just as it appears in the bill, H. R. 6732, and as it now appears in the law, Public, No. 409, Seventy-fourth Congress, calling special attention to the paragraph authorizing Head Gate Rock Dam and the upper-basin reservation:

SEC. 2. That for the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian reservations, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings, the projects known as Parker Dam on the Colorado River and Grand Coulee Dam on the Columbia River, are hereby authorized and adopted, and all contracts and agreements which have been executed in connection therewith are hereby validated and ratified, and the President, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain dams, structures, canals, and incidental works necessary to such projects, and in connection therewith to make and enter into any and all necessary contracts, including contracts amendatory of or supplemental to those hereby validated and ratified.

The construction by the Secretary of the Interior of a dam in and across the Colorado River at or near Head Gate Rock, Ariz., and structures, canals, and incidental works necessary in connection therewith is hereby authorized, and none of the waters conserved, used, or appropriated under the works hereby authorized shall be charged against the waters allocated to the upper basin by the Colorado River compact, nor shall any priority be established against such upper basin by reason of such conservation, use, or appropriation.

Mr. Chairman, I stated on the floor at the time the rivers and harbors bill with this amendment was under consideration, and I repeat now, that if the Headgate Rock Dam, which will take its waters from the Colorado River, had any place in a rivers and harbors bill, then every stream originating in the Rocky Mountains or any other mountains in the country has a place in a rivers and harbors bill. Of course, such an anomaly could not commonly occur. It can only occur when you are able to commit murder and get away with it.

By means of a reclamation amendment to a rivers and harbors bill, the State of Arizona got one unauthorized project validated and another one authorized, both to get their water from the Colorado River.

Now comes the Gila project in an irregular way like Parker and Headgate Rock, which it is said will cost \$80,000,000, but for which an appropriation of only \$1,250,000 is provided in the appropriation bill before the House. It has not been specifically authorized. That is admitted. It is claimed to be part of the All-American Canal and that something like \$24,000 has been spent on it, probably for a preliminary survey. No final survey for a project of such magnitude could be made for such a small sum. The money spent was probably allocated from a relief appropriation. Congress never heard of this project until it appeared in this appropriation bill.

Mr. Chairman and members, you have just heard the very able presentation by the gentleman from Utah [Mr. MURDOCK] of the story of the Colorado River compact, providing for an equitable division of the waters of the Colorado River, which was the basis of the great Boulder Canyon Dam, signed by the duly appointed commissioners of the seven States affected by the waters of the Colorado River, and ratified by six of the seven States and ratified by Congress, but not ratified by the State of Arizona, which in this



bill before the House now seeks to get the third large dam in the last 3 or 4 years. They say if they do not get the water of the Colorado River the Republic of Mexico will, but it looks like they will get it if their dam sites hold out. I think the House ought to tell Arizona to be good and sign up and play fair with her sister States. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD, and I think the Members of this House ought to make Arizona be good and do business with her six sister States.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed \$3,000 for printing and binding, and other necessary expenses, \$100,000, of which not to exceed \$25,000 may be used for personal services in the District of Columbia: *Provided*, That in the discretion of the Secretary of the Interior, not to exceed \$3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work.

Mr. TABER. Mr. Chairman, I make the point of order against the paragraph upon the ground that it contains legislation and changes existing law, that the provision appearing on page 16, from lines 16 to 20, is legislation not authorized by law, and I make the point of order against the entire paragraph.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is clearly within the Holman rule. This retrenches expenditures. The Pay and Subsistence Act authorizes \$5 a day. This simply reduces the per diem to \$3 a day. Therefore I feel confident that this is within the Holman rule.

Mr. TABER. Mr. Chairman, I do not believe there is any authority in law for the payment of any money for Indians for traveling away from their place of residence in connection with this work. In any event the proviso imposes new duties upon the Secretary of the Interior to determine in his discretion when funds may be allowed to Indians. The chairman of the committee has not cited us to any authority providing for any funds being allotted to Indians for such travel. The imposition of these additional duties upon the Secretary of the Interior make it clearly subject to the point of order.

The CHAIRMAN (Mr. HILL of Alabama). The Chair is ready to rule. The Chair thinks that the first part of the paragraph down to the proviso in line 16 on page 16 is authorized under section 9 of the statute approved June 18, 1934, and, therefore, is in order. The Chair thinks, however, so far as the proviso, line 16 down to the word "work" on line 20, is concerned, that it does not appear on the face of this proviso that it necessarily is a saving, and therefore does not come within the Holman rule and appears to be legislation on an appropriation bill. The Chair, therefore, sustains the point of order as to the proviso.

Mr. TABER. Mr. Chairman, I make the point of order against the whole paragraph.

The CHAIRMAN. If the gentleman from New York insists on his point of order to the entire paragraph, the entire paragraph will go out, and the Chair so rules.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 16, line 8, insert a new paragraph, as follows:

"For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed \$3,000 for printing and binding, and other necessary expenses, \$100,000, of which not to exceed \$25,000 may be used for personal services in the District of Columbia."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment. This item is a revolving fund for the purpose of organizing Indian chartered corporations. It is one of the items where it is almost impossible to tell what the money is being used for. I believe, according to the information that I can get, that these things are not helping the Indians, but they are demoralizing them further, and I hope the amendment will not be adopted.

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is one of several items in this bill that was drastically cut by the committee. I assumed that the gentlemen, in the interest of economy, would go along with the committee. The committee cut this item \$60,000 below the Budget estimate. It occurs to me that that is the very lowest reduction the committee could make in the interest of economy and efficiency. I ask for a vote on the amendment.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

It is more difficult for anybody to live under the Wheeler-Howard Act than it is to exclude it from his territory. The distinguished chairman of this subcommittee does not have to work under the Wheeler-Howard Act in Oklahoma because he had sense enough to exclude Oklahoma from the great benefits of that act. But in North Dakota we are under that act. As a result of that, in putting on this organization you have the Indians divided. I would say that the sentiment for and against that measure runs about 50-50 among the Indians. Families are divided. Everybody is divided. As a result of that the Government has an appropriation of \$100,000 to go out and put over the Wheeler-Howard Act. The result of that is to apply in the Indian country a system of collectivism. In other words, the individual Indian is to deed his land in trust to the Government, and from that day his land is to be used by a committee to be elected by the Indians, but subject to the rules and regulations of the Department, and they are to use that property. The only interest which the Indian who did have a deed to it and turned it over to the Government is that he receives the common benefits of this collective enterprise. Some of the Indians in my territory do not want to go into collectivism. They are fighting back and forth. When they excluded the constitution, along comes the Government with 8 or 10 employees making speeches to convince the Indians that this kind of collectivism is the thing they want. I think we are making a serious mistake. The chairman does not realize it because he did not have to live under the conditions which that bill generates, but we are making a mistake to furnish all this money to be used by a Government agency to foster a system of living upon a bunch of Indians that do not want to live that way.

I yield to the gentleman from Pennsylvania.

Mr. DUNN. Is the gentleman in favor of the amendment offered by the chairman of the subcommittee?

Mr. BURDICK. The reason why I did not offer a definite amendment is that I do not know what is right—what they should have to carry on that work. Consequently I would not make a wrong move by saying it should be \$50,000 or \$10,000.

Mr. DUNN. In other words, the gentleman is opposed to the amendment?

Mr. BURDICK. I am opposed to the system of furnishing this money to disrupt the peace and quiet and method of living of the American Indians.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. JOHNSON of Oklahoma. The Wheeler-Howard Act did not originally apply to Oklahoma Indians. It is true that when the original act passed Congress that Members from our State in both Houses asked that Oklahoma be excluded from the provisions of the Wheeler-Howard Act. However, we have found that some provisions of the Wheeler-Howard Act have proven beneficial to the Indians, and the Indians themselves have asked to come under several provisions of it, and now, for the most part, the



Wheeler-Howard Act does apply in Oklahoma. Now, it is not for me to defend the act. I did not favor it when it was enacted. The fact that this committee has cut \$60,000 off of the bill on this one item is evidence that the committee did not look with too much favor on the provision.

Mr. BURDICK. In this \$100,000 which you have provided, in your opinion, have you provided any more money than enough to legitimately carry on the propaganda of putting over this new deal?

Mr. JOHNSON of Oklahoma. That is correct. We have not provided a single dollar more than we felt was urgently needed.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 71 and noes 26.

So the amendment was agreed to.

The Clerk read as follows:

Vehicles, Indian Service: Not to exceed \$460,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, and the transportation of Indian school pupils, and not to exceed \$190,000 of applicable appropriations may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and such vehicles shall be used only for official service, including the transportation of Indian school pupils.

Mr. DOWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: On page 16, line 21, strike out "\$460,000" and insert in lieu thereof "\$290,000."

Mr. DOWELL. Mr. Chairman, I am unable to understand just why this item for automobiles was increased almost \$200,000 over what was appropriated for the current year. For the current year there was appropriated \$290,000, the amount my amendment calls for. This was raised by the committee to \$460,000, and they allowed an additional amount of \$160,000 for automobiles in this Department. This aggregates \$650,000 for automobile service. It is an outrage. No defense can be made of appropriating \$650,000 for passenger automobiles in one department of the Government for 1 year.

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

Mr. DOWELL. I yield.

Mr. RICH. Place money in the hands of the President for relief and allow them to spend the enormous amounts that have been spent for reclamation projects and things like that and you will find that each year Secretary Ickes will be back for more money until a few years from now the appropriation will be almost three times as large as it is now.

Mr. DOWELL. My view is that the employees of this Department ought to do some work instead of riding around in automobiles—spending \$650,000 for automobiles.

There are many items in this bill—this is just a small one, and which to me is indefensible. This item is a sample of the extravagance which cannot be defended. I have heard a good many compliments of the committee for their work on this bill, but when they increase the item for passenger automobiles by \$200,000 for 1 year I am wondering if the committee did not let somebody in the Department overinfluence them in this item.

Mr. RICH. The gentleman is not casting any aspersions on them, is he?

Mr. DOWELL. I am casting reflections only on persons who are trying to take from the Treasury of the United States this vast sum in order to have their joy rides during the year. [Applause.]

Mr. RICH. If the gentleman will yield, I have asked time after time, "Where are you going to get the money", but I get no reply.

Mr. DOWELL. I do not yield.

Mr. Chairman, the appropriation for automobiles last year was \$290,000. Added to this \$160,000 more, and this seems to me ample for next year. So far as I am concerned, I am unwilling to turn over to this Department the right to ride

through the year in these automobiles, spending almost three-quarters of a million dollars for gas, repairs, and automobiles.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the figures for this item may seem unduly large. I think that members of the committee who heard the evidence found, however, that there was a reason for the size of the item. I am sure that if my distinguished friend from Iowa had heard the evidence, he would not have made that splendid speech he just made. Certainly the gentleman is entitled to an explanation; the committee is entitled to one. Within the past year there have been constructed throughout the entire Indian country several hundred additional day schools for Indian children. The Indian Service calls for and delivers the children, sometimes in remote areas. Up until the last year or two automobiles were not required to carry the children back and forth, because they were living at boarding schools. But even so, it is much more economical to have what they call day schools and transport the Indian children back and forth and permit them to live at home than to have the regular Indian boarding schools paid for entirely by the Federal Government. For this reason the committee gave the Indian Service not all that they asked for but what the Budget recommended. The Indian Service felt it was entitled to considerably more. We cut this item just as low as we possibly could under the circumstances, but, because of the increased number of schools throughout the entire Indian Service, many cars and busses must be purchased by the Indian Service to carry these children back and forth from the schools.

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

Mr. JOHNSON of Oklahoma. Certainly.

Mr. DOWELL. Does the gentleman believe that there will be any difficulty in the Department if it has to get along on \$460,000 for the next year?

Mr. JOHNSON of Oklahoma. Not only do I believe it but I know that they could not and at the same time transport the children back and forth. I know that the gentleman does not know the circumstances. Sometimes they are transported many miles to school.

Mr. DOWELL. But they were doing that last year, and are doing it now.

Mr. JOHNSON of Oklahoma. Yes; to some extent, but not on the large scale as now. Many of these day schools have been constructed, especially in the Navajo country, only recently, and it is found to be much more economical than the old boarding-school system.

The committee has effected a saving, as I have heretofore indicated. They are not a bunch of spendthrifts out to loot the Treasury.

Mr. SHORT. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Missouri.

Mr. SHORT. I would like to say it would be infinitely better to let the children remain at home and grow up in blissful ignorance than be hauled to these communistic centers and be Russianized by the poisonous propaganda being preached by the Commissioner of Indian Affairs.

Mr. JOHNSON of Oklahoma. As I said a moment ago, I hold no brief for the Commissioner of Indian Affairs. I did not recommend his appointment.

Mr. SHORT. I congratulate the gentleman.

Mr. JOHNSON of Oklahoma. But I challenge the statement that communism is being taught in any Indian school in the United States of America. If the gentleman has that information, he ought to give it to the Committee at this time. Furthermore, if the gentleman has any evidence whatever to back up his rash statement, he should have appeared before the Subcommittee on Appropriations and furnished the information. If he has not the information, which, of course, no one seriously thinks that he has, he should in all fairness admit it now. Of course, we all understand that the genial gentleman has nothing to substantiate his charge, and is merely making another one of his wild statements.

[Here the gavel fell.]



Mr. LAMBERTSON. Mr. Chairman, I move to strike out the last two words.

I want to emphasize there has been a reversal of policy in the Indian Department within the last 4 years. There has been a reversal on the school proposition within the last 4 years. There was a tendency to allow these Indian children to attend the public schools, as far as they were able, around the edges of the reservation and become assimilated with the whites. That policy has been reversed, and in sympathy with the Wheeler-Howard Act and in the spirit of putting the Indians by themselves there has been this reversal, which has caused an increase.

May I say to the gentleman from Iowa that on each of these Indian reservations there is a superintendent of the farm, an assistant superintendent of the farm, and a special assistant superintendent of the farm. There is a chief cattleman, an assistant chief cattleman. There is a chief rancher, an assistant chief rancher, and a special assistant chief rancher. Does the gentleman expect those people to ride Indian ponies?

Mr. DOWELL. Will the gentleman yield?

Mr. LAMBERTSON. I yield to the gentleman from Iowa.

Mr. DOWELL. Does not the gentleman believe some of these high officials should do a little bit of work instead of wearing out over \$650,000 worth of automobiles?

Mr. LAMBERTSON. They ride in automobiles, but they are there. That is the point.

Mr. BURDICK. Will the gentleman yield?

Mr. LAMBERTSON. I yield to the gentleman from North Dakota.

Mr. BURDICK. Is it not true that this Subcommittee on Appropriations found there were a great many Indian children last year who did not get any schooling at all, and they have now provided in part for this?

Mr. JOHNSON of Oklahoma. The gentleman is correct, and even under this appropriation there will be more than 14,000 Indian children this year who will be unable to attend any kind of school. I may say it is a shame and a disgrace this Government has not provided better facilities for the Indian children throughout the United States.

Mr. MICHENER. Will the gentleman yield?

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

Mr. MICHENER. I am not familiar with this Indian situation, but we are told very often here that most of the money affecting the Indians comes out of tribal funds. We are furnishing school busses and all these other facilities suggested here. Does that come out of the tribal fund?

Mr. LAMBERTSON. No.

Mr. MICHENER. Or do we furnish to the Indians schools and things of that kind which we refuse to furnish other races in our country?

Mr. LAMBERTSON. We furnish all the money for the schools.

Mr. MICHENER. The Federal Government?

Mr. LAMBERTSON. Yes.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. LAMBERTSON. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Would it not be far more economical if contracts were let to haul these children to school rather than buy automobiles to be used promiscuously?

Mr. LAMBERTSON. They could not be supervised quite so well.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. LAMBERTSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I should like to ask a question or two about the Indian schools. Within the last 5 or 6 years I notice a tendency in the Congress to bring the Indians to the white schools. Can the gentleman advise me whether or not that is the policy?

Mr. LAMBERTSON. The tendency is the reverse of that, in sympathy with the Wheeler-Howard Act, with which I do not agree. That is especially true in the elementary schools. They are continuing the policy in the secondary

schools and higher of assimilating them, but they are going back to the tribal relations more and more and taking them away from the elementary schools.

Mr. JENKINS of Ohio. I do not agree with that program. I do not know much about the Indian problem. I did have occasion to visit a Government Indian school. I asked the man in charge of the school several questions that I have never been able to satisfy myself about.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last three words. I want to continue the colloquy I was having with the gentleman from Kansas.

In order to establish a continuity of thought, let me say that I had just stated that upon the occasion of my visit to an Indian reservation school I asked the principal of this Indian school this question: "Does your school ever turn out any Indian boys and girls who make a name for themselves?"

The fact that nearly every school in the United States has turned out illustrious men and women is a great compliment to our American school system. We are all proud of the fact that the opportunity for the youth is very great in every part of our country. I asked him if they turned out any distinguished people from any of his schools. He said, "No." He did not want to continue the discussion very much. I said, "It cannot be that the Indian people are not as smart as the colored people, the white people, or any other people in this country. Do you never turn out a lawyer, minister, or some great teacher, or some great mechanic or electrician?" He said, "No." I said, "Have you not turned out any women that have become singers or made some impression on the world?" He said, "No. We have always taught them home economics and practical subjects and taught them to be useful men and women." I said, "What has been the result?" "Well," he said, "it has not been up to our hopes. A lot of them revert to the blanket." I presume you all know what this phrase "revert to the blanket" means.

In my experience in Congress we have had this matter up many times. I have voted on much Indian legislation. I may be wrong, but somehow I feel that it might be to the best interest of the Indians to let the Indian children mix with the white children and all other kinds of children in our great public-school system. They are just as bright as the children of other groups. At any rate, I know that there must be geniuses among the Indian children as well as among all other classes. What does the gentleman think about it?

Mr. LAMBERTSON. I think so. I have lived among Indians all my life. I have three reservations within 30 miles of me; one within 6 miles. I have played ball with them. I have seen them in our high schools. There is no objection to the association or amalgamation of the Indian race with the white race.

Mr. JENKINS of Ohio. What has been the gentleman's experience where the gentleman has known Indian children to come into the regular public schools? Have they been able to keep up?

Mr. LAMBERTSON. Yes.

Mr. JENKINS of Ohio. Then it seems to me that if the Indian schools on the reservations do not produce the type of people produced in the common schools, you who come from the Indian country ought to see to it that the Indian children get into the public schools.

Mr. HILL of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes; I yield.

Mr. HILL of Oklahoma. I am wondering if the gentleman is familiar with some of the States where there are a good many Indians?

Mr. JENKINS of Ohio. I have traveled through them, but I prefaced my statement with the remark that I was not an expert on this question at all.

Mr. HILL of Oklahoma. I wonder if the gentleman knows that from the State of Oklahoma a good many men have come to Congress who have Indian blood, that we have pro-



duced opera singers, and that some of the best teachers in the State of Oklahoma are of Indian blood.

Mr. JENKINS of Ohio. I have stated that I admit it. It must be true. I do not doubt it at all. The question is, though, Did they come out of the Indian reservation schools?

Mr. HILL of Oklahoma. Yes.

Mr. JENKINS of Ohio. Or the public schools?

Mr. HILL of Oklahoma. Both of them. Did the gentleman know that former Vice President Curtis was an Indian?

Mr. JENKINS of Ohio. Oh, yes; I know that. Does the gentleman come from an Indian section?

Mr. HILL of Oklahoma. Certainly.

Mr. JENKINS of Ohio. What does the gentleman think, from his experience, is the better way to educate the Indian children, in the public schools or in the reservation schools?

Mr. HILL of Oklahoma. I think the Indians ought to have both. There are reasons for this, too long to go into now, but neither is injurious to them and both are of benefit. I do not agree with the statement the gentleman made when the gentleman was asking those questions in the committee.

Mr. JENKINS of Ohio. I made no statement of fact.

Mr. HILL of Oklahoma. I understand.

Mr. JENKINS of Ohio. If the gentleman is from an Indian country, he knows the Indian problem, and I am willing to vote with the gentleman, because I am for the Indians.

Mr. HILL of Oklahoma. Fine.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield to me?

Mr. JENKINS of Ohio. Yes.

Mr. LAMBERTSON. The whole spirit of the people of the United States for a hundred years up until this administration has been to Americanize the Indians. Now the tendency is to put them back into tribal relations and maintain them as if they were in a museum, which has a tendency to put them back in the blanket.

Mr. JENKINS of Ohio. I am against that.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, \$900,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1937, of which not to exceed \$20,000 shall be available for personal services in the District of Columbia: *Provided*, That within the States of Arizona, New Mexico, and Wyoming no part of said sum shall be used for the acquisition of lands outside of the boundaries of existing Indian reservations: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of additional land, not exceeding a total of \$500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created.

Mr. DITTER and Mr. DOWELL rose.

Mr. DITTER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DITTER. Mr. Chairman, I make the point of order against the entire paragraph that it is legislation on an appropriation bill. The particular portion starting with the words "*Provided further*" is distinctly legislative in character, and, being legislation, it kills the paragraph.

Mr. JOHNSON of Oklahoma. Mr. Chairman, there is no question but what a point of order will lie against this provision, but I hope the gentleman will withdraw his point of order. This is the customary provision. It gives the Indian Service an opportunity to know what it will be able to do in

the future. If the gentleman presses his point of order, however, I am not in position to defend it.

Mr. DITTER. Mr. Chairman, in reply to the request of the gentleman from Oklahoma, it seems to me it is inadvisable for us to delegate the authority which is delegated in the provision starting in line 21. I in no sense want to limit or curtail such rights as are proper and necessary in the administration of Indian affairs, but it seems to me the proper way to approach the question is to have legislation authorizing a program of this kind brought to the attention of the House rather than have it attached to an appropriation bill. Therefore I press my point of order. I must do so as a matter of principle.

The CHAIRMAN. The gentleman from Pennsylvania makes a point of order against the paragraph appearing on page 21, beginning in line 9.

Under existing law executive officers of the Government have the authority to enter into contracts where money has already been appropriated. Obviously, this is for the purpose of allowing executive officers to enter into contracts where the money has not been appropriated.

Therefore this is legislation on an appropriation bill, not authorized under the rules of the House, and the Chair sustains the point of order against the entire paragraph.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 21, line 8, insert a new paragraph, as follows:

"For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, \$900,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1937, of which not to exceed \$20,000 shall be available for personal services in the District of Columbia: *Provided*, That within the States of Arizona, New Mexico, and Wyoming no part of said sum shall be used for the acquisition of lands outside of the boundaries of existing Indian reservations."

The amendment was agreed to.

The Clerk read as follows:

For payment, pursuant to the provisions of the act of May 15, 1936 (49 Stat., p. 1272), to the Confederated Bands of Ute Indians in full compensation as to claim for the principal sum for 64,560 acres of land in western Colorado set aside as a naval oil reserve by Executive orders dated December 6, 1916, and September 27, 1924, \$161,400: *Provided*, That in the discretion of the Secretary of the Interior, and with the approval of the tribe expressed through its tribal council, not more than \$100,000 of the amount apportioned to the Indians of the Uintah and Ouray Reservation, Utah, together with \$100,000 additional from tribal funds now on deposit to the credit of the Ute Indians in Utah, may be expended for the acquisition of privately owned lands or interests therein, together with the improvements thereon, for said Indians.

Mr. WIGGLESWORTH. Mr. Chairman, I reserve a point of order on the paragraph and desire to ask the chairman of the subcommittee to what extent the funds carried in the proviso of this paragraph are tribal funds.

Mr. JOHNSON of Oklahoma. They are all tribal funds, I may say to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Both items of \$100,000 represent tribal funds?

Mr. JOHNSON of Oklahoma. Yes.

Mr. WIGGLESWORTH. Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk read as follows:

Purchase of land, Cheyenne River Reservation, S. Dak. (tribal funds): For the purchase of Indian-owned and privately owned lands, and improvements thereon, in the Cheyenne River Reservation, S. Dak., \$12,500, payable from funds on deposit to the credit of the Cheyenne River Indians: *Provided*, That title to any land or improvements so purchased shall be taken in the name of the United States in trust for the Cheyenne River Tribe.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word, and I do this for the purpose of asking the chairman of the Subcommittee on Appropriations just what the object is in purchasing Indian-owned lands in the Cheyenne Indian Reservation of South Dakota. In other words, is this a program to purchase land already owned individually by the Indian, and when the purchase is made the title is to be reserved in the United States in trust for the tribe, and if



this is carried out to the nth degree will it not obliterate every privately owned piece of Indian land on the reservation? Would not this be the effect of this provision?

Mr. JOHNSON of Oklahoma. I will say to the gentleman it would not have that effect. This is simply to carry out the present program of the Indian Service of buying land for homeless Indians.

Mr. BURDICK. Mr. Chairman, the Indians on this reservation have petitioned me by the hundreds in opposition to any scheme of the Government to take from them their individual right to own their homes.

Mr. JOHNSON of Oklahoma. If the gentleman will turn to page 931 of the hearings, he will find this language:

This item is submitted at the request of the tribal council of the Cheyenne River Indians, South Dakota.

So this is not a scheme on the part of the Indian Service, but is done at the request of the Indians themselves.

Mr. BURDICK. It may be true that this is done at the request of the tribal council, but that does not change the situation. There are thousands of Indians who do not want that program to be followed, and here we are appropriating to do that very thing, and, as a matter of fact, the agencies of the Indian Bureau are at work in the country trying to convince individual owners that they ought to turn their individually owned lands into the tribal council, to be managed and controlled by the tribal council.

Mr. JOHNSON of Oklahoma. I see I am going to have to read some more of the hearings to my distinguished friend. Again, from page 931, I read:

The purpose of the appropriation is to permit the purchase of land from old and indigent Indians and to assign small tracts thereof to Indians who are now without land. This will serve a double purpose: (a) Funds will be provided for support of the old and indigent now owning the land, but dependent upon friends, the tribe, or the Government for subsistence, clothing, and other necessities of life; (b) it will permit the assignment of small areas to individuals now without homes or land on which subsistence gardens may be grown.

This is a very important activity and there was no protest against it, and they also had a resolution before our committee, passed unanimously by the Indians themselves, asking for it.

Mr. BURDICK. It is not the purpose, as the committee understands it, to finance any scheme of any bureau to go out and purposely get control of the individually owned pieces of land?

Mr. JOHNSON of Oklahoma. No; and this is their own money and is not money coming from the Federal Treasury.

Mr. LAMBERTSON. Mr. Chairman, if the gentleman will permit, the gentleman from South Dakota is right to the extent that when this land is purchased and is given to a young, new Indian, the title is kept in the tribal council. The new Indian is assigned to the land, but is not given a deed to it and the title is kept in the tribal council.

Mr. JOHNSON of Oklahoma. Title, of course, is taken by the United States so that the Indian will not be permitted to dispose of his land or spend his money and later become a charge upon the Government.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

#### INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the preservation of timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law on Indian lands, \$260,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Mr. BOILEAU. Mr. Chairman, I reserve the point of order against the proviso and move to strike out the last word, to ask the gentleman from Oklahoma the reason for the language in lines 17 and 18, page 23, excluding the Menominee Indian Reservation in Wisconsin from the benefits of this particular appropriation.

Mr. JOHNSON of Oklahoma. That provision has been in the bill for many years for the reason that these Menominee Indians are very wealthy and can pay their own expenses. It is for that reason that they are excluded.

Mr. BOILEAU. I am surprised, yet happy, to hear the gentleman say that the Menominee Indians are very wealthy. I do know that, although they have some property, they cannot be classified as being wealthy. I am sure that there are many Indians in Oklahoma who have had the advantage of finding oil in their property, who are very much more wealthy than the Menominee Indians, and unless the language is broad enough to exclude all reservations and all Indians that have any wealth, I do not think there is justification for this.

Mr. JOHNSON of Oklahoma. There are two wealthy tribes of Indians in the United States. The Osage Indians are first. They pay their own way. The Menominee Indians are second. Each of them has sufficient money to be on their own, and each is excluded. The poor Indians, who have no funds, we are unable to exclude.

Mr. BOILEAU. The language is not broad enough to provide that this benefit should go only to those Indian tribes that are indigent. It takes in all the Indian reservations of the entire United States, regardless of their comparative wealth. It does not exclude the Osages there, although I suppose they do not have much timber there.

Mr. JOHNSON of Oklahoma. They have no timber there at all.

Mr. BOILEAU. But in view of the fact that the Menominees do have some timber, I do not see why they should be picked out and excluded from the provisions of this bill; and unless the language is changed so that it excludes all Indians that have any wealth whatsoever, I do not feel that it is fair. I do not know that the Menominees are the second wealthiest tribe in the United States. If that is so, I am happy to learn it, but I do not think that justifies the exclusion of the Menominee Indians when all other tribes in the United States are included. There may be some other reasons with which I am not familiar, but, if it is, as the gentleman said, just because they have a little money, then we ought to exclude every tribe that has a little money. I do not think the gentleman has given a satisfactory answer. I confess that I have not studied this problem, but I hate to see that one provision limiting the benefits to be paid in this bill because that one reservation happens to be in my district, and I do not see any reason why they should be discriminated against. Possibly the gentleman has some other reason.

Mr. JOHNSON of Oklahoma. This committee is not discriminating against these Indians. This provision has been in the bill for many years, and I will again remind the gentleman, exceptionally, they are able to pay their own way.

Mr. BOILEAU. That does not justify the provision.

Mr. JOHNSON of Oklahoma. If the gentleman will read the hearing, he will find ample evidence to find ample justification for the committee.

Mr. BOILEAU. Very well; let us know what it is.

Mr. JOHNSON of Oklahoma. The gentleman will be interested to know the tribal funds that they have—"these poor Indians."

Mr. BOILEAU. I did not say that they are poor Indians. The hearings show that the Menominee Indians have the following funds:

	Receipts deposited, fiscal year 1936	Available balance, Mar. 19, 1937
Menominee:		
Proceeds of labor, Menominee Indians	\$1,669	\$11,123
Interest on proceeds of labor, Menominee Indians		538
Menominee fund		139,429
Interest on Menominee fund		11,085
Menominee 4-percent fund	655,805	222,157
Interest on Menominee 4-percent fund		17,820
Menominee log fund		980,793
Interest on Menominee log fund		39,932
Fulfilling treaties with Menominees, logs		11,810
Interest on fulfilling treaties with Menominees, logs		14,134

<sup>1</sup> Not available for support.



Mr. BOILEAU. I will save the gentleman trouble by saying that they have a million and a half dollars on deposit.

Mr. JOHNSON of Oklahoma. Here is another item for \$160,000.

Mr. BOILEAU. I do not claim that they are destitute.

Mr. JOHNSON of Oklahoma. If the committee did not exclude them, they would probably be in here camping on the gentleman's doorstep asking him to give them a per-capita payment. We are trying to protect him, and at the same time let the wealthy Indians that he represents so ably pay their own way.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. Without objection the pro-forma amendment will be withdrawn.

Mr. BOILEAU. I do not withdraw my reservation of the point of order, Mr. Chairman, but I have an amendment that I desire to offer.

The CHAIRMAN. The point of order will have to be disposed of before an amendment is in order.

Mr. BOILEAU. I reserve the point of order, if that reservation does not continue.

The CHAIRMAN. The reservation does not continue if the gentleman wants to offer an amendment.

Mr. BOILEAU. It can continue by unanimous consent, can it not?

The CHAIRMAN. The Chair thinks it is his duty to protect the bill to that extent.

Mr. BOILEAU. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. WIGGLESWORTH. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. WIGGLESWORTH. I make the point of order on the paragraph upon the ground that it is legislation on an appropriation bill.

The CHAIRMAN. Will the gentleman kindly indicate just what there is in the paragraph that constitutes legislation on an appropriation?

Mr. WIGGLESWORTH. I call the Chair's attention particularly to the proviso at the conclusion of the paragraph.

The CHAIRMAN. In what respect does the gentleman hold that that proviso constitutes legislation?

Mr. WIGGLESWORTH. It seems to me that the language is clearly legislative in character and imposes additional duties to those now in existence.

The CHAIRMAN. Does the gentleman desire to be heard further?

Mr. WIGGLESWORTH. No, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Massachusetts [Mr. WIGGLESWORTH] makes a point of order against the proviso beginning in line 24, page 23, of the pending bill, and assigns as ground for the point of order that it is legislation on an appropriation bill.

The Chair invites the gentleman's attention to section 13 of title 25 of the United States Code, commonly known as the Snyder Act, which provides for industrial assistance and advancement and general administration of Indian property. Further, the same act provides "and for general and incidental expenses in connection with the administration of Indian affairs."

It is the opinion of the Chair that the provisions of existing law, to which attention has been invited, contain legislative authority for the appropriation appearing in the item to which the gentleman makes a point of order.

Therefore the Chair is of the opinion that it is not legislation on an appropriation bill and overrules the point of order.

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: On page 23, line 17, after the word "allotments", strike out "other than the Menominee Indian Reservation in Wisconsin."

Mr. BOILEAU. Mr. Chairman, this is the same subject I was speaking about a moment ago. This paragraph begins:

For the preservation of timber on Indian reservations and allotments, other than the Menominee Indian Reservation in Wisconsin.

For the life of me, I cannot see, when we are spending Government funds for the preservation of timber on Indian reservations, why one particular tribe of all other tribes in the United States should be excluded. Just because it has been done in the past does not justify us in continuing that policy. Because of the fact that in 1908, when the La Follette Act was passed, which was designed for the purpose of protecting the rights of the Indians, because of the fact that the Menominee Indians have had their wealth preserved for them because of the operation of the La Follette Act, does not mean, as I see it, that they should be discriminated against in the expenditure of public funds when all other tribes in the United States that have timberlands have these funds expended on those reservations. In other words, you are penalizing the Menominee Indians because they were protected by the La Follette Act. Because of the fact that the Wisconsin Menominee Indians have been preserving their property, you say now they have some wealth and therefore they should not have the benefit of this money that is being spent among all of the other Indians in the country, whether it is reservation land or land that has been allotted to the Indians. I do not believe the gentleman from Oklahoma [Mr. JOHNSON] has made a very good case in opposition to this amendment. I do not believe he has given any good reason why the Menominee Indians should be excluded. I appeal to the fairness of the Members of this House.

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

Mr. BOILEAU. I yield.

Mr. HOUSTON. Was this not in the bill last year?

Mr. BOILEAU. The gentleman from Oklahoma [Mr. JOHNSON] says it was. I shall have to take his word for it. I do not know. The matter blared up at me as I read this bill, and I wondered why the Menominee Indians should be discriminated against. If they have been discriminated against all these years, all the more reason we should stop this discrimination now. Because they have been discriminated against is certainly no argument for a continuation of that policy.

Mr. HOUSTON. I am surprised to learn that the gentleman, studious as he is, did not know that that was in the bill previously.

Mr. BOILEAU. I thank the gentleman from Kansas very much for his left-handed compliment. I submit, if it was in the bill last year and any speech had been made about it, I certainly would have done all I could to see that it was taken out. I submit to the gentleman, with all of his kind remarks with reference to my studious study of these bills, that I made one of my very few errors, if you please. [Laughter and applause.]

Mr. HOUSTON. Will the gentleman tell me what damage has been done by virtue of the fact that it was in the other bills?

Mr. BOILEAU. We have not gotten our share of the \$260,000; that is all. I submit we are entitled to all of the benefits that are given to all of the other Indians. Because of the fact, as I said a moment ago, that the La Follette Act of 1908 prevented the exploitation of the Indians in our State is no reason why they should not receive their share of this money. The Menominee Indians are looked after pretty well. I submit that this does not justify this House in discriminating against the Menominees further.

If you can give any proper reason for discriminating against the Menominees, that is all right. Perhaps I have been derelict in my duty in the past. If so, that is something we should consider; but having called it to his attention this year, I hope I will have his support this afternoon.

Mr. HOUSTON. I thank the gentleman from Wisconsin. Can the gentleman tell me what was done for the Pottawatomies?

Mr. BOILEAU. I do not know what was done for the Pottawatomies, but I assume that if they were in line for



Federal aid they got it, just like the Osage and other needy Indians. It is my contention that the Indians on all the reservations should share equally in public funds. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I find that the purpose of this \$260,000 is twofold. Primarily, of course, it is to preserve and protect timber belonging to the Indians; but the Indians of Oklahoma, Texas, Kansas, and other States of the Union do not have any timber. There are only three tribes of Indians that have any great amount of timber. For 10 years or more this provision has been carried in this bill. The Menominee Indians never have been included in it. They have about \$1,500,000 on hand in their tribal funds, and the committee did not feel that the Menominee Indians were in any great need at this time.

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

Mr. JOHNSON of Oklahoma. I yield.

Mr. BOILEAU. Will the gentleman give any reason why we should discriminate against the Menominee Indians? Just two lone tribes, according to the gentleman's own testimony, that have timber will benefit. In other words, this \$260,000 goes to two tribes of Indians. Why should we not get our share of it?

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield.

Mr. O'NEAL of Kentucky. I refer the gentleman to page 936 of the hearings, the testimony of Mr. Marshall, on this point. He states:

In the past the Menominee Indians have been singled out among all the Indian tribes in the country where the Government would not spend money for forestry practice on their reservation. Historically, I imagine the origin of that was with the La Follette Act of 1908, which created a sustained yield and forestry operation on the Menominee Indian Reservation and confined timbering there to an Indian operation and to an Indian sawmill. This act provided that the expenses for supervising forestry should come from the Menominee tribal funds, or from the profits that were made from this operation.

In other words, that provided a profit-making operation and part of the profits were to be used for the forestry work.

Mr. BOILEAU. But if the gentleman will yield, the La Follette Act of 1908 did not provide that the Federal Government should pay for this sawmill. The cost came out of tribal funds. The La Follette Act did not give the Menominee Indians any monetary assistance from the Federal Government.

Mr. O'NEAL of Kentucky. That is the explanation given by Mr. Marshall. This shows that there is no discrimination against the Menominee Indians.

Mr. BOILEAU. But the gentleman has not shown that we have received any benefits in the form of Federal money. It seems to me only fair that if we are going to appropriate this large sum of money to assist other tribes to take care of their timber, that the Menominee Indians certainly should share in it.

Mr. JOHNSON of Oklahoma. As has been pointed out by the gentleman from Kentucky, these Indians have been provided for under the La Follette Act.

Mr. BOILEAU. The only benefit that act conferred upon them was to enable them to carry out a cooperative enterprise.

Mr. JOHNSON of Oklahoma. They have been carrying out a cooperative enterprise, but the La Follette Act by its terms, as I recall, provides that forestry work in that reservation shall be paid for out of profits of the operation.

Mr. BOILEAU. I know the gentleman wants to be fair in this.

Mr. JOHNSON of Oklahoma. Yes.

Mr. BOILEAU. All the La Follette Act did was to permit them to work out their own destiny, to work it out cooperatively. They were given no financial aid by the Federal Government. All they were given was the permission of the Federal Government to handle their own timber resources.

Mr. JOHNSON of Oklahoma. They have their sawmills up there, which has helped them to become self-supporting.

Mr. BOILEAU. But the Federal Government did not pay for the sawmills. Tribal property and tribal funds paid for the construction of those mills. The Menominee Indians have not been favored by Federal funds.

Mr. JOHNSON of Oklahoma. The Menominee Indians certainly have not been discriminated against by this committee.

Mr. BOILEAU. They have not been favored by any appropriation of Government money to help care for their timberland.

Mr. JOHNSON of Oklahoma. The gentleman from Wisconsin, for whom I have a high regard and who is well known to be a friend of the needy and distressed in all sections of the country, appears now in the very unusual position of defending some of the richest Indians in the United States.

Mr. BOILEAU. I submit to the gentleman that the Menominee Indians, the same as the Indians in other tribes, have their allotment of \$50, or whatever it is, from their own funds; and they need it, many of them, to get along on. Their timber operation is a cooperative matter financed and supported by tribal funds. The Menominee Indians have not been favored by the Federal Government. They are discriminated against unless they are allowed to share in this fund, and will be discriminated against unless this amendment is adopted.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 14, noes 43.

So the amendment was rejected.

The Clerk read as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$165,000, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1943, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their lands until paid: *Provided further*, That not to exceed \$15,000 may be advanced to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed 8 years, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph beginning on page 26, line 4. The point of order is that this is legislation on an appropriation bill and it imposes discretionary duties upon the Secretary of the Interior. The language at the bottom of the bill, beginning with "*Provided further*", line 22, and the last proviso are entirely the same. They provide that the Secretary of the Interior shall make rules and regulations and there is no question but what it imposes additional duties upon the Secretary of the Interior all the way through.

In lines 17 and 18 the terms of repayment are made subject to the discretion of the Secretary of the Interior and in lines 9 and 10 it is subject to that same discretion. This is all on page 26. The whole paragraph is subject to discretion and imposes duties upon the Secretary.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the Committee feels that this provision is in order. It provides only a method by which the appropriation might be expended. I have no further comment to make.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Oklahoma as to the authority for the lan-



guage appearing in lines 1 and 2, page 27, which the Chair will quote:

To remain a charge and lien against their land until paid—

Is there provision in some existing law creating a lien upon these lands, to which this provision refers?

Mr. JOHNSON of Oklahoma. I cannot say there is provision in existing law. The only existing law would be the fact this has been in the bill for several years and, of course, that is not controlling.

The CHAIRMAN. The Chair would like to inquire further of the gentleman with reference to the language appearing in lines 7 and 8, page 27, reading as follows:

And advances so made shall be reimbursed in not to exceed 8 years under such rules and regulations as the Secretary of the Interior may prescribe.

Will the gentleman advise the Chair as to any provision of existing law upon which this language is based?

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is the exact language that has been used for several years and the gentleman from Oklahoma knows of no specific basis of law for it.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from New York makes a point of order against the entire paragraph beginning in line 4, page 26, extending down to and including line 9, page 27. The gentleman from New York [Mr. TABER] in making his point of order invited attention to certain language appearing in lines 10 and 11, page 26, with reference to the discretion of the Secretary of the Interior.

The Chair has examined the act commonly referred to and known as the Snyder Act and invites attention to section 13 of that act, in which the following appears:

Expenditures of appropriations by Bureau of Indian Affairs: The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: General support and civilization, including education; for industrial assistance and advancement and general administration of Indian problems. Further, for general and incidental expenses in connection with the administration of Indian affairs.

It is the opinion of the Chair that the act to which attention has been invited confers upon the Secretary of the Interior rather broad discretionary authority. The Chair is of opinion that the language to which the gentleman invited attention is not subject to a point of order, but that the language to which the Chair invited the attention of the gentleman from Oklahoma with reference to the provisos does constitute legislation on an appropriation bill not authorized by the rules of the House. It naturally follows that as the point of order has to be sustained as to these two provisos, it has to be sustained as to the entire paragraph. The Chair therefore sustains the point of order made by the gentleman from New York.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 26, after line 3, insert a new paragraph, as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$165,000, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1943, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The amendment was agreed to.

Mr. McFARLANE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been listening with a good deal of interest to the debate this afternoon, and I am just a little surprised that the gentlemen over on the Republican side take the attitude they have in the debate on this measure this afternoon. They have been "bushwhacking" all afternoon, particularly on the administrative office of the Bureau of Indian Affairs. They have raised points of order on this provision and that provision and criticized the way the Bureau is being conducted. They have been very critical of the Commissioner and his assistants down there and the way they have been conducting the Bureau.

Mr. Chairman, this Bureau is at least 99.44 percent Republican, and I see no reason why these gentlemen should be so critical of their own crowd. It would appear to me they ought to be able to get along with their own brethren better than they have, and their criticism on the floor this afternoon is therefore apparently unjustified. I am just a little bit surprised at their attitude.

Mr. MAY. Will the gentleman yield?

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

Mr. MAY. The gentleman does not undertake to defend that crowd?

Mr. McFARLANE. No. I am a little bit surprised and amazed that they are even critical of that Bureau. They have raised points of order and offered dilatory pleas all afternoon. They have criticized the way the school busses are run and are being used to accommodate the children. They have criticized Mr. Collier, one of the leading Republicans in the country, on the way he is conducting the Bureau. There does not seem to be anything good to that Bureau.

Mr. FISH. Will the gentleman yield?

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

Mr. FISH. Did I hear the gentleman say that these were mostly Republicans?

Mr. McFARLANE. Yes; they are practically all Republicans—the whole administrative set-up.

Mr. FISH. I thought they were Socialists.

Mr. McFARLANE. They came from the gentleman's party; and last year, I am reliably informed, about 90 percent of these different tribes as well as the administrative heads of this Bureau voted for Landon.

Mr. TABER. Mr. Chairman, I rise in opposition to the proforma amendment.

I had supposed most Members of the House had paid enough attention to the proceedings this afternoon to realize that every single objection or every single motion has been made upon its merits.

May I call the attention of the House to one particular thing which has been going on and which deserves attention, and this is the proviso that was stricken out on the point of order, at the bottom of page 26 and the top of page 27, where it is provided that the Secretary of the Interior shall have a lien for advances made to Indians upon their lands. I call attention to other provisions made throughout the bill which we have attempted to soften and take out, providing that the Secretary of the Interior shall get hold of all the title the Indians have to private property. If an Indian owns anything, and if the Department does not approve of it, instead of trying to develop the Indian by increasing his interest in owning land and in bettering himself, they are trying to get the title away from him and put it into corporations or community interests. This is an effort of which we on this side of the aisle do not approve. It is, to my mind, a communistic effort to deprive the Indians of all right to private property. All the way through this operation that effort has been prominent.

I had supposed the membership of the House had begun to realize what it is we are shooting at. Is it not time the House took a serious instead of a flippant attitude toward legitimate,



honest amendments which are made for the protection of the Indians all the way through?

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For the development, under the direction of the Commissioner of Indian Affairs, of Indian arts and crafts, as authorized by the act of August 27, 1935 (49 Stat., p. 891), including personal services, purchase and transportation of equipment and supplies, purchase of periodicals, directories, and books of reference, purchase and operation of motor-propelled passenger-carrying vehicles, telegraph and telephone services, cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station, expenses of exhibits and of attendance at meetings concerned with the development of Indian arts and crafts, traveling expenses, including payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of members of the Indian Arts and Crafts Board, serving without other compensation from the United States, while absent from their homes, not to exceed \$2,500 for printing and binding, and other necessary expenses, \$50,000, of which not to exceed \$16,000 shall be available for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay any salary at a rate exceeding \$7,500 per annum.

Mr. PLUMLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLUMLEY: On page 30, line 7, strike out "\$50,000" and insert "\$42,500."

Mr. PLUMLEY. Mr. Chairman, this is an attempted increase of \$7,500 over last year's appropriation. In my judgment, it is not justified as a necessity, or for any other reason except that the Bureau wants to spend the money, and the Bureau's spending capacity is unlimited. Now is the time to stop this needless extravagance.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee accepts the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. PLUMLEY].

The amendment was agreed to.

The Clerk read as follows:

Arizona: Colorado River, as authorized by and in accordance with section 2 of the Rivers and Harbors Act, approved August 30, 1935 (49 Stat., pp. 1039, 1040), \$700,000, reimbursable; Fort Apache, \$10,000, reimbursable; Hopi, \$25,000, reimbursable; Navajo, Arizona and New Mexico, \$60,000, reimbursable; Salt River, \$650,000, reimbursable; San Xavier, \$30,000, reimbursable.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 39, line 8, strike out all of lines 8, 9, 10, and 11 down to the word "Fort."

Mr. RICH. Mr. Chairman, this cuts from the bill an item of \$700,000 in connection with the Colorado River in Arizona. We discussed the matter with representatives from the Department of the Interior and those who are very much interested in irrigation, and asked where, if we were to cut down this bill, the appropriations should be cut. One of the items which was mentioned by those who know the conditions on the Indian reservations and in the Reclamation Service was this item. It is necessary to cut down this bill. Here is an item which can be cut out as one of the least meritorious items. I hope the members of the Committee will give consideration to this and strike this \$700,000 from the bill.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. WHITE of Idaho. Is not the last word the gentleman wants to strike out the word "reimbursable"?

Mr. RICH. Yes.

Mr. WHITE of Idaho. Is not this money to be repaid?

Mr. RICH. These amounts are supposed to be reimbursable, to go back into the Treasury, but I may say that this is just a misnomer. It just does not happen that these moneys are returned to the Treasury. This is one of the things they have in here to pull the wool over a man's eyes, as it were, in an attempt to make the taxpayers of this country believe the money will be repaid.

Mr. WHITE of Idaho. I assume the gentleman is familiar with the record of the Bureau of Reclamation of the Department of the Interior?

Mr. RICH. That is all right, and I think the sooner this Congress cuts out the "reimbursable" feature of these bills, the better it will be for the country at large.

Mr. O'CONNELL of Montana. Does the gentleman mean the amounts are not repaid?

Mr. RICH. Certainly, you do not pay them back. The Government never gets the money.

Mr. O'CONNELL of Montana. You always get the money.

Mr. RICH. We never get the money, and yet you call them "reimbursable."

Mr. WIGGLESWORTH. Is it not a fact that little or no work has been done on this project, so if the condition of the Treasury calls for stopping the expenditure, we can stop where we are?

Mr. RICH. This project can be cut out now without any expenditure of funds. This is the beginning of something new on this proposal.

Mr. WIGGLESWORTH. Will the gentleman state what total expenditure is contemplated if we embark upon this project?

Mr. RICH. On this particular item, I think the greater part of the item is covered. This is not like the Gila project in Arizona, where you spend a million and a quarter and ultimately it is going to cost eighty millions.

This project can be cut out now and it will be a fine thing for the country, and Arizona is not going to suffer.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield further?

Mr. RICH. I yield.

Mr. WIGGLESWORTH. It is my impression that this is a part of a \$10,000,000 project extending over a period of more than 5 years. Am I correctly informed about this?

Mr. RICH. I would have to refer to the justification on this particular item; but the project can be eliminated now without any detriment to anybody.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

This project is clearly authorized by law and it is clearly in accordance with the policy of the Government in dealing with its Indian wards. The appropriation is for the purpose of securing farms and homes so that these Indians may be self-supporting.

This is a reimbursable project, and I therefore ask that the amendment of the gentleman from Pennsylvania be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 23, noes 63.

So the amendment was rejected.

Mr. PLUMLEY. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. PLUMLEY: On page 39, line 11, strike out "\$700,000", and in line 13 strike out "Salt River, \$650,000."

Mr. PLUMLEY. Mr. Chairman, I withdraw the first part of the amendment and will confine the amendment to the suggestion that the item of \$650,000 for Salt River be stricken out of the bill.

The CHAIRMAN. The gentleman from Vermont is recognized for 5 minutes.

Mr. PLUMLEY. Mr. Chairman, I am not opposed to reclamation as such, but I am opposed to this program of reclamation as against the program of the Secretary of Agriculture for restricted production, and three-quarters of a million dollars is an awful lot of money up where I come from. I am reminded of the story of the boy who came home from school at night crying, and his father asked him what he was crying about and he said, "I am crying because I told the teacher what you said a million dollars is", and the father said, "What did I tell you", and the boy replied, "You said it's a hell of a lot of money." [Laughter.]

I agree with that, and I move the adoption of the amendment, Mr. Chairman.

Mr. MURDOCK of Arizona. Mr. Chairman, I rise in opposition to the amendment.



Mr. Chairman, I have heard numerous attacks made upon various irrigation projects yesterday and today. I wish again to call attention to the fact that our Salt River Valley is the premier reclamation project of the entire West.

As I pointed out yesterday, the building of the Roosevelt Dam was begun in 1906 and finished in 1911. It was the first of the great reclamation projects built under the Newlands Act, which Theodore Roosevelt so heartily endorsed in 1902. Point to any other irrigation system in the West and you cannot find one that has been more successful financially and in every other respect. A total of about \$12,000,000 has already been spent in Government money on this concern, as compared with \$18,000,000 which the Salt River project has put of its own money into this development.

I told you yesterday that there was at first one dam out there, and now there are four great storage dams on this river. Of these four storage dams, three have been built by the Salt River Valley water users.

There is a tributary of the Salt River, which is a sizable stream, coming in from the north, the Verde River. It ought to be controlled. It is not controlled now, at least not yet. So the Gila is not fully controlled and the floods in the lower Colorado are consequently not entirely eliminated.

This appropriation has to do with building a dam on the Verde River as a part of the great Salt River Valley project.

The gentleman from Pennsylvania [Mr. RICH] comments upon the fact that this money is not reimbursable. I tell you that every penny which the Government has put into the Salt River Valley project has been repaid or is well secured and will be repaid.

Mr. RICH. Mr. Chairman, will the gentleman yield there?

Mr. MURDOCK of Arizona. Yes.

Mr. RICH. Is it not a fact that for practically every dollar of funds turned back to the reclamation fund they come right back here and ask that every dollar of it be spent in that particular locality, so where does the Federal Government get anything back into the Treasury under such conditions?

Mr. MURDOCK of Arizona. Mr. Chairman, it was the purpose of the law of 1902 to create a revolving fund, out of which these great projects should be initiated, and they, in turn, would pay back the moneys, and other projects would be started or old ones extended. Since the Salt River Valley project has been initiated and carried to such a successful conclusion, a score of other great projects in the West have been initiated, and some of these projects are paying themselves back.

Mr. RICH. But this money is not coming out of the irrigation or reclamation fund—it is coming out of the Treasury.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. Yes.

Mr. MURDOCK of Utah. Notwithstanding the large appropriations Arizona is asking here and also asks for the Gila project, you tell the Federal Government you will not sign the Colorado River compact to protect it and the sister States in the West that joined you—

Mr. MURDOCK of Arizona. There are two separate items involved here which cannot and must not be linked together. The Salt River Valley project is in central Arizona and is an old and established project, one of the first to be established in the West.

Mr. MURDOCK of Utah. But you refuse to sign that compact.

Mr. MURDOCK of Arizona. And I ask you to give this the backing it deserves.

If any man in this House can point out to me a more successful irrigation project than the Salt River Valley in Arizona, I will gladly yield to him.

Mr. PLUMLEY. Is it not true that in the gentleman's State, with the \$700,000 item that has just been approved, this Salt River project calls for a total increased expenditure of \$1,307,000?

Mr. MURDOCK of Arizona. I maintain it is a worthy investment, and the \$650,000 item the gentleman is objecting to is largely for the building of a dam on the Verde, which will give water, one fifth of the supply, to the Indians, on the Salt River Reservation, and carry toward completion this finest irrigation project we have. Without a dam on the Verde River, we must expect to have frequent floods on the lower Salt River, Gila River, and Colorado River. Although we are hereby bringing under flood control and utilizing the Verde River in central Arizona, its flood-control aspect is of vital interest even to Imperial Valley in California as well as the country around Yuma.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 49.

So the amendment was rejected.

The Clerk read as follows:

Montana: Flathead, \$200,000, reimbursable; Fort Belknap, \$12,000, reimbursable.

Mr. O'CONNOR of Montana. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. O'CONNOR of Montana: Page 39, line 18, insert after the word "reimbursable", "Crow, \$200,000, reimbursable."

Mr. O'CONNOR of Montana. Mr. Chairman, the matter that I am presenting to the Members of the House was presented to the Subcommittee on Appropriations. Testimony was offered by various witnesses, including the engineer for the Indian Department, and I doubt if there is a man on that committee who heard the evidence who does not realize the justification for putting this amendment into the bill. This involves the Crow Indian Reservation, one of the most arid scopes of territory in the Northwest, the finest land I think that ever lay outdoors, but absolutely useless unless you have water upon it. There is water available. The United States Government already, at a cost in excess of \$2,000,000, has constructed an irrigation system there, including 100 miles of canals, 98 main laterals aggregating a distance of 135 miles, 138 sublaterals aggregating 79 miles, and 1 drainage canal half a mile in length. Already, as I said, the Government has expended in excess of \$2,000,000 on this system, but did not build a dam to conserve the water so that it could flow through those canals and onto the land. The result is that the Indian Department has recommended, through its engineers, that there should be an additional appropriation of \$500,000 for construction of a dam, so as to impound the water and put it on the lands of the whites and Indians that live in that territory. I ask for \$200,000, and the balance necessary to complete the dam in 1938 of \$300,000. Today, due to lack of storage facilities, 85 percent of the water that is necessary to use on these lands, to irrigate them and raise crops on them so that the white people and the Indian people living there can maintain their families and keep off relief, gets away and flows into the Yellowstone River, thence to the Missouri River, and on down to the Mexican Gulf, not doing anybody any benefit.

It would be false economy to turn down this amendment this afternoon, because if you do you will keep these people on relief, both red and white, numbering in the neighborhood of 1,800—about 400 white families and 500 red families. This territory embraces an acreage in the neighborhood of 63,000 acres, with only 8,000 irrigated last year, because there was no water supply. If you turn this amendment down, you will put these people, both red and white, on relief again. I am pleading with you here this afternoon to do the right thing by the Crows. They have been one of the most peaceful tribes of Indians in the United States, as is disclosed by the records of the United States Army. I ask you to give us this \$200,000 so that those people can build the dam and use the water on these lands. It has been approved by the Interior Department. It has not been approved, so far as I know, up to date by the Budget



Bureau, but the Budget Bureau should not be permitted to control a situation as respects human beings about which it knows nothing.

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

Mr. O'CONNOR of Montana. Yes.

Mr. LAMBERTSON. I believe it is one of the richest valleys and one of the most deserving small projects in the West.

Mr. O'CONNOR of Montana. Yes.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. O'NEAL of Kentucky. Mr. Chairman, I rise in opposition to the amendment. Our committee listened to many statements made with reference to projects and nearly all of them appealed to our sympathies and made us wish to grant what the proponents were asking. The gentleman from Montana [Mr. O'CONNOR] appeared before us and in the very forceful way he has of speaking presented his case. He made a very distinct impression. We would like to have gone with him as we would on hundreds of other projects that had been presented, directly and indirectly. I dare say if we had voted what had been sought of us, we would have increased this bill by \$50,000,000.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL of Kentucky. In a moment. We simply could not grant everything asked of us, much as we would have liked to.

However, this is one project, although very meritorious, which does not stand in quite as good grace as some of the others, because this has never been presented to the Budget. This has never been acted upon by the Budget. It is bad enough to increase the Budget, but certainly not increase something that has not been presented to the Budget.

This project has already had spent on it by the Federal Government over \$2,000,000. There are many other worthy projects that have not yet had any help from the Federal Government.

Furthermore, in this bill the Crow proposition has \$40,000 of Government money to provide for maintenance and upkeep. Surely we are being generous to this group. It will have an opportunity next year. I ask the Committee in the interest of economy and in the interest of fair play to all projects to support the committee and vote down this amendment.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield.

Mr. O'CONNOR of Montana. Is it not a fact that the Government of the United States is today spending hundreds of millions of dollars in resettling farmers, moving them from one territory to another, so that they can make a living?

Mr. O'NEAL of Kentucky. I understand that is true.

Mr. O'CONNOR of Montana. Is it not better to resettle those people and keep them in their own homes where they have their own livestock and everything to work with? Is it not better than to send them to countries that they know nothing about when it can be done by giving these people this small amount of money we are asking for?

Mr. O'NEAL of Kentucky. I am not prepared to say it is better to settle them on the Crow Reservation than on 50 other places.

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

Mr. O'NEAL of Kentucky. I yield.

Mr. HEALEY. After all of these items on page 39 there appears the word "reimbursable." Would the gentleman please explain to the Committee from what source this reimbursement is to be made?

Mr. O'NEAL of Kentucky. The information that came to the committee was that construction and use of the water is supposed to be reimbursed by those who get the benefit. From a practical standpoint, the Indians, so we are told, seldom ever expect to pay for the cost of construction—to reimburse the Government for that. The whites are ex-

pected to do so, and may do so; but for the maintenance costs and the use of the water and the cost of it, that is reimbursable by both.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. O'NEAL] has expired.

Mr. GREEVER. Mr. Chairman, I move to strike out the last word.

I rise, Mr. Chairman, to say a few words in support of the amendment offered by the gentleman from Montana [Mr. O'CONNOR]. This project is not in my State, but I am familiar with it, because it lies directly north of our State line, in a very fertile valley, known as the valley of the Little Big Horn, and runs through the Crow Reservation. It contains some of the finest land there is anywhere in the United States.

It pictures today an unhappy proposition, as was presented by the gentleman from Montana [Mr. O'CONNOR] in his remarks a few moments ago, and as he presented it to the committee, along with other gentlemen from that area. There are about 2,400 families who are directly affected in this reclamation project, part of whom are Indians and part of whom are white people. There has been about \$2,000,000 spent upon that project, if I remember the figures correctly. Unfortunately, there is not enough storage water at the present time to properly irrigate those lands. There are 2,400 families who are possessed of their buildings, their flocks, and all of the things that go with a farm, and yet they do not have the water to make them successful and make them economically independent. I believe this \$200,000 which the gentleman is asking for is one of the best expenditures that could be made.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield.

Mr. MURDOCK of Utah. Does it not occur to the gentleman that \$200,000 is a very small investment to make available the \$2,000,000 that has already been spent on the project?

Mr. GREEVER. Yes; that is true. I thank the gentleman for that contribution. I do want to say, however, in all fairness, that ultimately the cost of this will be about \$500,000. The gentleman is asking for \$200,000 at this particular time.

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

Mr. GREEVER. I yield.

Mr. CULKIN. The Milk Water project in Montana is about on all fours with this, is it not?

Mr. GREEVER. I do not know anything about that proposition.

Mr. CULKIN. Under the set-up of the Milk Water project and the financing of it, which cost the Government something in excess of \$6,000,000, it will take 7,000 years to pay for it.

Mr. GREEVER. I know nothing about the situation there; but I do want to say that I know this irrigated land, and I know that this is a case where we can do some real good.

You are not bringing any land into cultivation here. What you are doing is to rehabilitate farmers right on their own lands. It is a supplemental water supply, purely.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield.

Mr. O'CONNOR of Montana. Is it not a fact that every dollar the United States Government puts in there on this dam and irrigation system is protected by a lien upon their land; that the Government has always got the land as security to repay the loan?

Mr. GREEVER. That is true, and in addition I may say that it will take care of the relief situation throughout the Little Horn Valley.

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

Mr. GREEVER. I yield.

Mr. RICH. The Members know that I have been tireless in my efforts to save money for the Treasury. There are three or four items in the bill calling for \$12,000,000 projects.



A lot of money could be saved on these items. The particular amendment under discussion, however, is one that I believe should be adopted, for I believe it will be money well spent.

Mr. GREEVER. I know that the gentleman from Pennsylvania, with his analytical study of appropriation bills and the money spent by Congress, is in favor of most of these reclamation projects.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield.

Mr. O'NEAL of Kentucky. Are there not any number of projects for which the same argument could be made with equal justification? Should we not justify the pouring out of many, many millions along the same line, and would it not be for the best interests of the country?

Mr. GREEVER. That is absolutely true.

Mr. O'NEAL of Kentucky. No one is questioning the desirability of this item.

[Here the gavel fell.]

Mr. O'CONNELL of Montana. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise in support of the amendment of my colleague from Montana [Mr. O'CONNOR]. I think the committee has done a wonderful job in its handling of this bill and I compliment them on the splendid work they have done. I am particularly grateful to them for the way I was treated in this bill and for what was done where my district was concerned; but I think that if the Members of this House will sit down and figure out the meritorious proposition that this amendment provides for, the meritorious project that this Crow Indian Reservation really asks for, on which \$2,000,000 has already been spent, they will vote for this amendment. That \$2,000,000 will have been spent for nothing if this additional storage is not provided, so that water will actually flow through these canals and ditches to irrigate this land.

This little item of \$200,000 will permit these Indians to rehabilitate themselves on their own lands. It is a real solution for the relief problem, it is a real solution to the resettlement problem, it is a real solution to everything that is wrong down on that little reservation.

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

Mr. O'CONNELL of Montana. I yield.

Mr. GREEVER. Is it not a fact that all of the ditches and the irrigation structures are there now and that the only thing that would have to be constructed would be the dam for the supplemental water supply?

Mr. O'CONNELL of Montana. That is true.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. O'CONNELL of Montana. I yield.

Mr. O'CONNOR of Montana. Is it not further a fact that without the construction of this dam every cent the Government has already spent there will be money thrown away?

Mr. O'CONNELL of Montana. That is true. I think that the finest argument in favor of this proposition is the remark of the gentleman from Pennsylvania [Mr. RICH]. Time and time again he has taken the floor and opposed projects, but he believes that this is a meritorious project. He tells us something ought to be done about it. I think that is the best argument that has been made on the floor in favor of it.

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

Mr. O'CONNELL of Montana. I yield.

Mr. RICH. I will vote for this amendment if you fellows will vote to cut some \$12,000,000 or \$16,000,000 from the bill that I will point out in about half an hour.

Mr. O'CONNELL of Montana. I am glad the gentleman is going to vote with us on this proposition, and I hope the Members on this side will vote with us, too.

By unanimous consent, the pro-forma amendments were withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from Montana.

The question was taken; and on a division (demanded by Mr. O'NEAL of Kentucky) there were—ayes 41, noes 19.

So the amendment was agreed to.

The Clerk read as follows:

In all, \$2,088,000 to be immediately available, which amount, together with the unexpended balances of funds made available under this head in the Interior Department Appropriation Act, fiscal year 1937, shall remain available until June 30, 1938: *Provided*, That the foregoing amounts may be used interchangeably in the discretion of the Secretary of the Interior, but not more than 10 percent of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 15 percent: *Provided further*, That the cost of the foregoing irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law, shall be apportioned on a per-acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph, page 40, lines 16 to 23, inclusive, that it is legislation on an appropriation bill. Beginning in line 10 there is a proviso that the—

Foregoing amounts may be used interchangeably in the discretion of the Secretary of the Interior, but not more than 10 percent of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 15 percent.

Mr. Chairman, that imposes an additional duty and discretion upon the Secretary of the Interior.

Further, beginning in line 15, there is a proviso that the cost of the irrigation project shall be apportioned on a per-acre basis against the land and shall be collected by the Secretary of the Interior. That means there is an additional duty imposed upon the Secretary to apportion the cost of the irrigation project and of operating and maintaining them.

The last part, beginning in line 20 and running through line 23, provides that unpaid charges shall be a first lien against all of those lands.

I therefore make a point of order against the paragraph.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard?

Mr. JOHNSON of Oklahoma. I do not desire to be heard.

The CHAIRMAN. The gentleman from New York [Mr. TABER] makes a point of order against the paragraph appearing on page 40, beginning in line 6 and extending down to and including line 23.

The Chair invites attention especially to the language appearing in lines 20, 21, 22 and 23, which reads as follows:

And unpaid charges outstanding against such land shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such land.

The Chair is of opinion this is legislation on an appropriation bill not authorized under the rules of the House, and therefore sustains the point of order as to the paragraph as a whole.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 40, line 5, insert a new paragraph, as follows:

"In all, \$2,088,000 to be immediately available, which amount, together with the unexpended balances of funds made available under this head in the Interior Department Appropriation Act, fiscal year 1937, shall remain available until June 30, 1938: *Provided*, That the foregoing amounts may be used interchangeably in the discretion of the Secretary of the Interior, but not more than 10 percent of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 15 percent."

Mr. TABER. Mr. Chairman, I make a point of order against the proviso in the amendment on the ground it calls for additional duties on the part of the Secretary of the Interior and is not authorized by law. It provides for the same as covered by lines 10 to 15, page 40, of the bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not care to be heard.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York makes the point of order against the language appearing in the proviso beginning in line 10, page



40, on the ground it is legislation on an appropriation bill and that it adds additional duties to the Secretary of the Interior.

The Chair is of opinion that the language included in this proviso, fairly construed, would mean an exercise of the discretion of the Secretary of the Interior that should properly be exercised by an executive officer of the Government. Certainly, if the specific items or duties here referred to were set out specifically and separately, there could be no doubt that they would be proper duties and functions to be discharged by the Secretary.

The Chair feels that a fair construction is that he should have the right in the exercise of his discretion to perform these duties in the manner indicated. The Chair does not feel this is legislation on an appropriation bill, in violation of the rules of the House, and therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The amendment was agreed to.

The Clerk read as follows:

Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from boarding schools in Alaska; purchase, repair, and rental of school buildings, including purchase of necessary lands; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of vessels; and all other necessary miscellaneous expenses which are not included under the above special heads, \$690,000, to be immediately available and to remain available until June 30, 1939: *Provided*, That a report shall be made to Congress covering expenditures from the amount herein provided for relief of destitution.

Mr. DIMOND. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIMOND: Page 49, line 17, after the word "education", insert "and relief of destitution."

Mr. DIMOND. Mr. Chairman, the language which I propose to insert on page 49, line 17, "and for the relief of destitution", is contained in the Budget that was sent to Congress. It does not enlarge the appropriation, but it does unquestionably authorize the Secretary of the Interior to spend a part of the appropriation for the relief of destitution.

It is likely, Mr. Chairman, that the word "support", already in the bill, is broad enough to take care of relief of destitution, but no man in the world can tell what the view of the Comptroller General may be upon this particular question. So in order to put it within the power of the Secretary of the Interior, beyond any doubt, to spend a reasonable amount of the appropriation for the relief of destitution among the natives of Alaska—and that expenditure is direly needed by many of the natives—I have suggested this language.

Before I proposed this amendment I took the matter up with a representative of the Indian Bureau who advised me that while he thought the language now in the bill was perhaps adequate it would be much safer to offer the amendment which I have just now suggested.

It will be seen from a reading of the paragraph that the appropriation carried therein—\$690,000—is, in the present form of the bill, for the "support and education" of the natives of Alaska. The amendment I have proposed will enlarge the language quoted so that it will read "for support and education and relief of destitution" of the natives of Alaska.

It may be of historical interest to the House to be reminded that the words "relief of destitution" did not appear in any similar appropriation bill for the natives of Alaska until last year. Then, for the first time, at my request, Congress explicitly authorized an appropriation for the relief of destitution of the natives of Alaska and fixed the amount at \$25,000. The Budget for the fiscal year 1938, for which we are now appropriating, contains an estimate of \$32,900 for a similar purpose.

I note, Mr. Chairman, that the amount for relief of destitution is not stated in the bill, but I am informed that the specification of the amounts for this and other items has been omitted at the request of the Department as an administrative convenience, and that the Budget estimates will be followed so far as possible within the limits of the appropriation. For example, the appropriation bill for the current year, in the corresponding paragraph, contained a statement of specific sums for equipment, supplies, fuel and light, for repairs of buildings, for freight and operation and repairs of vessels, for rentals, for telephone and telegraph service, and for traveling expenses, while no such itemized or detailed sums are set out in the bill now before us. It is easy to understand the advantage of having the bill in its present form. But it is my understanding that, with the addition of the language I have proposed, the approximate sum of \$32,900 will be used for the relief of destitution.

Of course, the amount suggested by the Budget is insufficient for the relief of destitution among the natives of Alaska. It will not do half the job that ought to be done. If you could know of the pitiful cases which are brought to my attention, you would, without any urging from me, materially increase the appropriation. It ought to be increased. More, much more, money is needed for both education and for relief of destitution of the natives of Alaska. Even with the amount contained in this bill, at least 1,000 of the native children of Alaska will be without opportunities for education, and many of those in distress will not be able to obtain any relief. While I am deeply sensible of the careful consideration given the appropriations for the natives of Alaska, as well as all other appropriations embraced in the bill, by the subcommittee, and the courteous and sympathetic attention accorded my statement when I testified before the subcommittee, and while I am particularly appreciative of the fact that at my urgent request the subcommittee went above the figures proposed in the Budget in order to supply funds for further distribution of reindeer among the natives of Alaska, I must, with all respect, insist that the appropriations carried in this bill for the support and education and relief of destitution of the natives of Alaska, and, further along in the bill, for the medical relief of the natives, are insufficient. But I know too well the present temper of the House to think that a proposal by me to amend these items so as to increase the sums set out in the bill would be anything more than a useless gesture. The amendment which I have offered is, I am sure, in harmony with the policy of Congress as set out in the appropriation bill for the fiscal year 1937, definitely approved by the Bureau of the Budget, and that it really expresses the intent of the subcommittee.

The Committee will note that the last proviso of the paragraph reads as follows:

*Provided*, That a report shall be made to Congress covering expenditures from the amount herein provided for relief of destitution.

After all, that is a clear inference that relief of destitution was intended to be covered by the committee as well as by the Budget.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman's amendment is not objectionable to the committee. We accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the Delegate from Alaska [Mr. DIMOND].

The amendment was agreed to.

The Clerk read as follows:

#### GENERAL SUPPORT AND ADMINISTRATION

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, \$2,600,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 54, line 25, strike out "\$2,600,000" and insert in lieu thereof "\$2,386,500."

Mr. TABER. Mr. Chairman, this is another effort to bring the appropriation down in this particular spot to where it was last year. It represents an increase of \$214,000 above last



year's appropriation. If we are going to run wild with this bill and increase the appropriations over last year's appropriations, as we have been doing so far, there is going to be no limit to what they will ask. Next year you will see them come in here with another attempt to increase the amount 10 percent. Ten percent a year on every single item is going to run into a lot of money after 5 or 6 years have passed. It has run into a tremendous lot of money in the last few years. I hope this amendment will be adopted, and that, finally, we will begin to cut appropriations on those things which absolutely ought to be taken care of on the basis of what was allowed for the current year.

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is another item where the committee made a very drastic cut below the Budget estimate, the cut amounting to \$120,470. We feel the amendment of the gentleman from New York is not justified.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

Mr. DISNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DISNEY: Page 54, line 5, change the amount "\$2,600,000" to "\$2,604,600."

Mr. DISNEY. Mr. Chairman, this is a small item, \$4,600, and I think the amendment is not objectionable to the committee. The amendment refers to the necessary salary of a special attorney, whose duties relate to the Osage and the Five Civilized Tribes. This amount was omitted rather by inadvertence. I hope the committee will accept the amendment. This special attorney is on the job and rendering a very valuable service.

I call the attention of the committee to the fact that the Osages run their own reservation out of tribal funds. All the expenses of the reservation are managed and paid by them. This item is of assistance in that regard.

Mr. JOHNSON of Oklahoma. Mr. Chairman, as a member of the committee, I may say we will accept the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

North Carolina: Cherokee, \$18,000, together with the unexpended balance under this head for the fiscal year 1937.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, all these items on pages 56, 57, and down through line 5 on page 58 are increases of the Budget estimates, totaling \$156,000. It does seem the committee should have been able to get along without such a tremendous increase. I hope there will be some idea of keeping appropriations down. This amount is above the Budget estimate. I hope we can cut down the appropriation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the items referred to by the distinguished gentleman from New York [Mr. TABER] all come out of tribal funds, not out of the Treasury. In every instance these requests were made by the Indians themselves, who must pay the bill. In almost every instance they passed a formal resolution which was forwarded to the committee. These requests were also made by the Indian Bureau. Therefore the committee felt justified in granting the slight increases.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

Utah: Uintah and Ouray, \$7,100, of which amount not to exceed \$3,000 shall be available for the payment of an agent employed under a contract, approved by the Secretary of the Interior.

Mr. WIGGLESWORTH. Mr. Chairman, I make the point of order on the paragraph beginning in line 11 and ending in line 14 of page 57 that there is no authorization in law for the appropriation recommended.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the Snyder Act certainly is authorization for the support of Indians, and

there is no question of that being in order. I may state to the gentleman why this item is in here if he desires to hear the explanation.

Mr. WIGGLESWORTH. Mr. Chairman, if I may call the attention of the Chair to page 1357 of the hearings, it appears the Comptroller General has ruled that the law authorizing this appropriation applies to general counsel, a member of the bar, and not to an agent.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I may say in reply to the gentleman that this does not alter the fact that the Committee is permitted to make the appropriation, if it desires to do so, even though the item has been turned down by the Comptroller General. Certainly the Committee has the authority to do so under the Snyder Act.

Mr. Chairman, if you will read the Snyder Act, you will find it provides for the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees. Therefore, the committee was clearly within its rights in making this appropriation.

Mr. Chairman, as a further explanation to the gentleman of why the Comptroller General turned down this item, I may say it was turned down on one point, and one only, that the gentleman who performed this service had not been admitted to the bar and was not a lawyer. The gentleman who performed the service, Mr. Bonnin, had formerly been in the Indian Service and was familiar with Indian matters. The Indians came to him and asked that he perform the service, which he did. The Indians owe him this money. They are anxious to pay him. This language simply provides that he shall be paid as an agent and not as an attorney. I may say that the gentleman never held out to the Indians that he was an attorney. They knew he was not a lawyer. He performed the service, and they owe him compensation and want to pay him. It would, certainly, be grossly unfair to deny this amount, to which he is entitled.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Massachusetts [Mr. WIGGLESWORTH] makes a point of order against the language appearing on page 57, lines 11 to 14, inclusive, on the ground it is legislation on an appropriation bill and not authorized by existing law.

The Chair has examined the statement in the hearings to which the gentleman from Massachusetts has invited attention, and especially is impressed by the following statement contained in the hearings:

The contract was approved on March 2, 1937, by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with sections 2103 and 2106 of the Revised Statutes of the United States.

This would clearly indicate to the Chair that the law to which reference is here made would be authority for the contract. It appears that the contract was made and the discharge of the duty entered upon under the provisions of the contract.

Attention is also invited again to the so-called Snyder Act which, among other things, provides for the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees. The language of the bill to which the point of order is directed provides for the sum of \$7,100, of which amount not to exceed \$3,000 shall be available for the payment of an agent employed under a contract approved by the Secretary of the Interior.

The Chair is of the opinion that this provision is clearly within the scope of existing law to which attention has been invited, and therefore is not legislation on an appropriation bill in violation of the rules of the House. The Chair overrules the point of order.

The Clerk read as follows:

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds): For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Okla., including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; payment of damages to individual allottees; repairs to buildings, rent



of quarters for employees, traveling expenses, printing, telegraphing, and telephoning, and purchase, repair, and operation of automobiles, \$189,180, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That not more than \$500 of the foregoing amount may be used for defraying the cost of an appeal in the case of *Tucker v. Mullendore*: *Provided further*, That no more than \$1,800 may be used for the employment of a curator for the Osage Museum, which employee shall be an Osage Indian and shall be appointed without regard to civil-service laws and regulations upon the recommendation of the Osage tribal council.

Mr. PLUMLEY. Mr. Chairman, I make a point of order with respect to the paragraph commencing on page 59, line 11, and ending on page 60, at the end of line 5, that it is legislation on an appropriation bill, contrary to the rules of the House, especially that portion of the paragraph in line 25 which reads as follows:

*Provided further*, That not more than \$1,800 may be used for the employment of a curator for the Osage Museum—

And so forth.

Mr. JOHNSON of Oklahoma. Mr. Chairman, if the gentleman will refer to section 12 of the Wheeler-Howard Act, he will find that they are permitted to employ these agents in an administrative capacity without reference to the civil-service laws. Therefore, the committee was clearly within its rights and a point of order certainly does not lie against this provision.

I may also state, Mr. Chairman, that the curator positively will be an Indian and the provision referred to applies to Indians and the money is payable out of Indian tribal funds and does not come out of the Treasury.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Vermont makes the point of order against the proviso appearing in line 25, page 59, and extending through the first five lines of page 60, on the ground it is legislation on an appropriation bill.

The Chair has examined the so-called Wheeler-Howard Act and invites attention to section 12 of that act, which is as follows:

The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed without regard to civil-service laws to the various positions maintained now or hereafter by the Indian Office in the administration of functions or services affecting any Indian tribe; such qualified Indians shall hereafter have the preference to appointment when such vacancies in any such position occur.

The Chair is of the opinion that the provision of existing law to which attention has been invited is ample authority for the appropriation here made, and would also invite attention to the fact that the proviso to which the point of order is made states that the employee shall be an Osage Indian, coming clearly within the provisions of existing law.

The Chair is of the opinion the provision is not in violation of existing law and is not legislation on an appropriation bill in violation of the rules of the House, and therefore overrules the point of order.

Mr. PLUMLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLUMLEY: Page 59, line 21, strike out "\$189,180" and insert "\$159,180."

Mr. PLUMLEY. Mr. Chairman, this paragraph seeks to appropriate \$189,180 and my amendment proposes to strike that out and insert \$159,180, which is the amount of the appropriation for last year. The Budget recommendation was for only \$177,000, and I insist that the House should adopt my amendment and put this appropriation back on the basis of last year's bill of \$159,180, as nothing has been shown, so far as I have been able to learn, which would justify an application for an increase.

Mr. JOHNSON of Oklahoma. Mr. Chairman, again I remind the gentleman that this is a tribal fund, and it affects the Osage Indians, the richest Indians on the face of the earth. This is one tribe of Indians that never asks the Government of the United States for a dime in any way, and regardless of what we may think, whether it is \$89,000, or \$189,000 or \$1,189,000, it would come out of the funds of the Osage Indians. They want it, and they are using it to

help themselves and have asked for it, and the committee heard the evidence and thought the Indians were justified in spending their own money in a reasonable manner.

Mr. PLUMLEY. Mr. Chairman, I do not believe the gentleman himself subscribes to the proposition that the funds should be spent wantonly and recklessly, and therefore I insist that my amendment is well founded and should be supported.

Mr. JOHNSON of Oklahoma. Mr. Chairman, if the gentleman had given any evidence that it is proposed to be spent wantonly or recklessly then I would agree with the gentleman, but the gentleman did not hear the evidence before the committee, and the committee was unanimous as I recall it on this item.

Mr. PLUMLEY. Will the gentleman yield for a suggestion?

Mr. JOHNSON of Oklahoma. Yes.

Mr. PLUMLEY. I base my judgment and my opinion upon the fact that the Budget after a full hearing decided that \$177,000, which is \$19,000 too much, in my opinion, was sufficient.

Mr. JOHNSON of Oklahoma. Some matters came up in connection with the Osage Indians after the Budget had submitted its estimate. That estimate was prepared several months ago. A representative of the Indian Office, as I recall, also came before the committee and requested that the item be granted.

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

Mr. JOHNSON of Oklahoma. Yes.

Mr. RICH. I think the gentleman will agree with me that the tribal funds that are being expended are fast becoming depleted, and it will not be long when some tribal funds will be completely exhausted. It is necessary to be very cautious not only in this instance, but in all instances in spending tribal funds, because it has been brought to light by those in authority that as a rule the Indians are not careful enough with their funds, and if they spend their tribal funds they will have to come to the Federal Treasury for money for all these purposes.

Mr. JOHNSON of Oklahoma. I agree with the gentleman in a general way in his statement and I expressed the same opinion on the floor of the Committee this afternoon, but the exception to this rule is to be found in the case of the Osage Indians. They have never asked the Government for anything, and we do not believe that they are asking for anything unreasonable in this item.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The amendment was rejected.

The Clerk read as follows:

For administrative expenses, including personal services in the District of Columbia and elsewhere; not to exceed \$2,500 for printing and binding; purchase of periodicals, directories, and books of reference; purchase and operation of motor-propelled passenger-carrying vehicles; traveling expenses of employees; rent of office and storage space; telegraph and telephone tolls; and all other necessary expenses not specifically authorized herein, \$175,000; in all, \$1,866,500, to be immediately available and to remain available until June 30, 1939: *Provided*, That the Secretary of the Interior may employ under contract, and without advertising therefor, such architectural and engineering services as may be necessary for the preparation of designs, plans, and specifications for the buildings or utilities herein provided for, the cost of such services to be paid from the amount authorized for the project involved, but traveling expenses of such architects and engineers shall be chargeable to the amount authorized for administrative expenses: *Provided further*, That not to exceed 5 percent of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 5 percent by any such transfer.

Mr. DITTER. Mr. Chairman, I reserve the point of order with regard to the last paragraph and I make the reservation in order to ask the chairman of the committee with respect to the authorization for that which is contained in that portion of the paragraph beginning in line 21 and extending to line 25, page 61. I would like to have a statement made by the chairman of the subcommittee as to the authorization for this particular project.



Mr. SCRUGHAM. That is under the regular authorization act for roads and trails.

Mr. DITTER. Mr. Chairman, as a result of the assurance of my distinguished colleague from Nevada, I withdraw the point of order.

The Clerk read as follows:

For cooperation by the Indian Service in the construction of a highway through the Owyhee Canyon connecting the Western Shoshone Reservation in Nevada with the reservoir which is a part of the reservation irrigation project, \$40,000.

Mr. DITTER. Mr. Chairman, I make the point of order against the paragraph beginning in line 12, page 64, and ending in line 10, page 65, and I base that point of order upon the fact that there is a distinct delegation of authority extending the powers of the Secretary of the Interior, particularly with respect to that part of the paragraph starting in line 21, in which the Secretary of the Interior is authorized to employ under contract and without advertising such architectural and engineering services as may be necessary. There seems to be no question with respect to the fact that that materially extends the authority and power of the Secretary, and, while I am reluctant to have to press the matter, I feel that in the interest of good legislation I must do so.

The CHAIRMAN. Does the gentleman make the point of order as to the proviso?

Mr. DITTER. I make the point of order as to the entire paragraph and base it on the provision to which I have just made reference.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. No; I do not care to be heard. I want to pass this bill.

The CHAIRMAN. The Chair is of opinion that especially the language referred to by the gentleman from Pennsylvania in the proviso in line 21 is legislation on an appropriation bill and a violation of the rules of the House. The Chair, therefore, sustains the point of order.

Mr. DITTER. Mr. Chairman, in order to expedite the business of the House, I shall confine my objection to the proviso and therefore make it unnecessary for the distinguished chairman of the subcommittee to present an amendment.

Mr. JOHNSON of Oklahoma. I thank the gentleman for that, if that can be done.

The CHAIRMAN. The Chair has already sustained the point of order to the entire paragraph, and it has gone out of the bill. That is the reason the Chair inquired of the gentleman as to whether he made his point of order against the proviso alone. If he had done so, he would have accomplished the purpose he now suggests.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 64, line 11, insert a new paragraph, as follows:

"For administrative expenses, including personal services in the District of Columbia and elsewhere; not to exceed \$2,500 for printing and binding; purchase of periodicals, directories, and books of reference; purchase and operation of motor-propelled passenger-carrying vehicles; traveling expenses of employees; rent of office and storage space; telegraph and telephone tolls; and all other necessary expenses not specifically authorized herein, \$175,000; in all, \$1,866,500, to be immediately available and to remain available until June 30, 1939: *Provided*, That not to exceed 5 percent of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 5 percent by any such transfer."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

Gila project, Arizona, \$1,250,000: *Provided*, That any right to the use of water from the Colorado River acquired for this project and the use of the lands and structures for the diversion and storage of the same shall be subject to and controlled by the Colorado River Compact, as provided in section 8 of the Boulder Canyon

Project Act, approved December 21, 1928 (45 Stat. 1062), and section 2 of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1040);

Mr. LEWIS of Colorado. Mr. Chairman, I make a point of order against the paragraph beginning on page 76, line 20, down to the bottom of the page and continuing on down through and including line 3, on page 77, on the ground that this item of appropriation has not been authorized by law, and, further, that it is contrary to law. No authorization has been enacted for this item.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard upon the point of order? The gentleman from Colorado [Mr. LEWIS] makes a point of order against the paragraph and especially cites the language contained in the proviso.

Mr. LEWIS of Colorado. No, Mr. Chairman. I make the point of order against the entire paragraph, because the appropriation has not been authorized by law, and on that ground only at this time.

The CHAIRMAN. The Chair misunderstood the gentleman.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee feels that this is clearly in order. This work is already going on now and it is simply a continuation of work. I yield to the gentleman from Nevada [Mr. SCRUGHAM], who is much more familiar with this project than I and who, I am sure, will be glad to discuss the matter.

Mr. SCRUGHAM. Mr. Chairman, this is clearly authorized. The work is now in progress under construction contracts on the Imperial Dam and desilting work; on the gravity main canal and tunnels, the power-house substructure, and additional work has been advertised. On March 31, 1937, \$2,119,457 had been expended and obligated. In the opinion of the committee, the work was clearly authorized.

The CHAIRMAN. The Chair regrets he is unable to hear the gentleman from Nevada. The Chair is anxious to hear the gentleman or someone with reference to the proviso against which the point of order has been made.

Mr. LEWIS of Colorado. My point of order is based on the entire paragraph.

The CHAIRMAN. The Chair understands the gentleman makes the point of order to the entire paragraph?

Mr. LEWIS of Colorado. Yes, sir; particularly on the ground that it has not been authorized by law.

The CHAIRMAN. However, the Chair is especially anxious to hear from some gentleman in charge of the bill on the gentleman's point of order, and especially with reference to the proviso beginning in line 20 on page 76.

Mr. SCRUGHAM. The Gila project is already in progress—

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. SCRUGHAM. I yield.

Mr. MICHENER. The gentleman says it is now in progress. Is it progressing? How was it started, and what is it doing?

Mr. SCRUGHAM. Funds were allotted by the President, \$1,800,000. Funds heretofore appropriated by Congress, \$1,250,000; expended and obligated on March 31, 1937, \$2,119,457. I think there are clearly many precedents for this. When work is contracted for in this degree it is clearly authorized.

Mr. MICHENER. Even if that were true as to the first sentence it would not have anything to do with the proviso, which deals with something else.

Mr. SCRUGHAM. I agree to that. I agree it is clearly legislation. If there is objection, the proviso would clearly go out.

The gentleman's point of order lies against the whole paragraph, does it not?

Mr. LEWIS of Colorado. Yes.

The CHAIRMAN. The Chair will hear the gentleman from Colorado.

Mr. LEWIS of Colorado. Mr. Chairman, the gentleman from Nevada [Mr. SCRUGHAM] says that already \$2,000,000



has been spent and obligated. What I have asked is, By what authority has this been obligated or spent? There is no legislative authority here. I concede that last year there came in, in a conference report, a provision for a part of this project which had never been authorized and which I vigorously opposed, but as to whether any of it has been spent or not had not been conclusively established.

The gentleman knows that that has been spent and obligated, does he?

Mr. SCRUGHAM. That is the report of the Reclamation Service.

Mr. LEWIS of Colorado. Very well, I make this further point, then, Mr. Chairman, that while money may have been spent and the Government obligated to a certain extent, certainly it has not been obligated to the extent of this entire project which, it has been brought out in the debate, will cost over \$80,000,000. Because a mistake was made last year, can we say that the Government now is obligated to spend \$80,000,000 of the people's money and still further that they may bring in a project which has never been authorized by legislative act of the Congress? I think the gentleman will concede that it has never been authorized by Congress or by either House thereof.

Mr. SCRUGHAM. I think there are numerous precedents for holding that this project is authorized, under the circumstances and conditions.

Mr. LEWIS of Colorado. This is the item concerning which we were debating yesterday. As I demonstrated yesterday, it is a matter of very, very deep concern to 2,000,000 people up the Colorado River. Water is our life. This project, if built, will destroy all chance for future development of water resources in Colorado, Utah, Wyoming, and New Mexico. We cannot hereafter develop our water resources. But that is not my point at the present time. This project has never been authorized by law. Further, if any money has actually been spent, whatever money has been spent is gone, but we cannot say that the United States Government as the result of any irregular action is committed to the expenditure of \$80,000,000 more of the people's money, and that is what this involves.

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

Mr. LEWIS of Colorado. I yield.

Mr. CULKIN. Under the Parker Dam case, which is on all fours with this, the Supreme Court held that there must be authority from either Congress or a committee of Congress in order to initiate the work and, therefore, curative legislation was necessary. There is no legislation on this project, however, I may say to the gentleman.

Mr. TABER. Mr. Chairman, will the gentleman yield for one question?

Mr. LEWIS of Colorado. I yield; yes.

Mr. TABER. On page 178 of the hearings it appears that the expenditures on this project down to the 1st of July were only \$24,775. That is the only evidence I can find.

Mr. LEWIS of Colorado. Mr. Chairman, so far as the evidence shows, the only money that has been expended has been for surveys. Furthermore, I understand that there has been spent on a canal down in Florida some money not authorized by the Congress, but does that authorize us to go ahead and provide money in an appropriation bill to complete that project without legislative authority?

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

Mr. LEWIS of Colorado. I yield.

Mr. MICHENER. This is just one of those evils that arise from appropriating money and giving unlimited power to the President, the same as we will do next Thursday in the coming relief bill, to start projects to which the Congress is opposed.

Mr. LEWIS of Colorado. Mr. Chairman, I did not yield to my friend to make a partisan speech. We are discussing a point of order here.

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

Mr. LEWIS of Colorado. I yield.

Mr. SCRUGHAM. Mr. Chairman, may I further cite the precedents? I refer to volume VII of Cannon's Precedents of 1936.

The CHAIRMAN. The Chair would especially like to hear from the gentleman from Nevada and the gentleman from Oklahoma as to just what has been done on this project.

Mr. SCRUGHAM. I will proceed with that. First, I wish to cite from Cannon's Precedents, volume VII, page 402, paragraphs 1380 and 1382:

An appropriation for improvements to an existing plant owned and operated by the Government was held to be in continuation of a work in progress.

Now, may I address myself to the Chair on Gila project in general and on the work which has been done?

Mr. MARTIN of Colorado. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. A point of order is now pending. The Chair must dispose of that first.

Mr. MARTIN of Colorado. My point of order goes to the argument of the gentleman from Nevada. He says he is going to discuss expenditures on this project. What we want to know is the authorization in law under which this item is carried in the bill.

Mr. SCRUGHAM. I have already cited the precedents.

The CHAIRMAN. Permit the Chair to state to the gentleman from Nevada that the Chair is familiar with the citation to which the gentleman has called attention. The Chair is not familiar with the actual situation existing with reference to this project. What physical work has been started? What has been done? This the Chair would like to know in order that the Chair may determine whether the principle of work in progress applies to this item. The Chair will appreciate the gentleman's addressing himself to the Chair.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent to continue for 10 minutes to inform the Chair on the subject.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SCRUGHAM. The Gila project in Arizona is operating under funds heretofore allotted by the President, \$1,800,000, and funds appropriated by Congress \$1,250,000. The funds estimated to be necessary to complete the project are \$17,450,000.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. I yield.

Mr. LEWIS of Colorado. That is for the first of four units.

Mr. SCRUGHAM. Yes; that is all we are discussing.

Mr. LEWIS of Colorado. There are four units in this project, are there not?

Mr. SCRUGHAM. Yes; that is correct.

Mr. LEWIS of Colorado. And the total for these four projects will be over \$80,000,000, will it not?

Mr. SCRUGHAM. When entirely carried out, that will be the cost.

Mr. LEWIS of Colorado. I thank the gentleman.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. I yield.

Mr. MURDOCK of Arizona. An appropriation has already been made for this project, the money has been spent, and this is another appropriation which we are now considering.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. If the Chair may be permitted to make a statement, the Chair is not so much concerned about how many appropriations have been made or what has been done, except the Chair would like to know from gentlemen in a position to inform the Chair whether actual work has been begun on the project referred to in the proviso on page 76 of this bill.



The Chair would like to have some evidence presented as to what has been done in that respect.

Mr. JOHNSON of Oklahoma. If the Chair will permit, I will read from the hearings showing exactly what has been done. I think this will answer the question.

The CHAIRMAN. What page?

Mr. JOHNSON of Oklahoma. Page 221 of the hearings.

Construction and progress: Construction is in progress on the Imperial Dam desilting works, Gravity Main Canal, and the two tunnels. On January 1, 1937, the dam (being built as a part of the all-American canal) was approximately 50 percent completed, the desilting works 10 percent, the Gravity Main Canal 20 percent, and the tunnels 10 percent. Money now available is being used for the work in progress and in addition will pay for the powerhouse.

And so forth.

The CHAIRMAN. The Chair did not catch in the reading by the gentleman from Oklahoma a reference to the Gila, Ariz., project. That is the question upon which the Chair wants information, if some gentleman will be kind enough to give it.

Mr. JOHNSON of Oklahoma. That is all part of the same project, so I understand, Mr. Chairman, and if the Chair will refer to the bottom of page 22 he will note a statement made by Mr. Page, who is engineer in charge, that the work on the project is actually in progress.

The CHAIRMAN. The Chair inquires from the gentleman from Oklahoma as to whether the Imperial Dam and the Gila project are one and the same thing?

Mr. MURDOCK of Arizona. Mr. Chairman, they virtually are. The Imperial Dam is the point of diversion both for the water of the All-American Canal and for the water of the Gila project.

Mr. LEWIS of Colorado. Mr. Chairman, it appears from the record this money which is spoken of as having been available has been spent on an entirely different project and not the one which is here urged by way of further appropriation. I am not questioning the veracity of my friends here, but when we are embarking on a project which involves the expenditure of \$80,000,000 on the part of the Government, we had better have something more substantial than this.

Mr. Chairman, it is only by this tenuous technicality, if at all, this thing may be held to be authorized. Many of us believe that before we commit the United States to the expenditure of \$80,000,000 of the people's money, we had better know something about the project and authorize it in the regular way, if at all—by act of the Congress—before we start appropriating more millions.

Mr. MURDOCK of Arizona. Mr. Chairman, my contention is that this is a continuation of a work already begun, and my statement is far more logical and correct than the statement made that the whole thing involves a total expenditure of \$80,000,000.

The CHAIRMAN. The Chair would like to make an inquiry of the gentleman from Arizona. The Chair reluctantly states he has not been able thus far to get the information from the gentleman from whom it thought it could secure the information. What the Chair wants to know is whether or not this Gila project in Arizona has been started and whether work has actually been begun on that project.

Mr. MURDOCK of Arizona. Yes. Actual work has been done upon it.

The CHAIRMAN. To what extent has work been done?

Mr. MURDOCK of Arizona. Practically all that has heretofore been appropriated has been expended.

The CHAIRMAN. That is not responsive to the question. The Chair wants to know what actual work has been physically done on the project itself.

Mr. MURDOCK of Arizona. Work on some canals and tunnels have been started to bring the water from the Imperial diversion dam down there. The Imperial diversion dam serves a double purpose. It is built several miles above the Laguna Dam and it diverts water out of the Colorado River both to the California side and to the Arizona side. This is a continuation of that work.

Mr. LEWIS of Colorado. Mr. Chairman, what I want to know is what money has been expended on this particular project, which, by the way, has never been authorized by law.

Mr. FERGUSON. Mr. Chairman, as a member of the Flood Control Committee, that is supposed to consider these projects, may I say we have considered these projects.

The CHAIRMAN. Is the gentleman prepared to state whether actual work has been started on this particular project?

Mr. FERGUSON. Very little work has been done on this particular project. It was just something to satisfy Arizona as a diversion and something to be built in the future and not as a part of the All-American Canal at all.

Mr. O'NEAL of Kentucky. Mr. Chairman, I think I can offer some documentary evidence on this question. On page 222 of the hearings held in connection with the Interior Department appropriation bill there is a table under the head of "Gila Project, Arizona." In that table appear several items, such as desilting works, earthwork, main canal, and so forth. Mr. Chairman, if you will refer to Mr. Page's statement toward the bottom of the page you will find the following statement:

On the other hand, the contractors are there on the ground now, and when they complete their contracts, unless there is other work for them to do—

Then one thing further. On page 221 of the hearings, under the head of "Construction and Progress" there is mentioned the desilting works, the gravity main canal, and the tunnels.

The CHAIRMAN. Are the items to which the gentleman has just referred parts of this Gila project?

Mr. O'NEAL of Kentucky. The table on page 222 lists them as part of the Gila project.

The CHAIRMAN. Has the gentleman any further statement to make?

Mr. O'NEAL of Kentucky. Nothing, except to state that on page 220 there is also under the head of "Purpose" a mention of some of the items. Mr. Chairman, I think that is documentary evidence that the contractors have actually moved in to do the work. They have entered into the contracts, which is as much a part of the work or as much of the actual work as digging a spade in the ground.

Mr. COCHRAN. Mr. Chairman, the decision that the Chair is about to render is one of the most important decisions that has been rendered in this House in years. May I say it will probably involve a billion dollars, because if the Chair should hold that this project is in order, every project that has been started by the administration will likewise be in order, and that would include Passamaquoddy, the Florida canal, and numerous others. I think that not more than one gentleman should address the Chair at one time. Three or four Members are talking at one time and we cannot hear what is going on.

The CHAIRMAN. The Chair may say to the gentleman that naturally it would depend upon the action of the committee and the House as to what action might be taken with reference to appropriations.

The Chair is endeavoring to get sufficient information from those whom he has the right to expect would have the information, to be able to rule on the point of order.

Mr. COCHRAN. My idea is, Mr. Chairman, to let the Chairman get the information, and not have three or four gentlemen talking at one time.

The CHAIRMAN. The point of order of the gentleman from Missouri [Mr. COCHRAN] is sustained.

Mr. MURDOCK of Utah rose.

The CHAIRMAN. For what purpose does the gentleman from Utah rise?

Mr. MURDOCK of Utah. Mr. Chairman, I rise at this time to call the attention of the Chairman to the table referred to by the gentleman from Kentucky. If the Chairman will refer to it, he will find every item in it is merely an estimate, not a report of any expenditure.



Mr. O'NEAL of Kentucky. Mr. Chairman, if the gentleman will yield, I should like to explain that statement. I referred to the table simply because it outlined what the Gila project is.

Mr. MURDOCK of Utah. Yes; what is to be done.

Mr. O'NEAL of Kentucky. I referred to it for identification of what is included in the Gila project.

Mr. MURDOCK of Utah. Yes. I agree, Mr. Chairman, that it is simply an estimate and not a record of expenditures on the project.

Mr. WHITE of Idaho arose.

The CHAIRMAN. For what purpose does the gentleman from Idaho rise?

Mr. WHITE of Idaho. I rise to submit to the Chairman that Congress has appropriated money for the Gila project. I further state that the money has been expended, that the diversion dam—the Imperial Dam—has been constructed, and that money has been appropriated for the silting works and the canal, and the construction has been done. I am speaking as the chairman of the Committee on Immigration and Reclamation.

Mr. MICHENER. Mr. Chairman, is not the real question here whether or not the Gila project is a part of a great system? In order to hold this appropriation in order, the Chair must find that any work on any part of the system authorizes expenditures on all parts of any contemplated connection with the system. For instance, the Congress expended money and constructed the Wilson Dam on the Tennessee River. If other projects were attempted to be appropriated for here which might upon their final completion have an effect on the Wilson Dam, the Chairman could in no sense hold that spending the money under authorization on the Wilson Dam gave authorization for an appropriation for another dam on the same river, simply because in some future time we might connect those two projects and have them work together and make one project.

It seems clear from what is before the House that the Gila project might some day be connected up with the other projects referred to, but certainly the point of order is good unless some actual physical work has been done on the Gila project standing alone, without relation to other projects.

Mr. TABER. Mr. Chairman, I would like to call the attention of the Chairman to two or three items, if I may.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from New York.

Mr. TABER. The only evidence in the whole picture which has been submitted that indicates anything with reference to construction is an item on page 221. It appears that the Imperial Dam, which is a part of the All-American Canal project, but not necessarily a part of the Gila project—and there is nothing here to show that it is—has progressed 50 percent. The All-American Canal project is a project which relates to carrying water below Boulder Dam, entirely within the United States, to avoid the carrying of the water from the Colorado River through Mexico. This whole situation does not indicate there has been any money whatever spent on the Gila project itself.

The other evidence in the record is on page 178, and there, in the first line of the table, \$24,775 appears to have been expended. This does not tell us and nothing tells us what the money has been spent for. The amount is so small that it is perfectly apparent it must have been for surveys, estimates, and plans. It could not possibly have been for any construction which would justify the chairman's holding this project in order. Therefore, I submit to the chairman there is nothing in the evidence which has been submitted here that indicates any actual construction of the Gila project itself.

Mr. MURDOCK of Arizona rose.

The CHAIRMAN. For what purpose does the gentleman from Arizona rise?

Mr. MURDOCK of Arizona. To answer the question propounded by the Chairman as to the work done on this project.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Arizona.

Mr. MURDOCK of Arizona. Mr. Chairman, it is true the Imperial Dam was built to divert water from the Colorado River into the new All-American Canal, to carry water into southern California, but this canal has two ends. One end is in California, and the other end is in Arizona. This same canal diverts water from this project into Arizona. Two small tunnels have been built. Some canals and headgates have been built to take care of the water which will be diverted into the Gila project on the Arizona side. I maintain, Mr. Chairman, that work done on the Imperial diversion dam is just as much a part of the Gila project as it is the All-American Canal project.

I have talked this over with Commissioner John Page of the Bureau of Reclamation, and I find that he, more fully informed regarding this than I am, is thoroughly in accord with this appropriation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, in order to secure the latest authentic information I have just talked to Mr. Page, of the Division of Engineering of the Bureau of Reclamation, over the telephone, and he tells me this project is well under way. He states the dam is more than 50 percent completed, an item about which the chairman asked, and that the canal is 25 percent finished. He further states that this is all one project and that it is well under way.

Mr. MARTIN of Colorado. Mr. Chairman, if the gentleman from Oklahoma will yield for a question, if this is a \$20,000,000 project, as is evidenced from the hearings on the bill, it will be interesting to know how it has been more than 50 percent completed on an expenditure of \$24,000.

Mr. JOHNSON of Oklahoma. The gentleman evidently misunderstood what I said. I said the dam was more than half completed.

Mr. MARTIN of Colorado. The Gila Dam?

Mr. JOHNSON of Oklahoma. I quoted Mr. Page as saying the dam was more than 50 percent finished, and the canal 25 percent completed. Personally, I know nothing about the project and certainly have no interest one way or the other about it. In the interest of securing the facts I inquired of the divisional engineer in charge.

Mr. MARTIN of Colorado. It cannot be the Gila Dam.

Mr. O'CONNOR of New York. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman from New York.

Mr. O'CONNOR of New York. Mr. Chairman, may I respectfully submit that on a point of order it is rather unusual for the Chair to take oral testimony as to what has or has not been done. I submit the Chair must have before it, in the report or in the hearing, actual, written proof, and not call for oral testimony to substantiate whether or not work has or has not been done.

The CHAIRMAN. The Chair has been endeavoring to do that, the Chair will say to the gentleman from New York.

Mr. IZAC. Mr. Chairman, I may be able to throw some light on this matter if the Chair will hear me.

The CHAIRMAN. Permit the Chair to state that the Chair has been endeavoring to get some written or documentary evidence that would throw some light on the question presented here. The gentleman from New York [Mr. O'CONNOR] is exactly correct. The best evidence on a question of this kind would be some documentary evidence, some statement from some person in authority who can unquestionably give the Chair the benefit of information as to the facts, because, after all, this question really turns on the question of fact that applies here. Is the gentleman from California prepared to present any documentary evidence of any kind?

Mr. IZAC. No, Mr. Chairman; no documentary evidence.

Mr. FITZPATRICK. Mr. Chairman, may I suggest that this question be passed over for 1 hour so that we may get in touch with the engineer in charge and get a statement from him.

I ask unanimous consent, Mr. Chairman, that it may be passed over for 1 hour.

Mr. LEWIS of Colorado. I object, Mr. Chairman.



Mr. SCRUGHAM. Mr. Chairman, I have the information just received from the Commissioner of Reclamation, and may I read it into the Record?

The CHAIRMAN. Does the gentleman have some written statement?

Mr. SCRUGHAM. It is a phoned, verbal statement.

Mr. MARTIN of Massachusetts. Mr. Chairman, I make the point of order that the Members should not crowd into the well of the House.

The CHAIRMAN. The point of order is sustained and gentlemen will retire from the well of the House.

Mr. FITZPATRICK. Mr. Chairman—

The CHAIRMAN. The Chair had recognized the gentleman from Nevada [Mr. SCRUGHAM] to discuss the point of order. Has the gentleman from Nevada completed his statement?

Mr. MURDOCK of Arizona. Mr. Chairman, I have here documentary proof which I submit.

The CHAIRMAN. The gentleman from Nevada [Mr. SCRUGHAM] simply sends to the Chair a penciled memorandum.

Mr. O'CONNOR of New York. Mr. Chairman, just recently, we adopted the practice here that bills from the Committee on Appropriations must be reported to the House 2 days before they are taken up on the floor, and I submit that everything to support any item in an appropriation bill must be in the report or the hearings at that time, and to ask for evidence at this late date does not comply with the understanding we have here that the case be made up by the Appropriations Committee at least 48 hours before the bill is considered.

Mr. RICH. Mr. Chairman, I hold in my hand, from the Department of the Interior, Bureau of Reclamation, the justifications that were submitted to the subcommittee of the Committee on Appropriations, and one paragraph of 11 lines states the construction in progress. I would like to present this to the Chair as written evidence of what was presented to the committee.

Mr. BOILEAU. Mr. Chairman—

The CHAIRMAN. Kindly allow the Chair time at least to read what the gentleman has presented.

The Chair invites the attention of the gentleman from Pennsylvania [Mr. RICH] to the fact that this information appears in the hearings and has been brought to the attention of the Chair several times during this discussion.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. In view of the fact we are not getting along very far with the bill, I want to ask the Chair whether it would be in order at this point to submit the motion that the Committee do now rise before the point of order is disposed of.

The CHAIRMAN. The Chair is ready to pass on the point of order if that is agreeable. Of course, the motion would be in order at any time.

Mr. BOILEAU. In view of the fact the Chair is ready to rule, I shall not make the motion.

Mr. CUMMINGS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. CUMMINGS. To talk about this particular irrigation project with which I am somewhat familiar and to suggest that the Committee now rise so the Chair may get full information.

The CHAIRMAN. Permit the Chair to state to the gentleman from Colorado that, of course, after the ruling of the Chair it is entirely probable that further debate may be in order, and properly so, on the question of the merits of the item to which the point of order is made. Naturally, the Chair has to follow the rules and precedents of the House in deciding the point of order presented, and it is only in reference to securing necessary information that the Chair has asked different gentlemen to inform the Chair on certain points.

Mr. ANDREWS. Mr. Chairman, I move that the Committee do now rise.

The motion was rejected.

Mr. TABER. Mr. Chairman, may I call the attention of the Chair to a little bit of testimony?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. TABER. On page 222 of the hearings, toward the bottom of the page:

Mr. LEAVY. This is largely canal work?

Mr. PAGE. Yes.

Mr. LEAVY. This has to do with the All-American Canal?

Mr. PAGE. No; it is across the river from the All-American Canal. Imperial Dam will divert water for both the All-American Canal and the Gila project, but the Gila project is wholly in Arizona, while the All-American Canal is in California.

It is perfectly evident from that, and from page 221, at the bottom, that the work that has been done has been entirely upon the Imperial Dam, which is a part of the All-American Canal, and not strictly on the Gila project.

Mr. MURDOCK of Arizona. Mr. Chairman, may I make one more statement before the ruling is made?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. MURDOCK of Arizona. Mr. Chairman, there is confusion in the mind of the gentleman from New York [Mr. TABER] in regard to this Imperial Dam being solely for the All-American Canal, but he himself just read from the hearings that water is diverted on both sides of the river by the Imperial Dam, so that work done on the Imperial Dam is work done on the Gila project, and in addition to that, head gates, canals, and two small tunnels have been done on the Arizona side, as part of the Gila project, and an expenditure of more than a million dollars has already been made. Mr. Chairman, the Chair has before him documentary evidence of that, which I handed to him a moment ago.

The remark was made a moment ago that this involves a tremendous question. I assure the Chairman that it does involve a tremendous question, not merely an appropriation of one and a quarter million of dollars, or even \$20,000,000. Really there is hereby involved a possible loss to this country of hundreds of millions of dollars by this decision.

Mr. MICHENER. Mr. Chairman, just one word more. As I recall the precedents of the House they are this, that in order to bottom an appropriation on an authority, that authority must be clear and distinct, and the Chair must be satisfied not merely in a prima-facie way, but that there is positive authority, so far as written statute is concerned. Following that same line of reasoning, if there is a doubt at all in the mind of the Chair as to whether or not any other act has been done, which act might give authority for making this provision in an appropriation bill in order, then the Chair must in like manner be satisfied without doubt, and if that is correct, there can be but one ruling on the part of the Chair, as expressed by the Chair.

The CHAIRMAN. The Chair would like to inquire a little further from the gentleman from Oklahoma or some gentleman in charge of the bill, with especial reference to the proviso beginning in line 20 on page 76.

Mr. SCRUGHAM. That is clearly by operation of law. It merely states under existing law, and it is clearly in order.

The CHAIRMAN. Just what makes it apply to this Gila project?

Mr. SCRUGHAM. Because it is in the Boulder Dam project and the Parker project. It is connected with the Gila Dam project. It is part of the Colorado River set-up.

The CHAIRMAN. Permit the Chair to ask the gentleman this question: If it is in existing law, why is it carried in this form in this bill?

Mr. SCRUGHAM. Because it was requested by Members from the upper States who made a protest. They wish to reaffirm the fact that it was under the Colorado River compact. Personally, I have no objection to striking out the provision.

The CHAIRMAN. Can the gentleman from Nevada indicate to the Chair just the section, the citation of existing law, that contains this provision?

Mr. SCRUGHAM. Yes; section 8 of the Boulder Canyon Project Act, approved December 21, 1928 (45 Stat. 1062); also section 2 of the Rivers and Harbors Act of August 30, 1935 (45 Stat. 1040).



Mr. MURDOCK of Utah. Mr. Chairman, in answer to the gentleman from Nevada [Mr. SCRUGHAM], may I say that the very reason that the proviso is in there is because Arizona has refused to be bound by either the Colorado River compact or the Boulder Canyon Act, and I can give the Chairman the section right here that the gentleman refers to and show that that is the very reason that the proviso is in there. It is because they have renounced and refused to be bound by that act after sitting in the conference.

Mr. SCRUGHAM. It seems to me to be rather farfetched that something should be stricken out because some State does not recognize the law of the United States.

The CHAIRMAN. Permit the Chair to inquire of the gentleman from Nevada, who is a member of the subcommittee, and of course thoroughly familiar with this bill and this provision, is the purpose here to enforce this compliance referred to by the State of Arizona?

Mr. SCRUGHAM. It is.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Colorado [Mr. LEWIS] makes a point of order against the paragraph beginning in line 20 on page 76 and extending through the remainder of the paragraph, on the ground that it is legislation on an appropriation bill and on the further ground that it is not authorized by existing law; and he advances the position that it does not come within the principle of "work in progress."

The Chair invites attention to section 2 of rule XXI, which provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

That will indicate the reason the Chair was endeavoring to secure authoritative information as to the actual status of the project for which the appropriation is here sought to be made.

The Chair will invite attention to a precedent which has impressed the Chair as being in point on the question here presented. It is found in section 1340 of Cannon's Precedents of the House of Representatives, vol. VII. It states:

A work in process of construction but paid for from a designated fund was held not to constitute a "work in progress" within the meaning of the rule. The building of roads in Alaska under a law providing for their construction from the "Alaska fund" was held not to be such a work in progress as to warrant an appropriation on an appropriation bill.

The Chair especially invites attention to a decision by the gentleman from New York [Mr. PERKINS], Chairman of the Committee of the Whole House, in which he said, among other things:

If the construction of a building, for instance, for a public purpose has been commenced, even though originally subject to the point of order, yet the work having commenced and there being no limit of cost, further appropriations may be made. It is entirely possible that if a road or highway for military purposes or even for other purposes is once commenced with no limitation on the appropriation, although originally subject to the point of order, yet the work having been undertaken it would be in order to make an appropriation for a continuation of the work.

Several other sections might be cited, but the Chair feels he can recall with a sufficient degree of accuracy the provisions of those particular decisions of the past.

The Chair is impressed with what appears to be the unmistakable fact that there has been a general tendency to narrow the application of the so-called principle of "works in progress" as they relate to general appropriation bills. The Chair sought to secure the best information available as to the actual situation existing with reference to this appropriation, and, with all due deference, the Chair feels that he has not been presented with a sufficient type of documentary evidence to clearly show the Chair that actual, physical construction on this particular project has been begun. To say the least, the Chair entertains some doubt in his mind as to the actual status of the work on this project. In the absence of evidence of that type, the Chair feels that this doubt should have some degree of control in making a decision on a matter of this importance.

The Chair also invites attention to the fact that the language that was called to the attention of the gentleman from Nevada [Mr. SCRUGHAM] undoubtedly has some bearing upon the question as to whether or not this is legislation on an appropriation bill, especially the language carried in the proviso, which was recently discussed with the gentleman from Nevada. The gentleman from Nevada quite frankly replied to the inquiry of the Chair, that the purpose of including this language was to force compliance with a certain State compact.

Therefore, the Chair feels there could be no doubt that the effect of the inclusion of this language would be that of legislation on an appropriation bill.

Therefore, the Chair is constrained to hold that the proper showing has not been made in the form of documentary evidence that actual construction work has been begun on this particular project. The Chair feels, under an interpretation of the rule and application of the precedents, and especially in view of the language appearing in the proviso, that the point of order made by the gentleman from Colorado [Mr. LEWIS] to this paragraph should be sustained, and therefore sustains the point of order. [Applause.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word to inquire of the chairman of the subcommittee how long we are going to sit. Is it his intention to complete this bill this evening?

Mr. JOHNSON of Oklahoma. I may say to the gentleman from Massachusetts that it is the intention to complete the bill. The floor leader is now at the White House. Before he left he said it was very important to complete this bill tonight.

Mr. McCORMACK. The gentleman realizes that there are many controversial provisions in the remainder of the bill.

Mr. JOHNSON of Oklahoma. That is probably true.

Mr. McCORMACK. And it is now 5:30.

Mr. JOHNSON of Oklahoma. Yes, and we have been working since 11 o'clock this morning and I have been so busy that I have not been permitted to have lunch yet.

Mr. McCORMACK. We all appreciate that fact. The gentleman intends to proceed, if he can, and complete the bill?

Mr. JOHNSON of Oklahoma. That is our intention if it is at all possible.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MARTIN of Massachusetts. The gentleman is not laboring under the delusion that there is not another day coming, is he?

Mr. JOHNSON of Oklahoma. Well, I am not so sure about that. [Laughter]. But there will probably be controversial questions in this measure whether it is finished today or later. The floor leader tells me that next week is taken up with other matters.

Mr. MARTIN of Massachusetts. As a matter of fact, why could we not come in Monday and finish the bill? There is only a short calendar for Monday and one special order. The business planned for Monday probably will not take more than 2 hours. Why can we not be sensible and finish this bill on Monday?

Mr. JOHNSON of Oklahoma. I would suggest that the gentleman discuss that matter with the floor leader. Personally I would be delighted to adjourn now, but I am not in any position to make such an agreement at this time.

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

Mr. McCORMACK. I yield.

Mr. RICH. We have just gotten into the subject of reclamation. There are probably a dozen or more amendments to be offered to the section dealing with reclamation. Then we come to the section dealing with public buildings and parks; then we come to the section dealing with education. The gentleman knows there are from 50 to 75 Members in this Chamber who want to be heard on these matters. It will take from 3 to 5 hours to complete the bill, and the gentleman is going to be unable to keep the House in order.

Mr. JOHNSON of Oklahoma. If other matters not pertaining to this bill had not taken up so much time earlier



today, we might have been well toward the end of the bill by now. Then, too, we have had many useless points of order that bordered on dilatory tactics from the gentleman's side of the aisle.

Mr. MARTIN of Massachusetts. I deny the gentleman's assertion that dilatory tactics have been used.

Mr. TABER. Mr. Chairman, I make a point of order against the gentleman's language.

Mr. MARTIN of Massachusetts. Will not the gentleman adopt the suggestion that we meet Monday at 11 o'clock?

Mr. JOHNSON of Oklahoma. I realize full well that Members are tired and that progress on the bill is difficult under the circumstances. But I am not in position to make such an agreement at this time. I feel sure, however, that the Speaker and floor leader will return soon, at which time I am certain a satisfactory agreement can be reached.

Mr. RANKIN. Mr. Chairman, will the gentleman from Massachusetts yield to me to make a motion?

Mr. McCORMACK. I prefer not to yield to the gentleman for that purpose, but I yield to permit him to ask a question.

Mr. RANKIN. Let me state to the gentleman from Massachusetts what I propose to do. There is not any reason on earth for keeping us here all night and then adjourning over until Monday. [Applause.] We can meet tomorrow, or we can finish the bill next week. What I propose to do is to move that the Committee do now rise and then move that the House adjourn.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. O'CONNOR of New York. As for finishing the bill next week, the program for next week is such that the bill must be finished tonight or tomorrow. There will be no opportunity next week to take up the bill.

Mr. RANKIN. Let me say to the gentleman from New York that we can work on Saturday. I do not want to stay here all night, and many other Members feel the same way.

Mr. O'CONNOR of New York. That is all right. It was just a question of trying to accommodate Members by adjourning over Saturday.

Mr. RANKIN. I am unwilling to stay here and keep the entire membership here all night in order to gratify the desires of a few Members living close to Washington who wish to go home on Saturdays. The rest of us are entitled to some consideration also.

Mr. McCORMACK. May I say to the gentleman from Mississippi that the purpose I had in mind was to find out just what they intended to do, because if they intend to finish the bill tonight we shall be here until 9 o'clock.

May I suggest to the gentleman from Mississippi, in view of the information that has just been given us, that the gentleman withhold his motion for 20 minutes, because I understand that the Speaker and the floor leader are down at the White House. It is only fair that the motion not be made at this particular time. Will not the gentleman withhold his motion for 20 minutes? I will gladly vote for the motion at that time.

Mr. RANKIN. I do not see any reason for waiting for somebody else to come here to tell us when to adjourn. [Laughter.]

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MURDOCK of Arizona. Mr. Chairman, before the Committee rises I would like to have 5 minutes on a motion to strike out the last two words.

Mr. McCORMACK. Mr. Chairman, I call the attention of the chairman of the subcommittee to the fact it will be unwise to continue the attempt to put through this bill tonight. We are only on page 76, and there are one-hundred-and-thirty-odd pages, with many controversial matters coming up for consideration. I know the gentleman will not misunderstand me when I make the suggestion that from the gentleman's own angle I believe it will be advisable within a short time for the gentleman to move that the Committee rise. I do not think it is the temper of the Committee to sit

until 9 or 10 o'clock tonight. If it was a matter of a short time, that would be one thing. I will not make a motion to rise myself, but I believe the motion should be made in about 15 or 20 minutes.

Mr. RANKIN. I will wait 15 minutes, but we are not going to sit here all night. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise for the purpose of making a statement.

Mr. TABER. Mr. Chairman, I make the point of order there is no amendment before the Committee.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move to strike out the last two words.

Mr. MAPES. Mr. Chairman, I make the point of order there is nothing pending before the Committee. The Chair ruled the paragraph out and nothing has been read since.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Pine River project, Colorado, \$500,000.

Mr. RICH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 77, line 8, strike out all of line 8.

Mr. RICH. Mr. Chairman, I call the attention of the members of the Committee to the fact that here is a project—the Pine River project in Colorado—that will eventually cost \$3,000,000. There is now sought to be appropriated for this project \$500,000. Here is an item that may be stricken from the bill. While there are others that it would probably be more meritorious to strike from the bill, this item alone could be stricken and the country saved \$500,000. The people of Colorado would not be put to any inconvenience and we could save that amount of money for the Treasury of the United States.

Mr. DINGELL. Will the gentleman yield?

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

Mr. DINGELL. The gentleman seems to be very well informed with reference to this Pine River project in Colorado. May I inquire whether the gentleman can tell me just exactly where it is located in Colorado?

Mr. RICH. If the gentleman will come over here, I will show him a map that was presented to the committee by the Department of the Interior, which gives complete details of the Pine River project. It will show that the estimated cost is \$3,000,000, which amount is available from the reclamation fund. The only amount that has ever been appropriated is the sum of \$1,000,000. They are asking for \$500,000.

Mr. Chairman, that is all I have to say, except that I believe the House of Representatives will be doing the country a favor if it strikes line 8 from this bill.

Mr. JOHNSON of Oklahoma and Mr. McREYNOLDS rose.

Mr. McREYNOLDS. Mr. Chairman, I offer a preferential motion. This House is not in condition to do business. There is no use trying to keep the House here in its present temper. The Speaker has gone to the White House, but he has designated another man to take charge if he has not returned.

Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. McREYNOLDS].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—yeas 116, noes 21. So the motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. O'CONNOR of New York] having resumed the chair, Mr. COOPER, 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. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

#### EXTENSION OF REMARKS

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



therein a resolution offered by me and adopted by the Committee on Territories.

The SPEAKER pro tempore Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a radio address which I made.

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

There was no objection.

#### ADJOURNMENT OVER

Mr. MAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock on next Monday.

The SPEAKER pro tempore. The Chair would appreciate it if the gentleman would not propound that unanimous-consent request at this time in the absence of the Speaker and the majority leader.

Mr. MAY. I withdraw the request.

The SPEAKER pro tempore. The Chair will say the House may meet tomorrow perfunctorily and adjourn over.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. LAMBERTSON. Mr. Speaker, reserving the right to object, may I ask the gentleman on what subject he expects to speak?

Mr. COCHRAN. On the subject of trying to save some money for the Government.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, a number of Members of the House have gone home, expecting the House would adjourn until Monday. They are interested in holding this bill down to within the figures brought in here by the committee. If we meet here tomorrow with these Members absent, this bill will be piled up with millions and millions of dollars of increases. Mr. Speaker, I therefore move that the House adjourn until Monday.

Mr. FULLER. Mr. Speaker, I raise a point of order that that motion is not in order.

The SPEAKER pro tempore. The Chair sustains the point of order.

#### REPORT FROM COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MAPES. Mr. Speaker, as per request of the gentleman from Maryland [Mr. COLE], I ask unanimous consent that he may have until midnight tonight to file a report from the Committee on Interstate and Foreign Commerce on the Dies bill to extend the Connally Hot Oil Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOLAND of Pennsylvania. Mr. Speaker, I have just talked over the phone with the Speaker, who is at the White House, and have told him of the situation. He is on his way here. I would like the House to remain in session until the Speaker arrives.

#### EXTENSION OF REMARKS

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the Record and include therein certain excerpts from the Boulder Canyon Project Act and the Colorado River Compact.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Record at the point where the gentleman from North Carolina [Mr. LAMBETH], the chairman of the Joint Committee on Printing, asked for certain information on part of the bill today, a letter from the Public Printer, Mr. Giegengack.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, this letter will take up how much of the Record?

Mr. RICH. I do not know, and I do not care, because this letter is information the Members of the House should have, and it is given to you by the Public Printer, Mr. Giegengack.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCOTT. Mr. Speaker, I previously received permission to extend my own remarks in the Record and insert therein an article which is longer than the space allowed by three-fourths of a page. I have obtained an estimate on it, and now renew my request to extend my own remarks in the Record and include this article.

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

There was no objection.

#### ADJOURNMENT OVER

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn until 11 o'clock tomorrow.

The SPEAKER pro tempore. Will the gentleman withhold that motion until we dispose of these unanimous-consent requests?

Mr. JOHNSON of Oklahoma. I withhold it.

#### EXTENSION OF REMARKS

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein statistics issued by the Works Progress Administration on unemployment today and as it will be in 1938 under certain appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOWELL. Mr. Speaker, I wish to make a point of order against the motion to adjourn until tomorrow morning at 11 o'clock.

The SPEAKER pro tempore. The gentleman withdrew the motion.

(Mr. MURDOCK of Arizona asked and was given permission to revise and extend his own remarks in the Record.)

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent that I may address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### GILA PROJECT, ARIZONA

Mr. MURDOCK of Arizona. Mr. Speaker, I am as earnest as any Member of the House in regard to economy in our present situation and the careful pruning of appropriation bills. I do not want to spend one dollar more than what it is good business and good economy to appropriate.

I feel more than grieved that a certain appropriation item has been thus recently stricken from this measure. I am alarmed! This is not merely because it was an item pertaining to the State from which I come, but, particularly, because this action closing out consideration of the Gila project has more than the usual significance. While there are many appropriation items, and larger ones than the one we have had recently under discussion—the Gila project—there is not another on the list like it. This project has such an international character that it puts itself in a class apart from all others.

If I should rush into your office this moment and say, "Your house is on fire; if you hasten you can put out the flames", you might say, "What is the use of hurrying? Besides I do not like you, anyway." Thus you might suffer great loss.

I seriously and earnestly believe, if we do not do something to take for American lands water from the now regulated Colorado River, a stream regulated since the Boulder Dam was completed, we will be putting water on land in Mexico. A part of this regulated flow should go on land in Arizona. Even so, I am less concerned where you put it on American lands, just so it is put on American lands as quickly as possible. Otherwise it will go to Mexico by the



law of gravity, and it will be established as a water right upon Mexican lands at the expense in money outlay to this Nation of the \$114,000,000 put into Boulder Dam. And that is the least item of cost to this country of such short-sighted action. In other words, if we do nothing about putting water on the Gila project, or some other American lands below Boulder Dam, we are contributing water to about 2,000,000 acres of very fertile land in Mexico as a gift, and the results of this will come back to plague us and our posterity. I do not want the blame upon my head for having had any part in contributing this vital necessity of our life to the Republic of Mexico. If you wish to do this, I hereby sound a solemn warning, and yours is the responsibility for the present results and for a long future. I want to make it very definitely clear to you, in this brief word, that this is exactly what you are apparently about to do. History will record what we do now with the waters of the lower Colorado River.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. McCLELLAN and Mr. RANDOLPH asked and were given permission to extend their own remarks in the RECORD.

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an address delivered by Hon. James A. Farley, Postmaster General, on the occasion of the dedication of a new post-office building at Galesburg, Ill., on April 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include therein a copy of the Colorado River compact. I may say that my colleague the gentleman from Utah, Mr. MURDOCK, will not use in his extension of remarks any portions of this compact if I am permitted to insert the whole of it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The matter referred to is as follows:

#### COLORADO RIVER COMPACT

(Signed at Santa Fe, N. Mex., Nov. 24, 1922)

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America approved August 19, 1921 (42 Stat. L., p. 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel for the State of Arizona, W. F. McClure for the State of California, Delph E. Carpenter for the State of Colorado, J. G. Scrugham for the State of Nevada, Stephen B. Davis, Jr., for the State of New Mexico, R. E. Caldwell for the State of Utah, Frank C. Emerson for the State of Wyoming, who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles.

#### ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them with the provision that further equitable apportionment may be made.

#### ARTICLE II

As used in this compact:

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River system above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lee Ferry.

(g) The term "Lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

#### ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unappropriated by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

#### ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

#### ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio—

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.



## ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the governors of the States affected upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

## ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

## ARTICLE VIII

Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

## ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

## ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

## ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

W. S. NORVIEL.  
W. F. MCCLURE.  
DELPH E. CARPENTER.  
J. G. SCRUGHAM.  
STEPHEN B. DAVIS, JR.  
R. E. CALDWELL.  
FRANK C. EMERSON.

Approved:

HERBERT HOOVER.

## NOTE

By section 13 (a) of the Boulder Canyon project act approved December 21, 1928, the Colorado River compact was approved and the provisions of the first paragraph of Article XI of the compact making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory States, were waived, the approval to become effective when the State of California and at least five of the other States mentioned shall have approved or may thereafter approve said compact and shall consent to such waiver.

## PERMISSION TO ADDRESS THE HOUSE

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the call of the Private Calendar, after the disposition of privileged matters, and following special orders heretofore entered, the gentleman from Minnesota [Mr. BERNARD] may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. O'CONNOR of Montana. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

(Mr. VOORHIS asked and was given permission to revise and extend his own remarks.)

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a speech made at Chapel Hill, N. C., last Tuesday, and an address by Hon. Charles P. Taft before the Continental Congress of the Daughters of the American Revolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including therein a letter addressed to the chamber of commerce of my city on high electric rates in that city.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

(Mr. O'CONNELL of Montana asked and was given permission to revise and extend his own remarks in the Record.)

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BOEHNE, for 2 days, on account of important business.

To Mr. LAMBERTSON, for 1 week, on account of important business.

## ORDER OF BUSINESS

Mr. BOLAND of Pennsylvania. Mr. Speaker, I ask unanimous consent that the House stand in recess for 10 minutes in order to give the Speaker an opportunity to get here before the House adjourns.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I take it the Speaker and the floor leader are at the White House and the gentleman wants to hold the House in session, although it is now 10 minutes to 6, until they can return and tell us what the President wants us to do tomorrow.

Mr. BOLAND of Pennsylvania. No; I would not presume to say that is the purpose at all. They are on their way here now, and the Speaker has asked me to have the House stay in session until he returns.

Mr. MICHENER. We have been killing so much time I think it is about time we should have some instruction.

Mr. BOLAND of Pennsylvania. He could probably instruct the gentleman, all right.

Mr. MAVERICK rose.

The SPEAKER pro tempore. Does the gentleman from Texas desire recognition?

Mr. MAVERICK. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

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

Mr. MAVERICK. No. Mr. Speaker, I refuse to yield. [Laughter.]

Mr. Speaker, I think that during these few minutes we should have some heart-to-heart talk with each other. You know, fellow Democrats, not many things the Republicans say about us are true, but some of them are. I think that we are really beginning to waste a little time, so while our Democratic leaders speed to the Capitol I will waste some time, too.

Let us take the national situation. Who is going to be our next candidate for President? It looks as though Mr. Henry Wallace, the Secretary of Agriculture, otherwise known as "King Korn", must be running for President, because he is becoming very respectable and cautious of late. Where is the farm-tenancy bill? Where is essential legislation for the farmers?

I do not in any way suspect Mr. Wallace, but every now and then you see a man who looks like he is walking on eggs to



keep from breaking them, and you know that something is about to happen. I hope that Mr. Wallace will get back to his old sweet self.

In speaking of candidates for the Presidency I first suggested Harold Ickes, of the Interior Department. There is a man for you! But I do not insist on Mr. Ickes, even though I think he is one of the big outstanding men of America, and I may be for Mr. Wallace.

There is Governor Earle, of Pennsylvania. He, they say, has his cap set on the White House. Let us watch him and see how he will do.

Then we have Mr. Murphy, of Michigan. I do not know Mr. Murphy, but after the war, when I was in Dublin, Ireland, I saw a tall, red-headed fellow there whom I have since recognized as Murphy. He was a student at Trinity College. The next I heard of him was as the mayor of Detroit and then as Governor of the Philippines. It is a wonderful thing to contemplate that while he was Governor of the Philippines there was a peaceable rule and not any killing off of the natives. Then he came back and was elected Governor of Michigan. He has had a remarkable record in settling the sit-down strikes in the serious labor troubles.

I cannot think of any more now, but I have mentioned four good men.

Mr. Speaker, we Democrats are getting a little bit confused. Some of us are sort of beginning to act like Republicans, and reactionary ones at that. The truth is that one of the most important things is to get together and put over the Supreme Court plan that the President has suggested. [Applause.]

You know, fellow Democrats, when the President made that economy address about 3 or 4 weeks ago it caused a lot of us to go hog-wild about economy. The President by his address literally made Republicans out of a good many of us.

For instance, the other day we nearly voted down a reforestation bill, which was of the greatest merit, carrying only \$2,500,000. That was supposed to be on a basis of "economy." Many of the most progressive, intelligent, and liberal Members who really believe in the conservation of the natural resources and reforestation got up here and voted against it.

It is the economy jitters.

I believe in balancing the Budget, and so does every man who has any respect for himself. But if the Budget were suddenly balanced and if we stopped W. P. A., we would cut down the purchasing power of the American people by this sudden balancing and have the depression back on our neck with factories and banks closing and millions of more people out of employment. Moreover, we still have from eight to ten million unemployed. So we cannot settle the depression by suddenly stopping the spending of money.

In fact, times have completely changed and economics with it. We must face this fact in all our deliberations.

My idea is that the Democratic Party ought to have a few caucuses. We ought to get together in a strictly Democratic meeting and talk things over with each other so that we will know what we want to do. We ought to get together and find out why we are here. I am beginning to worry about that. If we are not going to do anything we might as well go back home instead of staying in this dreary, humid weather here in Washington. But the best thing to do is to stay here and do our duty.

Mr. Speaker, I repeat, let us Democrats stick together. Let us give responsible democratic government to the American people. Let us put over the President's Supreme Court plan, and while we may balance the Budget, let us not sacrifice common sense for unreasonable cuts which in the end will hurt business as much as it will the people in this country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

The SPEAKER resumed the chair.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that I may revise, extend, illuminate, and eliminate certain portions of my remarks. [Laughter.]

The SPEAKER. The gentleman from Texas [Mr. MAVERICK] asks unanimous consent to revise, extend, and eliminate certain portions of his remarks. Is there objection?

Mr. MAVERICK. And illuminate, Mr. Speaker.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. RAYBURN. Mr. Speaker, it appears that for the moment we are not in as good humor as we usually are. We want everybody pleased, of course, and we wish to expedite legislation as much as we can. Monday is unanimous-consent day. In probably an hour or an hour and a half that program can be completed, and I am wondering if it would be satisfactory to the House if we could get consent to adjourn over until Monday and meet at 11 o'clock on Monday and dispose of the Consent Calendar, and then proceed with the consideration of the bill we have had up today. [Applause.]

I would say to the gentleman from Massachusetts that I make this request with apologies, because I have not been in the House long enough to consult with him.

Mr. MARTIN of Massachusetts. Mr. Speaker, that is agreeable to us, and we shall be very glad to convene at 11 o'clock on Monday and do all we can to expedite the passage of the appropriation bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that when the House adjourns today it adjourn to meet on Monday next at 11 o'clock a. m., and that at the conclusion of the call of the Calendar for Unanimous Consent the House shall proceed to the consideration of the pending appropriation bill. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object for a moment. The gentleman from Kentucky [Mr. ROSSON] has a special order for that day. Where would that leave him?

Mr. RAYBURN. Under the agreement that was made heretofore, he would come after the completion of the privileged bill.

Mr. MARTIN of Massachusetts. But we will unquestionably reach him?

Mr. RAYBURN. I think so. If not, the Private Calendar is to be called on Tuesday, and he could probably come in after that.

Mr. MARTIN of Massachusetts. The only thing is that he has prepared a special speech.

Mr. RAYBURN. We hope to go through with this bill rather hurriedly when we meet on Monday.

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

There was no objection.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5966. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1607. An act authorizing an appropriation for payment to the Government of Japan for proposed deportation of enemy aliens from China during the World War;

S. 2160. An act to create the office of Counselor of the Department of State;

S. 2225. An act limiting the operation of sections 109 and 113 of the Criminal Code with respect to the agent appointed to represent the United States of America in the arbitration proceedings between the United States of America and the Dominion of Canada for the final settlement of difficulties arising through complaints of damage done in the State of



Washington by fumes discharged from the smelter of the Consolidated Mining & Smelting Co., Trail, British Columbia; and

S. J. Res. 133. Joint resolution to authorize an appropriation for the expenses of participation of the United States in the Tenth Pan American Sanitary Conference.

#### ADJOURNMENT

Mr. WOODRUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.), in accordance with the order heretofore entered, the House adjourned until Monday, May 17, 1937, at 11 o'clock a. m.

### COMMITTEE HEARINGS

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, May 18, 1937, for the continuation of hearing on H. R. 6956, railroad retirement bill.

#### COMMITTEE ON THE LIBRARY

There will be a meeting of the Committee on the Library on Thursday, May 20, 1937, at 10 a. m., at which time testimony on several bills will be accepted.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

612. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 8, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination of Cadron Creek, Ark., a tributary of the Arkansas River, with a view to the control of floods, authorized by act of Congress approved May 6, 1936 (H. Doc. No. 250); to the Committee on Flood Control and ordered to be printed, with an illustration.

613. A letter from the Archivist of the United States, transmitting lists of papers, consisting of 56 items, among the archives and records of the Department of the Treasury which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

614. A letter from the Chairman, Securities and Exchange Commission, transmitting a part of the Commission's study and investigation of the work, activities, personnel, and functions of protective and reorganization committees; to the Committee on Interstate and Foreign Commerce.

615. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 13, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of head of Northeast River, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 248); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

616. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 13, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Juneau and Douglas Harbors, Alaska, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 249); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 2271. A bill to provide for trials of and judgments upon the issue of good behavior in the case of certain Fed-

eral judges; with amendment (Rept. No. 814). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREWRY: Committee on Naval Affairs. S. 1330. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1937 Reunion at Jackson, Miss., June 9, 10, 11, and 12, 1937; with amendment (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUM: Committee on Appropriations. House Joint Resolution 361. Joint resolution making appropriation for relief purposes; with amendment (Rept. No. 816). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. H. R. 5366. A bill to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935; with amendment (Rept. No. 817). Referred to the Committee of the Whole House on the state of the Union.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. IZAC: A bill (H. R. 7044) to provide for the establishment of one infantry battalion of Negro troops as a part of the National Guard of the State of California; to the Committee on Military Affairs.

By Mr. SMITH of Washington: A bill (H. R. 7045) to amend section 601 (c) (6) of the Revenue Act of 1932, as amended, with respect to the tax on imported lumber; to the Committee on Ways and Means.

By Mr. FLANNAGAN: A bill (H. R. 7046) to authorize the coinage of 50-cent pieces in commemoration of the dedication of Jefferson National Forest; to the Committee on Coinage, Weights, and Measures.

By Mr. GEARHART: A bill (H. R. 7047) to amend sections 203, 206, 208, and 217 of the Motor Carrier Act, 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICKS: A bill (H. R. 7048) to provide that appointees to Civil Service positions in regional, State, and local offices must be residents of the region, State, or locality in which the offices are located for 1 year prior to appointment, and to provide for examination of applicants at locally accessible points; to the Committee on the Civil Service.

By Mr. SIROVICH: A bill (H. R. 7049) to terminate the tax on admissions to places of amusement wherein the spoken drama is presented exclusively; to the Committee on Ways and Means.

By Mr. McGRATH: A bill (H. R. 7050) to authorize a preliminary examination and survey of the Salinas River, Calif., with a view to the control of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. MANSFIELD: A bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BOYKIN: A bill (H. R. 7052) to amend title IV of the Revenue Act of 1932 to impose an excise tax upon the importation of menthol and camphor; to the Committee on Ways and Means.

By Mr. PHILLIPS: A bill (H. R. 7053) to create a committee to investigate and report on the condition of our coast defenses; to the Committee on Rules.

By Mr. PALMISANO: A bill (H. R. 7054) to regulate foreclosure of mortgages and deeds of trust in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McMILLAN: A bill (H. R. 7055) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.



## MEMORIALS

Under clause 3 of rules XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to amend the Federal law so as to permit the States to tax national banks upon the same basis as State banks are taxed; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to establish Superior, Wis., as a subport of the port of Milwaukee, Wis.; to the Committee on Rivers and Harbors.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER: A bill (H. R. 7056) granting an increase of pension to Emma C. Orr; to the Committee on Invalid Pensions.

By Mr. DIRKSEN: A bill (H. R. 7057) granting a pension to Roy A. Poole; to the Committee on Pensions.

By Mr. DOCKWEILER: A bill (H. R. 7058) for the relief of Rudolf Burich or Rudolf Burica; to the Committee on Immigration and Naturalization.

By Mr. FERGUSON: A bill (H. R. 7059) for the relief of William Logan Hawkins; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 7060) for the relief of James Mohin; to the Committee on Claims.

By Mr. FLANNAGAN: A bill (H. R. 7061) to authorize and direct the Secretary of the Treasury to make payment for certain injuries to Mrs. E. J. Clifton; to the Committee on Claims.

Also, a bill (H. R. 7062) authorizing the Secretary of the Navy to reappoint Arthur E. Koch as a chaplain in the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 7063) for the relief of W. C. Stringer; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 7064) granting a pension to Mary J. Harvey; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 7065) granting a pension to Georgia A. Tinney; to the Committee on Claims.

Also, a bill (H. R. 7066) for the relief of Dr. W. A. Gills; to the Committee on Naval Affairs.

Also, a bill (H. R. 7067) to authorize and direct the United States District Court for the Eastern District of Virginia to take jurisdiction and adjudicate a claim of Joe E. Holland, of Holland, Va., against the United States for lots nos. 29 and 31 in block No. 11, as shown on the plat of Glenwood annex, and in the event the court may find the United States liable, to give judgment against the United States for such amount as the court may find to be just compensation therefor; to the Committee on Claims.

Also, a bill (H. R. 7068) granting a pension to Edgar Allen Patterson; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 7069) granting a pension to Mrs. John H. Kuester; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia: A bill (H. R. 7070) granting a pension to William W. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7071) granting a pension to Mary Chapman; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Montana: A bill (H. R. 7072) for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; to the Committee on Claims.

Also, a bill (H. R. 7073) for the relief of James Steven McGuire; to the Committee on Naval Affairs.

By Mr. RAMSPECK: A bill (H. R. 7074) granting a pension to Julian Cecil Stanley; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7075) for the relief of Drs. W. S. Davis, P. A. Palmer, H. S. Oakes, and J. M. Ousley; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2258. By Mr. BREWSTER: Petition of Lewis H. Griffin and 22 citizens of Cliff Island, Maine, protesting the passage of bills pertaining to compulsory Sunday observance because of religious beliefs; to the Committee on the Judiciary.

2259. Also, petition of Helen L. Roberts and 17 citizens of Carmel, Maine, to bring House bill 2257 out of committee for consideration by the House; to the Committee on Ways and Means.

2260. By Mr. LEAVY: Resolution of the public-utility districts consisting of Pend Oreille, Ferry, Chelan, Douglas, Lincoln, Okanogan, and Spokane Counties, in reference to distribution of hydroelectric energy generated on the Columbia River at Bonneville and power to be generated at Grand Coulee Dams and designating the Honorable J. D. Ross as the representative of such power districts; to the Committee on Rivers and Harbors.

2261. By Mr. MAGNUSON: Resolution of the Washington State Federation of Federal Employees' Unions, of Seattle, Wash., favoring the McCarran reclassification bill (S. 741); to the Committee on the Civil Service.

2262. By Mr. MICHENER: Letter from the secretary, Rome Grande, 293, Adrian, Mich., advising that the Grange voted unanimously in opposition to removing the Forest Service and other conservation activities from the Department of Agriculture; to the Select Committee on Government Organization.

2263. By Mr. PFELFER: Petition of the Presidents' Own Garrison, No. 104, Army and Navy Union of the United States, Washington, D. C., concerning reduction in Government appropriations; to the Committee on Appropriations.

2264. Also, petition of the National Grange, Washington, D. C., concerning full appropriation authorized by the George-Deen bill; to the Committee on Appropriations.

## SENATE

MONDAY, MAY 17, 1937

(Legislative day of Thursday, May 13, 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 Thursday, May 13, 1937, was dispensed with, and the Journal was approved.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McGill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. TARVER, Mr. UMSTEAD, Mr. THOM, Mr. LEAVY, Mr. McFARLANE, Mr. LAMBERTSON, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6730) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. BOYLAN, Mr. CANNON of Missouri, Mr. TABER, and Mr. BACON were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5478) to amend existing law to provide privilege of renewing