

2614. By Mr. MERRITT: Resolution of Local 10, International Ladies' Garment Workers' Union of the Amalgamated Ladies' Garment Cutters' Union, of New York City, that new housing for the people of the United States be put on a par with education, public health, and public roads, and that the disgrace of slums and blighted areas be eliminated; also that it favors the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2615. By Mr. O'NEILL of New Jersey: Petition of the New Jersey Housing League, endorsing and urging the enactment of the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2616. Also, petition of the Children's and Cotton Dress-makers' Union, Local 220, International Ladies' Garment Workers' Union, American Federation of Labor, endorsing and petitioning for the passage of Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2617. By Mr. PETERSON of Georgia: Petition of citizens of Emanuel County, Ga., concerning the old-age pension bill, (H. R. 2257); to the Committee on Ways and Means.

2618. By Mr. PFEIFER: Telegram from the Merchants Ladies' Garments Association, Inc., New York City, opposing the so-called fur tax on cloth garments trimmed with fur; to the Committee on Ways and Means.

2619. Also, telegram from the Industrial Council of Cloak, Suit and Skirt Manufacturers, Inc., New York City, opposing tax on furs and fur-trimmed merchandise; to the Committee on Ways and Means.

2620. Also, telegram from the Infants and Children's Coat Association, New York City, opposing present fur tax on children's garments; to the Committee on Ways and Means.

2621. Also, telegram from the National Coat and Suit Industry Recovery Board, New York City, opposing retention of tax on furs and fur-trimmed garments; to the Committee on Ways and Means.

2622. Also, petition of the Toilet Goods Association, Inc., New York City, opposing 10-percent tax on toilet articles; to the Committee on Ways and Means.

2623. Also, petition of the Beauty Industry Legislative Committee, New York City, opposing continued tax on toilet articles; to the Committee on Ways and Means.

2624. By Mr. SPARKMAN: Petition of A. J. Cantrell and various other citizens of Lawrence County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2625. Also, petition of R. H. Pruitt and various other citizens of Madison County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2626. By Mr. THOMAS of New Jersey: Resolution passed by the Bergen County (N. J.) Real Estate Board, Inc., favoring a system of handling all transactions of the Home Owners' Loan Corporation through a central office, where all brokers would be given an equal chance to do business with the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

2627. By the SPEAKER: Petition of the Tayabas Provincial Council of the Pagkakaisa ng Bayan (Popular Front), requesting the President of the United States and the Congress to grant unconditional independence to the Philippines in 1938 or 1939, as proposed by the President of the Philippines; to the Committee on Insular Affairs.

2628. Also, petition of the Alabama Petroleum Industries Committee, opposing the continuance of the Federal gasoline and lubricating-oil taxes; to the Committee on Ways and Means.

2629. Also, petition of the Thirty-third Convention of the Brotherhood of Locomotive Firemen and Enginemen at Milwaukee, Wis., June 7, 1937, urging the appointment of Attorney Donald R. Richberg to fill the vacancy on the Supreme Court; to the Committee on the Judiciary.

## SENATE

MONDAY, JUNE 14, 1937

*(Legislative day of Monday, June 7, 1937)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, being called to order by the President pro tempore.

## THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 10, 1937, was dispensed with, and the Journal was approved.

## APPOINTMENTS TO COMMITTEES, ETC., DURING THE RECESS

On the 11th instant, under authority of the order of the Senate of June 7 (calendar day, June 10), 1937, the Vice President appointed Mr. BYRNES, Mr. CLARK, Mr. HATCH, Mr. FRAZIER, and Mr. DAVIS as the members of the Special Committee on Investigation of Unemployment and Relief Problems, authorized by Senate Resolution 36, agreed to on June 10, 1937.

On the 12th instant, under authority of the order above referred to, the Vice President appointed Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. WALSH, Mr. LA FOLLETTE, and Mr. CAPPER as the members, on the part of the Senate, of the Joint Congressional Committee on Tax Evasion and Avoidance, under the terms of Public Resolution 40, approved June 12, 1937.

On the 12th instant, under authority of the act of June 10, 1872, the Vice President appointed Mr. GUFFEY a director of the Columbia Hospital for Women for the unexpired term of the Seventy-fifth Congress.

## SIGNING OF ENROLLED BILLS AND JOINT RESOLUTION DURING THE RECESS

Pursuant to the order of the Senate of June 7 (calendar day, June 10), 1937, on June 11, 1937, the Vice President signed the following enrolled bills and joint resolution, which had been signed previously by the Speaker of the House of Representatives:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen;

S. 790. An act to continue in effect until June 30, 1939, 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; and

S. J. Res. 155. Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance.

## ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On June 10, 1937:

S. 470. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne;

S. 709. An act to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended;

S. 1068. An act for the relief of Earl W. Thomas;

S. 1120. An act authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes;

S. 1936. An act for the relief of the estate of Elmer W. Laub, deceased;

S. 1967. An act to authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes; and

S. J. Res. 56. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.

On June 11, 1937:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen;

S. 790. An act to continue in effect until June 30, 1939, 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; and

S. J. Res. 155. Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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

On June 10, 1937:

S. 451. An act for the relief of Farley J. Holloman.

On June 11, 1937:

S. 274. An act for the relief of Lt. Joseph N. Wenger, United States Navy;

S. 522. An act for the relief of R. R. Purcell;

S. 556. An act for the relief of W. B. Greeley;

S. 1471. An act for the relief of Jordan Roberts;

S. 1479. An act for the relief of the estate of Charles White;

S. 1507. An act authorizing the return of the commission of John Baptiste Ashe, as a major in the Continental Army, to Martha B. Rogers, nee Ashe;

S. 1572. An act for the relief of Frank Fisher;

S. 1699. An act granting an annuity to Frank W. Carpenter;

S. 1753. An act for the relief of James A. Fox;

S. 2059. An act to authorize Austin H. Clark and Ellsworth P. Killip, of the United States National Museum, to accept certain decorations, respectively, from the Danish and French Governments; and

S. J. Res. 155. Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6391. An act to authorize the prompt deportation of criminals and certain other aliens, and for other purposes; and

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, and it was signed by the President pro tempore.

CALL OF THE ROLL

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

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

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

Adams	Borah	Capper	Frazier
Andrews	Bridges	Caraway	George
Ashurst	Brown, Mich.	Chavez	Gerry
Bailey	Brown, N. H.	Copeland	Gibson
Bankhead	Bulkeley	Davis	Gillette
Barkley	Bullock	Dieterich	Glass
Billbo	Burke	Donahay	Green
Black	Byrd	Duffy	Guffey
Bone	Byrnes	Ellender	Harrison

Hatch	Loneragan	O'Mahoney	Smathers
Hayden	Lundeen	Overton	Stelwer
Herring	McAdoo	Pepper	Thomas, Utah
Hitchcock	McCarran	Pittman	Townsend
Hughes	McGill	Pope	Truman
Johnson, Calif.	McKellar	Radcliffe	Tydings
Johnson, Colo.	McNary	Reynolds	Vandenberg
La Follette	Minton	Robinson	Van Nuys
Lee	Murray	Russell	Wagner
Lewis	Neely	Schwartz	Walsh
Lodge	Norris	Schwellenbach	Wheeler
Logan	Nye	Sheppard	White

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Missouri [Mr. CLARK] is absent because of illness in his family.

The Senator from Tennessee [Mr. BERRY], the Senator from Texas [Mr. CONNALLY], the Senator from New Jersey [Mr. MOORE], and the Senator from South Carolina [Mr. SMITH] are absent on important public business.

The Senator from West Virginia [Mr. HOLT] and the Senator from Oklahoma [Mr. THOMAS] are necessarily detained.

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

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

CREATION OF REGIONAL CONSERVATION AUTHORITIES—NOTICE OF HEARINGS

Mr. POPE. Mr. President, the subcommittee appointed by the Committee on Agriculture and Forestry to consider Senate bill 2555 have met and decided to begin hearings next Monday, June 21, at 10 o'clock a. m., in the room occupied by the Committee on Agriculture and Forestry.

Mr. McNARY. What bill is it, Mr. President?

Mr. POPE. Senate bill 2555, introduced by the Senator from Nebraska [Mr. NORRIS], dealing with power and other matters.

SENATOR FROM TENNESSEE (REPT. NO. 710)

Mr. GEORGE. Mr. President, I send to the desk a privileged report and ask that it be read.

The PRESIDENT pro tempore. Without objection, the report will be read.

The Chief Clerk read the report, as follows:

The Committee on Privilege and Elections, to which was referred the petition of H. C. Lowry, a citizen of Tennessee, petitioning the Senate to withhold the oath of office from GEORGE L. BERRY as Senator from the State of Tennessee and to declare that the said GEORGE L. BERRY is not entitled to a seat in the Senate, having considered the same, submit the following report:

1. The allegations as made are insufficient to show jurisdiction in the Senate or warrant action by the Senate.
2. The committee recommends that no further action be taken upon the petition or memorial.

Mr. GEORGE. I move the adoption of the report.

I may say it was a unanimous decision of all members of the Committee on Privileges and Elections who were present, the decision having been reached after a careful investigation of the entire matter.

Mr. BORAH. Mr. President, I understood the Senator from Georgia to state that the report was unanimous?

Mr. GEORGE. It was a unanimous decision reached after careful investigation of the charges.

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

The motion was agreed to.

STEEL STRIKE AT MONROE, MICH.

Mr. VANDENBERG. Mr. President, I present for the RECORD a resolution adopted by the City Commissioners of Monroe, Mich., with respect to the present strike situation there. Attached to the resolution is a report upon a municipal election held for employees of the Newton Steel Co. plant, which is in controversy. I call attention to the results of the vote as recorded by the city clerk.

To the question, "Are you in favor of the strike?" the vote was—yes 30, no 782.

To the question, "Do you desire to return to work now?" the vote was—yes 836, no 20.

I ask that the resolution and exhibit be printed in the RECORD.

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

Whereas the city of Monroe has been most unfortunate in having its share of labor disputes which have resulted in a shut-down of our local steel mill, the Newton Steel Co.; and

Whereas the employees of the said steel mill are members of a local union of their own and some members of C. I. O.; and

Whereas the mayor of the city of Monroe has done everything in his power to avoid a conflict between these two organizations; and

Whereas our mayor, through the medium of a secret ballot, has attempted to ascertain the views of the great majority of the employees of the said steel mill in relation to the so-called strike now in existence here; and

Whereas the mayor of the city of Monroe has likewise attempted by every possible means to have this controversy adjusted and settled peaceably for the benefit of all of the citizens of Monroe: Now, therefore, be it

Resolved, That this commission wholeheartedly and unanimously approves of every step taken by the mayor in connection with this controversy and that we further assure the mayor of our wholehearted support in any steps that he may take in the future to help bring about an early settlement of this dispute.

I hereby certify that the above resolution was passed at the regular meeting of the commission of the city of Monroe, Mich., held Monday, June 7, 1937, at 7:30 p. m.

[SEAL]

D. A. SOLEAU,  
City Clerk.

[Copy]

Special election held June 7, 1937, for Newton Steel employees, held at the city of Monroe, county of Monroe, State of Michigan.

The whole number of votes cast according to the poll list is 883.

The whole number of ballots counted on opening ballot box was 883:

They were cast as follows:	
Are you in favor of the strike?	
Total number of votes.....	812
They were cast as follows:	
Yes.....	30
No.....	782
Do you desire to return to work now?	
Total number of votes.....	856
They were cast as follows:	
Yes.....	836
No.....	20

STATE OF MICHIGAN,  
County of Monroe, ss:

CERTIFICATE OF INSPECTORS

We do hereby certify that the foregoing poll list has been carefully compared by us with the duplicate list, as required by law, and that all mistakes found in such poll lists have been duly corrected by us, and that both of such poll lists are now correct and agreed with each other.

Witness our hands this the 7th day of June, A. D. 1937.

GEO. C. KIRSCHNER,  
IRVING S. HARRINGTON,  
JOSEPH S. PORTE,  
Inspectors of this election.

Held on Monday the 7th day of June, A. D. 1937.

PROPOSED INCOME TAX ON GOVERNMENT SECURITIES

Mr. LONERGAN. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on the Judiciary a copy of a letter written by me to the Secretary of the Treasury and his reply thereto on the subject of tax-exempt securities, together with certain data relating to the subject.

There being no objection, the letters and data were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., June 4, 1937.

HON. HENRY MORGENTHAU, JR.,  
Secretary of the Treasury, Treasury Department,  
Washington, D. C.

MY DEAR SECRETARY: I will appreciate a report from you within a few days stating whether the Treasury is in favor of immediate action by Congress on legislation to provide for a tax on the income of future issues of United States Government securities which are now exempt and on future issues of securities by States and subdivisions thereof.

In view of the current program to avoid tax evasion and otherwise to provide for an adequate national revenue, I suggest that a definite position by the Treasury on this important question should be taken immediately.

For several years the Congress has had bills and resolutions before it which would provide for such a tax. I personally introduced such measures in the Seventy-third, Seventy-fourth, and Seventy-fifth Congresses, and in the CONGRESSIONAL RECORD of January 16, 1934, Senator ROBINSON, the Democratic Senate leader, inserted a comprehensive study which I prepared on this subject, with recommendations that income from future issues of all Federal securities should be taxed by passage of a private bill, but that a constitutional amendment would be necessary to enable the Federal Government to tax future issues of securities issued by the States, and likewise to enable the States to tax income from Federal securities.

In principle the Treasury has been favorable to a tax on securities now exempt since September 23, 1921, when former Secretary Mellon in a report to the Committee on Ways and Means in the House stated that "The ever-increasing volume of tax-exempt securities (issued in the most part by States and municipalities) represent a grave economic evil, not only by reason of the loss of revenue which it entails in the Federal Government but also of its tendency to encourage the growth of public indebtedness and to divert capital from productive enterprises." Mr. Mellon was also on record on numerous other occasions in support of such a tax.

On December 6, 1923, the late President Coolidge, in his annual message to Congress, Sixty-eighth Congress, first session, said: "Another reform which is urgent in our fiscal system is the abolition of the right to issue tax-exempt securities."

Also on record in 1923 is former President Hoover, who was then Secretary of Commerce, who, in a communication to the Senate, said, among other things: "It is an extraordinary thing for a commercial nation like ours to have developed a form of taxation which puts a premium on nonproductivity and a blight on productivity itself." This was in connection with general recommendations for a tax on income from both Federal and State securities generally exempted.

Former Secretary Mellon is again on record on the subject in his annual report to the Sixty-ninth Congress, for the fiscal year ending June 30, 1925, with the following statement: "Looking at the proposition logically there is no reason for the existence of tax-exempt securities. There ought to be no refuge to which the wealthy man can go and avoid income taxes at times when the Federal Government needs the money. A constitutional amendment to make these securities taxable should be passed. The Treasury has consistently been the advocate of such reform."

Again, in 1928, in his annual report, Mr. Mellon was on record favoring such a tax, and in 1930 he took a very vigorous position in his support.

The present administration has made reports to congressional committees, by the Secretary of the Treasury, as follows:

On March 6, 1934, you notified the chairman of the Senate Finance Committee that—

"Although as a matter of principle the Treasury is favorable to the elimination of all tax-exempt securities, it would be opposed to the enactment of S. 1892, which would eliminate the tax-exempt feature of future issues of Federal obligations only.

"To require that future Federal obligations be issued on a fully taxable basis in competition with tax-exempt securities originating elsewhere would be likely to react unfavorably on the market for Federal securities, increasing the cost of the Government's borrowing and complicating the heavy financing operations which must be effected in the near future."

On March 19, 1935, you notified the chairman of the Senate Committee on Finance that "The Treasury has already stated that it favors the adoption of a constitutional amendment permitting the taxation by the United States of the interest on future issues of State and municipal securities; and by the State on future issues of Federal securities. In the absence of such a constitutional amendment the Treasury is opposed to enactment of S. 201, a bill to provide for a tax on income from Federal securities only.

The latest report from your Department to Senator HARRISON, on legislation pending in this Congress, dated February 5, 1937, summarizes the Department's previous recommendations and adds:

"The Treasury has already stated that it favors the adoption of a constitutional amendment permitting the taxation by the United States of the interest on future issues of State and municipal securities; and by the States on future issues of Federal securities. In the absence of such a constitutional amendment the Treasury is opposed to the enactment of S. 16, a bill to provide for a tax on income from Federal securities only."

I desire to point out that my resolution, Senate Joint Resolution 5, for a constitutional amendment as referred to is now pending in the Senate Judiciary Committee. It was introduced in conjunction with S. 16, referred to above, to provide for a tax on Federal securities.

Very truly yours,

AUGUSTINE LONERGAN.

[Copy of letter from Treasury Department]

JUNE 10, 1937.

MY DEAR SENATOR LONERGAN: Receipt is acknowledged of your letter of June 4, 1937, in which you request a report within a few days stating whether the Treasury is in favor of immediate action by Congress on legislation to provide for a tax on the income of future issues of United States Government securities which are now exempt, and on future issues of securities by States and subdivisions thereof.

As your letter recognizes, the Treasury Department has on numerous occasions, during the present and former administrations, gone on record unequivocally as favoring the adoption of a constitutional amendment which would permit the taxation by

the United States of the interest on future issues of State and municipal securities; and by the States on future issues of Federal securities. The Department continues to adhere to its previous position upon this question.

If this result could be achieved by legislation alone, the solution of the problem of the tax-exempt security would be relatively simple. Unfortunately it seems perfectly clear under the decisions of the courts that the desired result cannot be attained in the case of State and municipal issues by any action short of the submission and ratification by the States of a constitutional amendment. For the reasons stated in my letter of March 6, 1934, to the chairman of the Senate Finance Committee, from which you quote, the Department is compelled to oppose the enactment of legislation which would eliminate the tax-exempt feature of future issues of Federal obligations, while State and local issues would continue to enjoy their constitutional immunity from Federal taxation. It is further believed that submission of a constitutional amendment should precede legislative action with respect to the tax-exempt status of future issues of Federal securities in view of the uncertainty as to the ratification of such an amendment by the States.

Sincerely yours,

ROSSELL MACILL,  
Acting Secretary of the Treasury.

HON. AUGUSTINE LONERGAN,  
United States Senate, Washington, D. C.

Tabulation of tax-exempt securities outstanding as of 1936

Wholly or partially exempt, net outstanding.....	\$53,613,000,000
Partial break-down:	
Federal.....	30,880,000,000
States and subdivisions.....	16,882,000,000
Reconstruction Finance Corporation.....	252,000,000
Federal Farm Loan.....	2,624,000,000
Home Owners' Loan Corporation.....	2,856,000,000
Wholly exempt, net outstanding.....	37,611,000,000
Partial break-down:	
Federal.....	15,272,000,000
States and subdivisions.....	19,876,000,000
Federal Farm Loan.....	2,318,000,000
Territories and insular possessions.....	145,000,000
Partially exempt, net outstanding (amount outstanding which was examined for normal but not the surtax).....	26,232,000,000
Partial break-down:	
Federal.....	17,484,000,000
Reconstruction Finance Corporation.....	4,282,000,000
Home Owners' Loan Corporation.....	3,044,000,000
Federal Farm Mortgage Corporation.....	1,422,000,000
GRAND TOTAL	
Wholly exempt.....	37,611,000,000
Partially exempt.....	23,232,000,000
	\$63,843,000,000

<sup>1</sup>The grand total does not agree with the total in first table because the difference of \$10,230,000,000 represents amounts held in sinking funds, etc., by Treasury.

REIMBURSEMENT OF EXCHANGE LOSSES TO CERTAIN OFFICERS AND EMPLOYEES

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

To the Congress of the United States:

There is transmitted herewith a report of the Secretary of State and a proposed draft of legislation designed to extend the act approved March 26, 1934 (48 Stat. 466), to authorize the reimbursement of exchange losses sustained during the period July 1 to 14, 1933, by officers and employees of the United States in foreign countries, due to the appreciation of foreign currencies in their relation to the American dollar.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 11, 1937.

[Enclosures: Report of the Secretary of State. Proposed draft of legislation.]

EVERETT P. SHERIDAN

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 665) to credit the account of Everett P. Sheridan, which was to amend the title so as to read "An act for the relief of the estate of Everett P. Sheridan."

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JOHN W. THOMASON AND ROBERT SLOVER

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1112) awarding a Navy Cross to John W. Thomason, which were, on page 1, line 4, after the word "Corps", to insert "and Robert Slover, gunnery sergeant, United States Marine Corps"; on the same page and line, to strike out the word "he" and insert "each"; and to amend the title so as to read: "An act awarding a Navy Cross to John W. Thomason and Robert Slover."

Mr. WALSH. I move that the Senate agree to the amendments of the House.

The motion was agreed to.

PROPOSED SAN JUAN NATIONAL MONUMENT, P. R.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to establish the San Juan National Monument, P. R., and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

CLAIM OF BROOKS-CALLAWAY CO., ATLANTA, GA.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of Brooks-Callaway Co., of Atlanta, Ga., against the United States, which, with the accompanying report, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Agriculture and Forestry:

Senate joint resolution relative to memorializing the President and the Congress of the United States to enact bill H. R. 4009, which proposes to appropriate \$50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill

Whereas during recent times numerous noxious weeds, such as Bermuda grass; nut grass; Canada thistle; perennial sow thistle; quack grass; Johnson grass; wild morning glory, sometimes known as the creeping jenny, or field bindweed, the Russian Knapp weed; leafy spurge; and many others have invaded the farm and agricultural lands and gardens in most of the States of the United States, including the State of California; and

Whereas little organized effort has been made to control such noxious weeds; and

Whereas it has been estimated that noxious weeds are costing the United States \$3,000,000,000 every year; and

Whereas a definite effort made in the State of Idaho to check such weeds has clearly demonstrated that the work can be successfully accomplished; and

Whereas there was introduced in the House of Representatives by D. WORTH CLARK of Idaho a bill known as H. R. 4009, which has as its purpose enabling each State to furnish financial assistance as far as practicable for the control and eradication of noxious weeds within such States and the appropriation of \$50,000,000 by the Federal Government to aid in such work; and

Whereas H. R. 4009 is well designed to accomplish the following purposes:

(a) It will make possible the eradication of noxious weeds in the State of California and thereby bring inestimable benefits to California agriculture.

(b) It will cause the employment of numerous deserving citizens of this State who at present, through no fault of their own, are unemployed.

(c) It will hasten economic recovery:

Now, therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States are respectfully urged to enact legislation proposed by bill H. R. 4009, and that Henry A. Wallace, Secretary of Agriculture, is also urged to expedite consideration favorable to said bill; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to the chairman of the Committee on Agriculture of the House of Representatives and to each member of the Committee on Agriculture of the House of Representatives, and to Henry A. Wallace, Secretary of Agriculture, and to each Senator and Member of the House of Representatives from

California in Congress, and that such Senators and Members from California are hereby respectfully urged to support such legislation.

The PRESIDENT pro tempore also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, favoring the adoption of agricultural and tariff policies in furtherance of the welfare of the Wisconsin farmer, which was referred to the Committee on Finance.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The PRESIDENT pro tempore also laid before the Senate the petition of Adam Th. Drekolias, of Los Angeles, Calif., praying for an investigation into the merits of a new mechanical system devised for inexpensive generation of electric energy, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a telegram from Jonathan Eddy, secretary, embodying a resolution adopted at St. Louis, Mo., by the American Newspaper Guild, favoring an immediate appropriation of not less than \$3,000,000,000 for the continuance and expansion of the Works Progress Administration, which was referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the Association of Former Internes of Freedmen's Hospital, of Washington, D. C., protesting against the transfer of Freedmen's Hospital from the Department of the Interior to the Board of Public Welfare of the District of Columbia, or to the trustees of Howard University, which were referred to the Committee on the District of Columbia.

He also laid before the Senate a resolution adopted by the City Council of Aurora, Ill., favoring the prompt enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the annual convention of the Pacific Coast District, International Longshoremen's Association, at Seattle, Wash., favoring the enactment of the so-called American youth bill, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Gale Grange, No. 282, of Forest Grove, Oreg., favoring an amendment of the Constitution to provide a referendum on the question of a declaration of war, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the annual convention of the Pacific coast district, International Longshoremen's Association, at Seattle, Wash., favoring amendment of the Longshoremen's and Harbor Workers' Compensation Act so as to provide adequate care for injured longshoremen and enforcement of the provisions of the act relating to the determination of the average weekly wage, and also the enactment of antilynching legislation, which were referred to the Committee on the Judiciary.

He also laid before the Senate a memorial of sundry citizens of West Hartford, Conn., and Rochester, N. Y., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court of the United States, which was ordered to lie on the table.

Mr. JOHNSON of California. Mr. President, I ask leave to present numerous memorials that were gathered by Martin Luther Thomas, D. D., L. L. D., of Los Angeles, Calif., among the citizens of California. The memorialists, aggregating in number 75,000, remonstrate against the proposed reorganization or enlargement of the membership of the Supreme Court. I ask that the memorials may lie on the table and be filed.

The PRESIDENT pro tempore. Without objection, the memorials presented by the Senator from California will be received, lie on the table, and be filed.

Mr. LONERGAN presented a memorial of sundry citizens of the State of Connecticut, remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

Mr. WALSH presented a resolution adopted by Local Union No. 257, Brotherhood of Painters, Decorators, and Paperhangers of America, of Springfield, Mass., favoring the enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

Mr. WALSH and Mr. LODGE presented a resolution adopted by the First Annual Conference of the Massachusetts State Branch, American Federation of Teachers, favoring the enactment of the so-called American youth bill, which was referred to the Committee on Education and Labor.

Mr. WALSH and Mr. LODGE also presented a resolution adopted by the First Annual Conference of the Massachusetts State Branch, American Federation of Teachers, protesting against the enactment of legislation providing for the conscription of labor in time of war, and also against the adoption of the War Department's so-called industrial mobilization plan, which was referred to the Committee on Finance.

Mr. WALSH and Mr. LODGE also presented a resolution adopted by the First Annual Conference of the Massachusetts State Branch, American Federation of Teachers, favoring the enactment of Senate bill 367, prohibiting compulsory enrollment in Reserve Officers' Training Corps units in civil schools and colleges, which was referred to the Committee on Military Affairs.

Mr. WALSH and Mr. LODGE also presented a resolution adopted by the First Annual Conference of the Massachusetts State Branch, American Federation of Teachers, favoring the enactment of legislation to reorganize the judicial branch of the Government, which was ordered to lie on the table.

Mr. WALSH and Mr. LODGE also presented a resolution adopted by the First Annual Conference of the Massachusetts State Branch, American Federation of Teachers, favoring the enactment of legislation providing more effective programs of public education through the appropriation of funds to assist the States and Territories, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the Youth Council of St. Martin's Church Center, of New York City, favoring the continuance and extension of appropriations for the National Youth Administration, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the National Federation of Settlements at Bloomington, Ind., favoring the extension of the National Youth program and its development to include health service, practical and realistic education for a vocation and a living, and vocational placement, which was referred to the Committee on Education and Labor.

He also presented the petition of William Lescaze, of New York City, N. Y., praying for the enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the executive board of the Italian Dress and Waist Makers' Union, Local No. 89, of the International Ladies Garment Workers' Union, of New York City, favoring the enactment of pending low-cost housing legislation, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Washington Heights Peace Committee, of New York City, N. Y., protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Westchester County Committee, the American Legion, of Yonkers, N. Y., favoring the enactment of certain immigration legislation in accord with resolutions adopted by the 1936 national convention of the American Legion, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Traffic Club of New York City, N. Y., protesting against the enactment of legislation that would materially increase the cost of maintenance and operation of the railroads, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Washington Heights Peace Committee of New York City, N. Y., favoring amendment of the Constitution so as to provide a referendum on the question of a declaration of war, and also the enactment of antilynching legislation, which were referred to the Committee on the Judiciary.

Mr. ASHURST presented the following memorial of the House of Representatives of the State of Arizona, which was referred to the Committee on Appropriations:

House memorial relating to the continuation of the functions of the Federal Emergency Administration of Public Works

To the President and the Congress of the United States of America: Your memorialist respectfully represents:

The Congress of the United States of America has extended the Federal Emergency Administration of Public Works from time to time since its creation and has augmented the original appropriation to further the policy of the Federal Emergency Administration of Public Works by financing and aiding the construction of worthy and necessary public projects, and the Federal Emergency Administration of Public Works has effectively and officially discharged the public duties with which it has been entrusted.

The construction of projects of the type financed by the Federal Emergency Administration of Public Works is not solely a means of reemploying citizens of the State who are without employment, but is a means to stimulate industry in general by the construction of sound and useful public projects designed to meet social and economic needs, and the continuation of its program is necessary in order that unemployment may be reduced and absorbed by private industry.

The records of the Arizona State director of the Federal Emergency Administration of Public Works discloses that in excess of 50 applications are now pending in his office for the construction of public projects under the direction and supervision of the Federal Emergency Administration of Public Works.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress of the United States of America continue the functions of the Federal Emergency Administration of Public Works, and authorize appropriations necessary to adequately provide for a continued program of public improvements.

2. That the secretary of state is authorized and directed to send copies of this resolution to the President of the United States, to the President of the Senate of the United States, the Speaker of the House of Representatives, to the Secretary of the Interior as Director of the Federal Emergency Administration of Public Works, and to each of the Senators and Representatives from the State of Arizona in the Congress of the United States of America.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance:

Joint resolution petitioning the Honorable Franklin D. Roosevelt, President of the United States, to adopt agricultural and tariff policies in furtherance of the welfare of the Wisconsin farmer

Whereas Wisconsin is the leading State of the Union in the production and sale of cheese, milk, cream, and other dairy products, and also rates high in the production of cattle, poultry, potatoes, apples, and cherries; and

Whereas the President of the United States from time to time enters into reciprocal-tariff agreements with foreign nations in an effort to stimulate trade; and

Whereas these agreements may concede tariff reductions on imports of above-mentioned products which will result in large increases of such imports having a tendency to flood and destroy favorable home markets to the great prejudice and damage to the Wisconsin farmer; and

Whereas the reciprocal-tariff agreement made with the Dominion of Canada reduced tariffs on imports of cheese and brought an increase in such imports from this nation alone of 769,839 pounds in 1935 to 11,155,518 pounds in 1936; and

Whereas hundreds of thousands of Wisconsin farmers and their families, as well as the entire business interests of many counties, are dependent for their livelihood on the production and favorable marketing of these products and must rely upon the administration to protect their home markets by adopting favorable foreign-trade policies and tariffs which will retain this market: Now, therefore, be it

*Resolved by the assembly (the senate concurring),* That this legislature respectfully petitions the President of the United States to adopt and maintain foreign and domestic trade policies to the end that home markets for the Wisconsin farmer be restored and protected; and be it further

*Resolved,* That properly attested copies of this resolution be transmitted to the President of the United States, to both Houses of Congress, and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table:

Joint resolution relating to the need for retaining Civilian Conservation Corps camps on State and county forests

Whereas certain Civilian Conservation Corps camps on State and county forests are to be discontinued in the near future; and

Whereas there still remains unlimited useful conservation work yet to be completed in these localities, including the protection of 12,000,000 acres of forestry and recreational lands from forest fires, the planting of thousands of acres of unproductive forest lands, the expansion of forest nursery facilities, the development of fish hatcheries, rearing ponds, water reservoirs, and certain park areas; and

Whereas the Civilian Conservation Corps has made a major contribution to the advancement of conservation, restoration, and upbuilding of our natural resources: Now, therefore, be it

*Resolved by the senate (the assembly concurring),* That the Wisconsin Senators and Representatives in Congress be urged to make every effort to secure the retention of the camps in Wisconsin and to support legislation removing the relief requirements for enrollment in the Civilian Conservation Corps so that the corps may be brought up to full strength; be it further

*Resolved,* That properly attested copies of this resolution be sent to the Wisconsin Senators and Representatives in Washington and to Robert Fechner, Director, Emergency Conservation Work, at Washington.

#### LOW-COST HOUSING

Mr. WAGNER. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred letters and resolutions endorsing the pending low-cost housing bill.

There being no objection, the letters and resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

BROOKLYN CHAPTER OF THE AMERICAN  
INSTITUTE OF ARCHITECTS,  
Brooklyn, N. Y., June 9, 1937.

HON. ROBERT F. WAGNER,

Senate Chambers, Washington, D. C.

DEAR SIR: The Brooklyn Chapter, American Institute of Architects, requests that you assist in the passage of the Wagner-Steagall housing bill and sends you herewith the resolution as adopted at the annual convention of the American Institute of Architects at Boston to that end, as follows:

"Whereas the American Institute of Architects assembled for its sixty-ninth convention in Boston has unanimously approved the report and resolutions prepared by its committee on housing; and

"Whereas the passage of the Wagner-Steagall housing bill is essential to the continuation of the Government's efforts to provide adequate shelter for a large portion of the American people: Therefore be it

*Resolved,* That the American Institute of Architects endorses the basic features of the Wagner-Steagall bill and urges its passage at this time."

Your support of this important measure will be greatly appreciated.

Sincerely yours,

STEPHEN W. DODGE, *President.*

AMALGAMATED LADIES' GARMENT CUTTERS' UNION,  
New York, June 8, 1937.

Senator ROBERT F. WAGNER,

Senate Office Building, Washington, D. C.

HONORABLE SIR: At a meeting of our organization, comprising 9,000 members, held on Thursday, June 3, 1937, the following resolution was adopted:

"Whereas the housing situation in certain parts of the city of New York is deplorable and many houses are dangerous and injurious to life and health; and

"Whereas within the last 6 to 7 years, because of the stoppage of new building, and for many other reasons, living conditions for the workers of this country have become intolerable—in all cities, and also in many rural sections, the workers are compelled to live in filthy, airless, and sunless shambles which impair their health and the physical and moral welfare of their children: Therefore be it

*Resolved,* That new housing for the people of the United States be put on a par with education, public health, and public roads, and that the disgrace of slums and blighted areas be eliminated; be it further

*Resolved* That we petition the Congress of the United States to pass as soon as possible the Wagner-Steagall housing bill."

We therefore urge that you lend your support toward the adoption of this measure.

Respectfully yours,

SAMUEL PERLMUTER, *Manager.*

ITALIAN DRESS AND WAIST MAKERS' UNION,  
New York, June 5, 1937.

HON. ROBERT F. WAGNER,

United States Senate, Washington, D. C.

DEAR SIR: The Italian Dress and Waist Makers' Union, Local 89, of the International Ladies Garment Workers' Union, a labor organization composed of 40,000 members of Italo-American extraction, at a meeting of its executive board, adopted the following resolution urging the Congress of the United States to pass the Wagner-Steagall housing bill:

"Within the last 6 or 7 years, because of the stoppage of new building, and for many other reasons, living conditions for the workers of this country have become intolerable. In all cities and also in many rural sections the workers are compelled to live in filthy, airless, and sunless shambles which impair their health and the physical and moral welfare of their children.

"We demand that new housing for the people of the United States be put on a par with education, public health, and public roads, and that the disgrace of slums and blighted areas be eliminated."

Respectfully submitted,

[SEAL]

LUIGI ANTONINI,  
General Secretary.

WILLIAM LESCAZE, ARCHITECT,  
New York, June 10, 1937.

Senator ROBERT F. WAGNER,

The Capitol, Washington, D. C.

DEAR SENATOR WAGNER: As a member of the American Institute of Architects, I would like to call your attention to a resolution passed by the sixty-ninth convention of the American Institute of Architects in Boston on June 4.

The resolution was as follows:

"Whereas the A. I. A. assembled in sixty-ninth convention in Boston, Mass., has unanimously approved the report and resolutions prepared by its housing committee; and

"Whereas the passage of the Wagner-Steagall housing bill is essential to the continuation of the Government's efforts to provide adequate shelter for a large portion of the American people: Therefore be it

"Resolved, That the A. I. A. endorses the basic features of the Wagner-Steagall bill and urges its passage at this time; be it further

"Resolved, That this resolution be sent to the President of the United States; be it further

"Resolved, That the members of the A. I. A. send copies of this resolution to their respective Congressmen and Senators."

May I urge you to make every effort to secure favorable action on this very important bill at this session of Congress?

Sincerely yours,

WILLIAM LESCAZE.

CITY OF AURORA, ILL., June 8, 1937.

Senator WAGNER,

Senate Building, Washington, D. C.

HON. SENATOR WAGNER: Enclosed is a copy of a resolution passed by the city council of the city of Aurora on the 7th day of June A. D. 1937.

The city council wishes that you favor the passing of Senate bill 1685.

Very truly yours,

D. D. RICKER.

Whereas there is now pending before the Congress of the United States of America a bill "to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes", which said bill is also known as Senate bill 1685; and

Whereas it is believed that the enactment of said bill into a law of the United States of America is of utmost importance to the welfare of the citizens of this city of Aurora as well as for welfare of all citizens: Therefore be it

Resolved by this the City Council of Aurora, Ill., in regularly convened assembly, That we do hereby petition the Congress of the United States of America to enact into law Senate bill 1685, as hereinbefore described; be it also

Resolved, That a copy of this resolution be sent to the President of the United States of America; the Vice President of the United States of America; Hon. HUGO L. BLACK, Senator for Alabama; Senator WAGNER; Hon. HENRY B. STEAGALL, Congressman for Alabama; and to all Members of the Congress for Illinois.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the bill (S. 2010) to authorize the appointment of an additional judge for the southern district of Ohio, reported it without amendment and submitted a report (No. 709) thereon.

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

S. 2279. A bill to amend section 2 of the act entitled "An act to give wartime rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to prohibit persons who have been subsequently separated from the service under other than honorable conditions from bearing the official title and upon occasions of ceremony wearing the uniform of the highest grade held by them during their war services, and for other purposes (Rept. No. 712);

H. R. 2404. A bill for the relief of James Philip Coyle (Rept. No. 713); and

H. R. 3002. A bill for the relief of Timothy Joseph McCarthy (Rept. No. 714).

Mr. FRAZIER (for Mr. THOMAS of Oklahoma), from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1379. A bill authorizing the Five Civilized Tribes, in suits heretofore filed under their original Jurisdictional Acts, to present claims to the United States Court of Claims, by amended petitions to conform to the evidence; and authorizing said court to adjudicate such claims upon their merits as though filed within the time limitation fixed in said original Jurisdictional Acts (Rept. No. 715); and

S. 1517. A bill authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielet Reservation, State of Washington (Rept. No. 716).

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (S. 2113) to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes, reported it without amendment and submitted a report (No. 718) thereon.

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

S. 2026. A bill to provide for the addition of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes (Rept. No. 719); and

H. R. 3123. A bill to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y. (Rept. No. 720).

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

H. R. 5848. A bill to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind. (Rept. No. 721);

H. R. 6285. A bill authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood (Rept. No. 722);

H. R. 6286. A bill authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood (Rept. No. 723);

H. R. 6292. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr. (Rept. No. 724); and

H. R. 6494. A bill to extend the times for commencing and completing the construction of a bridge across the

Snake River between Clarkston, Wash., and Lewiston, Idaho (Rept. No. 725).

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 2226) to regulate interstate commerce in the products of child labor, and for other purposes, reported it with amendments and submitted a report (No. 726) thereon.

REORGANIZATION OF FEDERAL JUDICIARY—REPORT OF COMMITTEE ON THE JUDICIARY (REPT. NO. 711)

Mr. McCARRAN. Mr. President, on behalf of the Judiciary Committee, and also in behalf of the senior Senator from Utah [Mr. KING], who is chairman of the subcommittee but absent because of illness, your committee reports back adversely, with amendments, the bill (S. 1392) to reorganize the judicial branch of the Government, and submits a report thereon. I also submit for the Senator from New Mexico [Mr. HATCH] his individual views in connection with the bill.

The PRESIDENT pro tempore. Without objection, the report will be received and printed and the bill will be placed on the calendar; also the individual views of the Senator from New Mexico will be received and printed together with the report of the committee.

RELIEF APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. ADAMS. From the Committee on Appropriations I report back favorably, with amendments, the joint resolution (H. J. Res. 361) making appropriations for relief purposes, and I submit a report (No. 717) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

RELIEF APPROPRIATIONS—MINORITY VIEWS

Mr. McKELLAR. Mr. President, I submit the minority views of certain members of the Committee on Appropriations on the joint resolution (H. J. Res. 361) making appropriations for relief purposes, which I ask may be printed in connection with the report of the committee (Rept No. 717) heretofore submitted today. I also ask that the minority views submitted by me may be printed in the RECORD.

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

The minority views submitted by Mr. McKELLAR are as follows:

VIEWS OF THE MINORITY

To the Senate of the United States:

The minority of the Senate Committee on Appropriations in reference to House Joint Resolution 361, making appropriations for relief purposes, beg leave to submit the views of the minority on two features of the bill.

The first provision of the bill to which the minority members object was introduced by Senator JAMES F. BYRNES, of South Carolina, and is to be found on page 4, line 12, of the bill, and is as follows:

"Provided further, after September 30, 1937, That no new non-Federal project shall be undertaken or prosecuted under this appropriation unless and until (1) adequate provision has been made or is assured for financing such part of the entire cost thereof as is not to be supplied from Federal funds, and (2) at least 40 percent of the cost of the project is to be supplied from non-Federal funds, except that in any case in which the applicant for any such non-Federal project certifies in writing that it is unable to supply such 40 percent, the President is authorized, after investigation of the taxpaying capacity and credit of the applicant, to determine the maximum amount possible for such applicant to supply. The President shall furnish to the Secretary of the Senate and the Clerk of the House of Representatives, upon the 1st day of January and the 1st day of July 1938, a list of cases in which less than 40 percent of the cost of non-Federal projects was furnished by applicants, together with a statement of the amount furnished by the applicant in each such case."

This amendment was adopted by a vote of 13 to 10, and in the judgment of the minority members of the committee the amendment adopted was unwise.

It was stated by Senator BYRNES in an interview in the Morning Post of June 3, 1937, as follows:

"BYRNES will stage his major fight to require local communities able to put up at least 40 percent of their share of relief funds.

"If this is done," said the South Carolinian, "it makes little difference how much actually is appropriated for relief." If the States and public and political subdivisions have to pay part of

LXXXI—356

the costs, the money just won't have to be asked for and spent. Probably the 1938 relief expenditures could be held to \$750,000,000."

So that the purpose of the amendment is perfectly clear. It is to cut down the President's recommendation of \$1,500,000,000 for relief to \$750,000,000. Your minority members of the committee do not believe that such a cut is wise or proper at this time.

On June 16, 1933, we appropriated for the National Recovery Act.....	\$3,300,000,000
On Feb. 15, 1934, we appropriated for Emergency Relief and Civil Works.....	950,000,000
On June 19, 1934, we appropriated for Emergency Relief and Public Works.....	899,000,000
On June 19, 1934, we appropriated for drouth relief.....	525,000,000
On April 8, 1935, we appropriated for work relief, known as the Emergency Relief Appropriation Act of 1935.....	4,880,000,000
On June 22, 1936, we appropriated for work-relief appropriation.....	1,425,000,000
On Feb. 9, 1937, we appropriated a deficiency work relief of.....	789,000,000

A total of..... 12,768,000,000

In other words, in 1933 we appropriated \$3,300,000,000; in 1934 we appropriated \$2,374,000,000; in 1935 we appropriated \$4,880,000,000; in 1936, in the regular and deficiency acts, \$2,214,000,000.

This year the President proposed to cut that appropriation to \$1,500,000,000, together with such unexpended balances of previous relief bills, amounting to about \$200,000,000.

In addition to that, the House bill provides that the money shall be allocated and distributed over a full 12 months' period, meaning that there is to be no further deficiency appropriation. So that under the present proposal relief will be cut at least one-third this year.

On June 16, 1933, the \$3,300,000,000 for national recovery was "to be expended in the discretion and under the direction of the President to be immediately available until June 30, 1935."

On June 19, 1934, two appropriations were made, one for \$899,675,000, to carry out the Federal Emergency Relief Act, the Tennessee Valley Authority, and the National Recovery Act, "to be allocated by the President for the further carrying out of the purposes of the aforesaid act, and to remain available until June 30, 1935."

Likewise, in that same act, \$525,000,000 was appropriated "to be allocated by the President to supplement the appropriations heretofore made for emergency purposes, and for the expenditure for drouth purposes." This was to be available until June 30, 1935.

On February 15, 1934, an additional sum of \$950,000,000 was turned over to the President, "available for expenditure for such projects and/or purposes and under such rules and regulations as the President may in his discretion prescribe."

Nothing was said about how long it should be available.

The acts of April 8, 1935, and June 22, 1936, put the money in the hands of the President to be expended and was made available until June 30, 1937.

In other words, over a period beginning June 16, 1933, and ending February 9, 1937, in seven consecutive acts we entrusted to the President the disposition of these funds. The minority members believe that the President in this unparalleled emergency, and considering all the difficulties confronting him, has made a faithful, wise, constructive, and successful use of these large sums. We trusted him without a word for more than double the sum appropriated in this bill in 1933, when the country was in the worst depression of its history. In 1935 we again entrusted him with \$4,880,000,000 until June 30, 1937.

But now when we feel that we are nearly out of the depression and getting back on our feet again the majority of the committee is unwilling to trust the President to continue the allocation and distribution of the funds made in the same way that we have been making it all through these years.

The minority members believe that the President should be trusted with this \$1,500,000,000 and the unexpended balances. In all previous acts unexpended balances have been reappropriated.

The minority members believe that relief is a national question. They believe that the President has faithfully administered the fund as a national fund in a national way, for national purposes, and for the national good. We believe that if while we were in very much greater trouble we were willing to trust the President with a total of more than \$12,000,000,000 for relief that we can certainly now trust him in the distribution of \$1,500,000,000 plus the unexpended balances.

The Byrnes amendment, after providing that the States and local communities should be required to put up 40 percent before they can obtain 60 percent from the Government, indeed does provide that "the President is authorized after investigation of the taxpaying capacity and credit of the applicant to determine the maximum amount possible for such applicant to supply." The President is then required to furnish to the Houses of Congress a list of cases wherein the President allows less than 40 percent.

In other words, the meaning of this amendment is that while 40 percent is established, that if any State, county, or municipality, or other organization entitled to receive relief is willing to take the pauper's oath, and if the President finds that they are paupers, he



can reduce the amount of their contribution. The minority members do not approve of this policy. They do not believe it is fair or just. They believe that the policy already established by the President is a much better rule for fixing the amount of relief that local sponsors must put up than the rule set up in this amendment.

In the committee it was argued that the reason of the amendment was that New York City paid only one-half of 1 percent, and that New York paid only 7.2 percent, while some States, like Idaho, paid 28.3 percent; Wyoming, 26.7 percent; Tennessee, 26.6 percent; and others smaller amounts. The average for the country as a whole was 13.1 percent. The answer to this was furnished by Mr. Hopkins in a table comparing New York to South Carolina, showing that in all relief work in 1933 to 1936 New York and its local organizations put up 37.6 percent, while the Federal Government put up 62.4 percent; that during the same period South Carolina and its local organizations put up 9.6 percent, while the Federal Government put up 90.4 percent. Taking 1936 only, it was shown that New York State and localities put up 36.9 percent, while the Federal Government put up 63.1 percent, and that South Carolina, State and local, put up 17.1 percent, while the Federal Government put up 82.9 percent.

The truth of the matter is that when you examine all figures, when you take into consideration the difference in the number and extent of relief, it has been and it will be, in the opinion of your committee, absolutely impossible to obtain a rule that will work with absolute fairness, but that the rule adopted by the President has been just as fair and just as any rule that could be adopted, and it will be much more fair and just than the rule proposed by the Senator from South Carolina.

Again, many State legislatures which have met this year have adjourned and will not meet for 1 or 2 years.

#### DEBT LIMITATIONS LOCAL

Many cities and counties cannot issue bonds unless specially authorized by the legislature. In this situation it is going to be difficult, extremely difficult, for many States, counties, and cities to take advantage of relief at all; and the result will be, as Senator BYRNES argued in the newspapers, that these States will not be able to receive relief and there will be a large saving to the Government. He estimates it at \$750,000,000. Well, if we did not pass the bill at all the Government would save \$1,500,000,000. In the minds of the minority members of this committee, whether the Byrnes amendment should be adopted is simply whether Senators believe in a relief bill that will apply to some States and will not apply to others; that will apply to some types of needy workers and not others; whether they believe that relief ought to be cut down and in a partial and unfair way; whether Senators believe that the President has unfairly and unjustly carried out his official duties in disposing of the moneys previously appropriated and turned over to him for distribution for relief.

#### EFFECTS OF ARBITRARY REQUIREMENT FOR MATCHING FEDERAL W. P. A. FUNDS

The proposal that State and local governments be required to meet an arbitrary fixed proportion of the cost of W. P. A. projects is administratively unworkable and inconsistent with the objectives of the program. The following considerations form the basis for this conclusion:

1. The national character of the unemployment problem, its independence of State and local boundaries, and the inability of local governments to control or adjust its causes makes it unwise for the Federal Government to enact legislation which would, in effect, limit or entirely eliminate Federal assistance to the needy unemployed in many communities for reasons which neither the individuals nor the communities can control.

2. Most W. P. A. projects are sponsored by local governments—cities, towns, counties, and school districts. The same factors which make Federal assistance necessary require that the W. P. A. program be adjusted to the total number of unemployed persons in need of relief and the financial ability of each individual community.

Usually the localities faced with the heaviest unemployment and relief problems are those whose financial resources are most severely depleted and under a matching policy Federal aid would be restricted where it is needed most.

3. If sponsors are required on all projects which they undertake to provide 40 percent of the funds, they will, in most cases, desire that the funds so contributed shall be spent on materials and equipment for construction projects. Projects such as sewing rooms, which are designed to employ needy women, could not be operated. The same is true of projects of the National Youth Administration, which help keep needy youth in schools. Universities and schools which sponsor these projects will in most cases be unable to meet this requirement. There are thousands of projects which provide work for clerks and people trained in professions requiring few materials and taking care of needy groups which are too often overlooked. Most of these projects would have to be terminated.

4. The chief source of revenue of local governments is the real-property tax. Unless they could increase property-tax collections or borrow, these local governments would be unable to match Federal expenditures.

In many instances the tax rate has reached the maximum allowed by State law. In others new taxes would simply increase delinquencies and would yield little additional revenue.

Depreciated property valuations have already restricted local revenue from this source; the levy of additional property taxes

would result in still further deflation of values, increase rents, and discourage the construction of new homes, stores, and factories, which is vital to the recovery of the building industry.

5. Many localities which might be willing to borrow in order to match Federal funds would be unable to do so because there is no ready market for their bonds, or because their debt already has reached the legal maximum in their State.

6. A few State governments are in a position to help their localities somewhat in meeting a Federal matching requirement, but the great majority of them could not do it at this time. All but 10 or 11 State legislatures have adjourned and most of them will not meet again in regular session until 1939. By the end of this month it is expected that the few legislatures now in session will have adjourned. Furthermore, the borrowing power of the State government is limited by most State constitutions.

7. The net result of an arbitrary matching requirement would be a complete shut-down of the W. P. A. program in many areas of the country where large numbers of families are destitute and without other means of support; in others it would mean the wholesale elimination of desirable projects which now comprise integral parts of local construction programs.

8. A transition period is a prerequisite to the adoption of any matching principle. The States must be given time to strengthen their administrative relationships with local governments, to review and revamp their revenue systems, and to test the yield from augmented tax levies.

9. At the present time, the Federal Government, through administrative action in each locality, is attempting to equalize W. P. A. costs, without denying Federal help to impoverished communities. Federal funds are being used to pay the wages of needy project employees plus a small allowance for materials and other nonlabor costs sufficient to provide a program of useful projects. Sponsors are required to defray costs in excess of the Federal contribution. Under this policy, employment can be provided on inexpensive projects in even the most severely depressed areas. More costly projects are operated in localities which can economically afford the additional costs. The needy unemployed are not penalized by the financial circumstances of the local governments under which they live.

It is true that Senator BYRNES, instead of absolutely shutting down on the present method of conducting relief on July 1, has modified his amendment so as to begin its operation on October 1, but this does not meet the situation.

The debt-incurring power of local governments is limited by constitution or statute in almost every State. These limitations usually apply only to tax-supported bonds. As a result of recent legislation, debt limits in most States are not applicable to bonds which have no recourse to tax funds and are payable only from the revenues of publicly owned utilities.

Limitations may restrict the amount of bonds issued to a specified percentage of the assessed valuation of taxable property or may restrict the rate of tax that may be levied to service outstanding obligations. Some local governments are subject to both types of limitations. It may frequently happen that a local government which has voted bonds is unable to dispose of them because prospective purchasers are doubtful that the rate of tax which the locality can levy will yield a sufficient sum to meet principal and interest payments.

Each local bond issue in some States must be authorized by a special act of the State legislature. Where constitutional limitations prevail, an increase in the limitation would require constitutional amendment—a lengthy process. Limitations set by statute can be changed only by action of the legislature. Revision of limitations written into city charters would in every case require the same formality as the original adoption of these charters.

State governments are even more restricted in their borrowing than are local governments. Most of them can readily increase debt to repel invasion or suppress insurrection, but not for other purposes.

Only 10 States can borrow by action of the legislature. The constitutions of 38 States require referendum approval or constitutional amendment to authorize borrowing in excess of very small amounts to meet casual deficits. How small these debts are that can be incurred without legislative or referendum approval, or constitutional change is indicated by the fact that the maximum in Maryland, Oregon, and Rhode Island is \$50,000, and in most other States is \$1,000,000 or less.

#### UNEXPENDED BALANCES

Senator ADAMS, of Colorado, introduced two amendments concerning unexpended balances. The House bill as recommended by the President provided the appropriation of \$1,500,000,000 "together with such unexpended balances as the President may determine of appropriations made by (a) the second paragraph of the Emergency Relief Appropriation Act of 1936 as supplemented by the First Deficiency Appropriation Act, fiscal year 1937, and (b) section 1 of the Emergency Relief Act of 1935, including unexpended balances."

Senator ADAMS offered an amendment limiting the reappropriation of unexpended balances to those "which have on the date of enactment of this resolution been obligated or the expenditure of which has been contracted." For instance, it is in the testimony that the President still has in his hands unallocated and unobligated, and the expenditure of which has not been contracted, the sum of \$63,000,000. This apparently comes largely from the

amounts appropriated in the \$4,830,000 relief bill and in the \$1,425,000,000 and the \$789,000,000 relief bills.

Mr. Hopkins says that this amendment would virtually stop the work, and we here quote the substance of his language as given in the testimony. It would stop funds allocated by the President but not yet expended. For instance, funds that have been allocated by the President for the building of electric-light plants, which use of funds has been enjoined for months and in some cases for years in the Federal courts. It might prove to be a legislative overruling of the recent Supreme Court case holding that the expenditure of such funds was constitutional. The meaning of this is perfectly plain. It will stop \$20,000,000 for projects of the Interior Department, including reclamation projects largely in the West; \$17,500,000 for resettlement. It will mean that an additional 120,000 people will have to be dropped from the W. P. A. rolls.

The Adams amendment, therefore, will have two effects: First, it will have the effect of cutting down the \$1,500,000,000 by approximately \$100,000,000. This will mean a reduction in the number of persons which can be employed by over 120,000. The amendment will, secondly, have the additional effect of prohibiting the Government from completing specific projects and carrying out specific functions for which it has made definite commitments against the balances which, although technically unobligated, have actually been earmarked for those projects and purposes.

With reference to the first point the resolution as passed by the House actually limits the total obligations which can be incurred during the fiscal year 1938 to \$1,500,000,000. The unexpended balances reappropriated by the joint resolution represent to a large extent the working capital which is needed at all times to maintain the program on a going basis. On June 30, 1937, it is estimated that approximately \$200,000,000 will be unobligated on the books of the Treasury, of which \$100,000,000 represents such working capital. Approximately the same amount of working capital has been carried over each year in the past and will be carried over on June 30, 1938. This working capital is required because of the following factors:

(a) There is always a lag between the issuing of obligatory documents and their entry on the Treasury records. Actual obligations or liabilities incurred, therefore, always exceed the Treasury's recorded obligations.

(b) Under the Works Progress Administration program between forty and fifty thousand projects are currently being operated. These projects must be financed through 20 or 30 separate appropriation control accounts in each of the 263 W. P. A. districts. It is obvious that there must be a reserve of free cash distributed over the five or six thousand accounts in order that funds will be available when and where they are needed. In other words, it is physically impossible on a program of this size to anticipate exactly what cash requirements will be needed on each project or account, and normally it is required that a cushion be maintained of approximately seventy-five to one hundred million dollars to keep the program operating. The cushion referred to amounts to an average balance of approximately \$2,000 in each of the foregoing projects.

With reference to the second point approximately \$100,000,000 of the \$200,000,000 which it is estimated will be unobligated on June 30, 1937, on the books of the Treasury, have actually been earmarked for specific projects and functions. This estimate is based on the status of allocations to the several agencies as reported by the Treasury on May 20, 1937, and their current rate of operations. There are listed below some of the agencies whose activities will be cut off if they are unable to use balances which they will have unobligated by June 30, 1937, unless appropriations therefor are made by this or other bills.

Public Works Administration..... \$15, 600, 000

Almost the entire amount of this fund has been earmarked for landscaping, installing sidewalks, driveways, etc., in connection with housing projects which are already under construction.

Resettlement Administration..... \$17, 500, 000

Most of this has been earmarked to carry on and complete suburban and rural communities which have been under construction for many months.

Bureau of Public Roads..... \$23, 000, 000

This represents the balance of funds specifically earmarked for or allocated to States under the statutory formula of the Bureau of Public Roads, but not obligated by the approval of specific highway and grade-crossing projects.

Employees' Compensation Commission..... \$18, 000, 000

This has been allocated to pay compensation claims authorized by the act of February 15, 1934, as amended, and will be needed over a long period of years to take care of payments as they fall due.

Interior Department..... \$20, 000, 000

This represents largely funds set aside for completing or providing additional necessary work on reclamation projects which are already under way and for the Puerto Rico Construction Administration, to which Congress, by act of February 11, 1936, made the emergency funds available for expenditure until 1940.

These two amendments are very unwise, and the minority members of your committee believe that the amendments should not be adopted, and very earnestly recommend to the Senate that these amendments should not be agreed to.

We have trusted the President seven times with these relief appropriations. He has made good each time. Our country has

been enormously benefited and improved. Why change our policy at this late day, when the appropriation has been materially reduced and the Relief Administration is on record that this \$1,500,000,000 will be used for the whole year?

Respectfully submitted.

KENNETH MCKELLAR.  
HARRY TRUMAN.  
GERALD P. NYE.  
CARL HAYDEN.  
JOHN H. OVERTON.  
HERBERT E. HITCHCOCK.  
JOSEPH C. O'MAHONEY.  
THEODORE FRANCIS GREEN.  
ELMER THOMAS.  
WILLIAM GIBBS MCADOO.

#### RELIEF APPROPRIATIONS—NOTICE

Mr. ROBINSON. Mr. President, the relief joint resolution having just been reported to the Senate, I give notice that it is the purpose to take it up tomorrow when the Senate meets.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. HARRISON:

A bill (S. 2624) for the relief of Emmett Lee Payne; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2625) for the relief of the George Waale Co.; to the Committee on Claims.

A bill (S. 2626) to authorize the Secretary of War to lend War Department equipment for use at the 1937 State convention of the American Legion, Department of Oregon, to be held at Albany, Oreg., during the month of August 1937; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 2627) authorizing the President of the United States to appoint Wallace F. Safford to the position and rank of captain in the Army of the United States and immediately to retire him with the rank and pay of captain; to the Committee on Military Affairs.

A bill (S. 2628) 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 Finance.

A bill (S. 2629) to authorize an exchange of lands between the city of San Diego, Calif., and the United States; and

A bill (S. 2630) to provide for the reimbursement of Carl Dement Weaver, machinist's mate, first class, United States Navy, for the value of personal effects lost at Paducah, Ky., during the Ohio Valley flood, in January 1937; to the Committee on Naval Affairs.

By Mr. BYRD:

A bill (S. 2631) for the relief of Charles L. Kee; to the Committee on Claims.

By Mr. HATCH:

A bill (S. 2632) for the relief of Karl R. Warrick; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 2633) to incorporate the American Chemical Society; to the Committee on the Judiciary.

By Mr. HUGHES:

A bill (S. 2634) to provide for the appointment of an additional district judge for the district of Delaware; to the Committee on the Judiciary.

By Mr. LEE:

A bill (S. 2635) to regulate the times and places of holding court in Oklahoma; and

A bill (S. 2636) to change the times for holding terms of the United States District Court for the Eastern District of Oklahoma; to the Committee on the Judiciary.

By Mr. WHEELER:

A bill (S. 2637) to amend the act of June 7, 1935 (49 Stat. L. 327), providing funds for cooperation with public-school districts in Glacier County, Mont., in the improvement and extension of school buildings to be available to both Indian and white children; to the Committee on Indian Affairs.

By Mr. COPELAND:

A bill (S. 2638) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Commerce.

A bill (S. 2639) to authorize the Secretary of War to lease the Fort Schuyler Military Reservation, N. Y.; to the Committee on Military Affairs.

(Mr. WALSH introduced Senate bill 2640, which was referred to the Committee on Interstate Commerce and appears under a separate heading.)

By Mr. VAN NUYS:

A joint resolution (S. J. Res. 164) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended; to the Committee on the Library.

By Mr. GUFFEY:

A joint resolution (S. J. Res. 165) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the settlement of Meadville, Pa.; to the Committee on Banking and Currency.

By Mr. PEPPER:

A joint resolution (S. J. Res. 166) providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in the year 1939, in commemoration of the four hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and for other purposes; to the Committee on Commerce.

#### PLANNING IN INDUSTRY

Mr. WALSH. Mr. President, I ask consent to introduce for appropriate reference a bill to encourage planning in industry by permitting controlled cooperation and protecting agriculture, labor, and consumers, and to supplement the powers of the Federal Trade Commission.

In a general way, this bill follows the structure of the Federal Trade Commission Act, which it amends and enlarges. Since it is understood that the administration at present has under consideration a study of the antitrust laws, unfair trade practices, and unfair methods of competition in industry, I believe attention should be called to the purposes my bill hopes to accomplish, and that its provisions should be studied by the Congress and also by any executive department or special commission designated to recommend legislation along these lines.

I request that a statement in explanation of the bill, together with an analysis thereof, may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill of the Senator from Massachusetts will be received and appropriately referred, and the statement and analysis of the bill will be printed in the RECORD.

The bill (S. 2640) to encourage planning in industry by permitting controlled cooperation and protecting agriculture, labor, and consumers, and to supplement the powers of the Federal Trade Commission was read twice by its title and referred to the Committee on Interstate Commerce.

The statement presented by Mr. WALSH and the analysis of the bill are as follows:

#### STATEMENT OF SENATOR WALSH EXPLAINING SENATE BILL 2640

The bill which I have introduced seeks, as stated in its title, to encourage planning in industry by permitting controlled cooperation and protecting agriculture, labor, and consumers and to supplement the powers of the Federal Trade Commission.

This bill is a revision of S. 1555, introduced by me in the Seventy-third Congress on May 1, 1933, about 2 weeks before the introduction of the National Industrial Recovery Act. My previous bill was in itself a revision of S. 3256, introduced by me in the Seventy-second Congress on January 25, 1932.

Although I prepared my present bill several weeks ago, and before the Supreme Court decisions on the Wagner National Labor Relations Act, I used a broad definition of "interstate commerce", which seems to me to be entirely constitutional under the opinions handed down by the Chief Justice in the labor-relations cases.

My bill amends and enlarges the Federal Trade Commission Act. It increases the Commission from five to nine members to provide for its added functions.

In addition to the broad definition of "interstate commerce" it amplifies the definition of "unfair methods of competition" and prohibits unfair trade practices.

It authorizes the Commission to hold trade-practice conferences and to determine unfair methods of competition and unfair trade practices.

It does not authorize governmental price fixing but it permits the Commission to approve cooperative agreements in industry, after a hearing, provided such agreements are reasonable and economically sound, and will not result in price fixing or in a selling price in excess of a fair and reasonable price based on all fair and reasonable items of cost plus a fair and reasonable profit, taking into consideration the necessity of a fair and reasonable compensation to producers and distributors of average ability and efficiency and to labor, and will not depress wages or conditions of employment of labor or prices of agricultural products or raw materials, and will not result in oppression of competitors, labor, or producers of agricultural products or raw materials. The Commission is thus supplied with a formula expressing the legislative intent.

As a condition to the approval of these agreements, each party thereto must agree to observe regulations with reference to producers of agricultural products (which are made to include fisheries) issued by the Secretary of Agriculture, and regulations with reference to labor relations issued by the National Labor Relations Board, and must agree to permit his employees to organize and bargain collectively through representatives chosen by a majority, to abide by decisions of the National Labor Relations Board in disputes concerning representation and permit the Board to take secret ballots to ascertain representation, not to discriminate against employees because of union membership, not to dominate or finance labor organizations, and not to employ individuals under 18 years of age. I consider these provisions vitally necessary as a condition to the permission of cooperative agreements.

The jurisdiction of the Commission is continued over the subject matter of approved agreements, and the Commission is permitted to revoke its approval, after a hearing, whenever the public interest so requires, and in specific cases enumerated in the bill.

Provision is made for appeal to the courts from orders of the Commission, and for proceedings in the courts to enforce its orders.

For the further protection of the public interest, and to avoid having the Commission act as both prosecutor and judge, all petitions, agreements, complaints, orders, and other papers in any proceeding before the Commission must be served on the Attorney General, who has the right to intervene in all proceedings before the Commission and the courts and the right to file complaints and take appeals, and to institute proceedings to enforce compliance with orders of the Commission.

Compliance with the orders of the Commission is further assured by the provision of severe penalties for violations, similar to the penalty provisions contained in the Interstate Commerce Commission Act.

Although the antitrust acts are waived in favor of approved agreements which are in the public interest, they are not repealed but are retained in full force to prevent monopolistic practices in violation of or under cover of approved agreements.

It is my firm belief that the enactment of this bill will encourage lawful and orderly planning in industry, to the interest of the public and with full protection to consumers, producers, agriculture (including fisheries), and to labor.

#### ANALYSIS OF REVISED WALSH BILL

In a general way this bill follows the structure of the Federal Trade Commission Act, which it amends.

In the Code of Laws of the United States of America the 11 sections of the Federal Trade Commission Act are embodied as sections 41 to 51 inclusive of chapter 2 of title 15 "Trade and commerce."

This bill follows the same section numbering as used in the Code of Laws, and therefore starts with section 41 and continues to section 55.

Section 41 follows the present language of section 41 of the Federal Trade Commission Act but increases the number of Commissioners from five to nine, and provides that the five present Commissioners shall remain in office, and that four additional Commissioners shall be appointed.

Section 42 is practically unchanged from the present text of section 42 of the Federal Trade Commission Act.

Section 43 is substantially unchanged, except that it permits the Commission to divide itself into three divisions of three Commissioners each. This provision is copied from the Interstate Commerce Commission Act.

Section 44, contains definitions. Some are copied without change, from the present Federal Trade Commission Act. Others are broadened. Some new ones are added.

The definitions of "interstate commerce" and "unfair methods of competition" are considerably broadened over the present definitions as laid down by the courts. Among the new definitions the furnishing of services is included in "production" and fisheries are included in "agriculture."

Section 45 is not materially changed from the present section 45 of the Federal Trade Commission Act, except that unfair-trade practices (as defined in sec. 44) are declared unlawful, in addition to unfair methods of competition. In addition to its power to commence proceedings for cease and desist orders, whenever the Commission feels that the public interest requires it, the

Commission is also directed to commence proceedings whenever requested to do so by the Attorney General.

Section 46 provides for the filing and approval of cooperative agreements in aid of economic planning. An agreement may be approved after a hearing, if it is a reasonable and economically sound measure and will not result in price fixing or in a selling price in excess of a fair and reasonable price based on all fair and reasonable items of cost, plus a fair and reasonable profit, taking into consideration the necessity of a fair and reasonable compensation to producers and distributors of average ability and efficiency and to labor, and will not depress wages or conditions of employment of labor or prices of agricultural products, or raw materials, and will not result in oppression of competitors, labor, or producers of agricultural products or raw materials.

Subdivisions (d) and (e) of this section prohibit the Commission from fixing prices of agricultural products, or wages or conditions of employment, or from abridging the right of producers of agricultural products and of labor to organize and to bargain collectively and exempts all such organizations from the antitrust acts.

Subdivision (f) requires each agreement to contain certain mandatory covenants (I) to observe the regulations with reference to producers of agricultural products issued by the Secretary of Agriculture or other body created by Congress to have supervision over agricultural products, (II) to permit employees to organize and bargain collectively and to abrogate "yellow dog" contracts, (III) not to discriminate against employees because of union membership, (IV) not to dominate or finance labor organizations, (V) to bargain collectively with representatives chosen by a majority of the employees, (VI) to abide by decisions of the National Labor Relations Board in disputes concerning representation, and to permit the Board to take secret ballots to ascertain representation, (VII) to observe the regulations with reference to labor relations issued by the National Labor Relations Board (in sec. 44 the Board is defined as being the present Board of any body hereafter created by Congress for that purpose, or if no such body exist, then the Secretary of Labor), and (VIII) not to employ any individual under the age of 18 years.

The subsequent subdivisions of this section provide that approved agreements shall be valid and that acts performed thereunder shall not violate the antitrust acts; that the Commission shall retain jurisdiction over the subject matter of approved agreements; that the Commission shall prevent violations of approved agreements; that the Commission may revoke its approval of agreements under certain conditions; that approved agreements may be modified under specific procedure; and that the Commission, upon complaint and after hearing, may award damages to persons injured by violations of approved agreements.

All papers must be served upon the Attorney General, who has power to initiate complaints.

Section 47 provides for the rules of procedure. The Attorney General is given the right to intervene in all proceedings. All agreements and other papers and all testimony are made open to public inspection. Rehearings before the Commission are permitted for cause upon the application of a party or of the Attorney General.

Section 48 provides that appeals from orders of the Commission may be taken to the circuit court of appeals, where they shall have a preference. Orders of the Commission may be enforced by proceedings in the district courts of the United States.

The Attorney General is permitted to take appeals from orders of the Commission and is directed to institute proceedings for the enforcement of orders.

Section 49 is substantially the same as the like provisions of the Federal Trade Commission Act, except that subdivision (a) legalizes the holding of trade-practice conferences to determine unfair methods of competition and unfair trade practices.

Sections 50, 51, and 52 are procedural.

Section 53 provides for various penalties, most of which are copied from the present provisions of the Federal Trade Commission Act. Subdivision (a) is new and provides for a penalty of \$5,000 for each violation of an order issued by the Commission. A similar penalty provision is now contained in the Interstate Commerce Commission Act.

Section 54 is a saving clause and section 55 is a separability clause.

#### HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated below:

H. R. 6391. An act to authorize the prompt deportation of criminals and certain other aliens, and for other purposes; to the Committee on Immigration.

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes; to the Committee on Finance.

#### RELIEF APPROPRIATIONS—AMENDMENT

Mr. LODGE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 361) making appropriations for relief purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 2, line 21, after the figures "\$380,000,000", to add the following: " \* \* \* of which sum not more than \$20,000,000 shall

be allocated for a national census of population, employment, and unemployment to be taken at the earliest date for the purpose of obtaining authentic information as to the number of persons in each of the several States and all subdivisions thereof who are employed and unemployed, classified by sex, age, customary occupation, and such other pertinent standards as may be advisable, and the causes and duration of such unemployment."

#### AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. VAN NUYS submitted an amendment intended to be proposed by him to House bill 6958, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert the following:

#### "GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

"The George Rogers Clark Sesquicentennial Commission, created by the joint resolution approved May 23, 1928, as amended, shall cease and terminate June 30, 1939, and the unexpended balances of the appropriations heretofore made for carrying out the purposes of such joint resolution, as amended, shall be available until June 30, 1939."

Mr. WHEELER submitted two amendments intended to be proposed by him to House bill 6958, the Interior Department appropriation bill, which were referred to the Committee on Appropriations, and ordered to be printed, as follows:

On page 37, line 17, after the word "Flathead", to strike out "\$200,000" and insert in lieu thereof the following: "including \$51,275, Camas division betterment, \$251,275."

On page 41, after line 25, to insert a new paragraph, as follows:

"The appropriation of \$100,000 contained in the Second Deficiency Appropriation Act, fiscal year 1935, for cooperating with public-school districts in Glacier County, Mont., in the improvement and extension of school buildings to be available to both Indian and white children, as authorized by the act of June 7, 1935 (49 Stat. L. 327), is hereby made available under the same conditions as specified in the said Second Deficiency Appropriation Act until June 30, 1938, for improvement and extension of school buildings in rural communities in district no. 9, Glacier County, as well as other public-school districts within said county."

#### INVESTIGATION RELATIVE TO CEMENTED SHOES

Mr. WALSH. I ask consent to submit for myself and my colleague [Mr. LODGE] a resolution for appropriate reference.

There being no objection, the resolution (S. Res. 144) was read and referred to the Committee on Finance, as follows:

*Resolved*, That the United States Tariff Commission is directed, under the authority conferred by section 336 of the Tariff Act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Cemented shoes, made wholly or in part by the process of cementing the sole to the upper.

Mr. WALSH. Mr. President, this resolution is offered in behalf of the New England Shoe and Leather Association, representing 100 shoe-manufacturing members, which employ over 20,000 shoe workers in New England; and it is of vital concern to the entire shoe industry in America.

The purpose of this resolution is to call upon the United States Tariff Commission to investigate the recent heavy increase in imports of cemented shoes, on which at present there is a 20-percent ad-valorem duty.

These cemented shoes—shoes in which the soles are cemented to the uppers, and designed for women—were first manufactured in this country in 1929. They showed such a phenomenal growth that by 1935 over 40,000,000 pairs of this type of footwear were manufactured in the United States, which was equivalent to one-third of the total United States production of women's shoes in that year.

Imports of cemented shoes have increased tremendously in the past 3 years. Exact statistics on imports of cemented shoes are not now available. However, it is believed that the following figures, based upon statistics of imports compiled by the United States Tariff Commission, do indicate the extent of this increase.

From less than 150,000 pairs imported in 1935, the number of cemented shoes imported in 1936 jumped to approximately 990,000 pairs, an increase of over 500 percent. In the first 4 months of this year there have already been imported a million pairs.

These imported shoes—in direct competition with and replacing the McKay shoes—are sold in this country at prices which our manufacturers, paying the American scale of wages and faced with larger overhead costs, cannot possibly meet, and are rapidly capturing the American market. Every shoe imported means a corresponding loss to an American worker. Already some manufacturers in New England are threatened with the shut-down of their factories because their former customers are now buying these foreign shoes. Continued unchecked importations of these shoes will result in closed American factories and workers facing the prospect of having to go on the relief rolls this winter in order to secure support for themselves and their families.

This matter is of vital importance to the American shoe industry, and especially to New England shoe manufacturers, because they produce most of the women's shoes—of Compo and McKay construction—that retail for \$2 in the United States, and with which the foreign imports, selling at an even lower price, compete.

It is pertinent to recall that the imports of the McKay type of shoe, in 1929 and 1930, were so damaging to the American shoe industry that a Senate resolution (S. Res. 295) was passed in 1930, instructing the Tariff Commission to investigate these imports. The results of that investigation showed that the foreign manufacturing costs were so much lower than those of American manufacturers that the Commission recommended to the President—and he so proclaimed in January 1932—that the duty on these imported shoes be raised the maximum amount allowed under the Tariff Act of 1930, namely, from 20 to 30 percent ad valorem. This action proved effective in limiting the imports of McKay shoes.

However, as pointed out above, in 1935, in place of the McKay shoes foreign manufacturers began to export to this country cemented shoes, on which the duty under the tariff act is only 20 percent. It is at these recent importations that the resolution now offered is directed, and which importations can only be prohibited by investigation of the Tariff Commission and its recommendation to the President that the duty on such imported shoes be increased to the maximum rate allowed under law, namely, 30 percent ad valorem duty. Such action is necessary to place the American shoe manufacturer on a competitive level with foreign manufacturers.

I request that several letters and papers which I have received in connection with this matter may be printed in the RECORD at this point.

There being no objection, the letters and papers were ordered to be printed in the RECORD, as follows:

NEW ENGLAND SHOE & LEATHER ASSOCIATION,  
Boston, Mass., June 7, 1937.

HON. DAVID I. WASH, E.

United States Senator, Washington, D. C.

MY DEAR SENATOR WASH: The recent heavy increase in the importations of shoes from Czechoslovakia have again threatened the welfare of the Massachusetts shoe industry and the jobs of thousands of shoe workers in our State. We are, therefore, taking this opportunity of asking your assistance in preserving the well-being of our great industry, as well as the wages of our workers, against this foreign competition.

Under the Tariff Act of 1930, the import duty on all shoes was listed at 20 percent ad valorem. (Ch. E, par. 1530, E). This duty, however, did not prove effective in materially reducing the imports of women's and misses' McKays from Czechoslovakia, made by the Bata Co., as an investigation in 1931 by the United States Tariff Commission showed, with the result that this Commission recommended to the President that the duty on these shoes be raised to the maximum rate of 30 percent. This, President Hoover did in January 1932, through a proclamation, as provided in section 336 of the Tariff Act.

The statistical picture covering our imports of these McKay sewed shoes from Czechoslovakia appear in table 1 enclosed with this letter. This background material formed the basis of our protest to the Committee on Reciprocity Information of the United States Department of State against their making any concessions on our import duties on shoes in their contemplated negotiations of a reciprocal trade agreement with Czechoslovakia. Other associations and labor unions—the American Federation of Labor, Boot and Shoe Workers Union, the Brockton Brotherhood of Shoe and Allied Crafts, and the Committee on Industrial Organization, United Shoe Workers of America—also voiced their individual protest as well.

However, a far more serious situation has arisen recently, which we have been investigating quietly for the past several weeks. This relates to sharp increases in the imports of Bata shoes, made by the cemented process, on which the duty is only 20 percent. An indication of the shift of imports from McKay shoes, on which the duty is 30 percent, to cemented shoes on which the duty is 20 percent, can be seen from the following figures prepared by the United States Tariff Commission:

	McKay		All other shoes	
	Pairs	Value	Pairs	Value
Women's and misses:				
1935.....	1,170,904	\$922,856	154,933	\$113,903
1936.....	701,546	546,236	992,546	671,669

In our judgment the shoes listed "as all others" are made up largely of the cemented types of footwear. We are now endeavoring to secure comparable statistics for 1937, which we feel sure will show an even more extreme increase in the "all other shoes" column.

This matter is of vital interest to New England shoe manufacturers, for they produce most of the women's shoes—of Compo and McKay construction—that retail for \$2, which are the types of shoes that Bata exports to this country. In the past several weeks the buyers of such footwear have been circularized by Bata's American representative for orders on a certain styled shoe priced at \$1.17½ net, delivered in New York, and to retail for \$2. Our manufacturers tell us that this same shoe, with its special features, cannot be produced in this country for less than \$1.50.

The result of this announcement has already kept many buyers from placing their orders for fall shoes, as is customary at this time of the year, while other buyers have placed large orders for these Bata shoes. The threat of this destructive competition is so great that it is imperative that some action be taken at once to relieve this condition.

This example is typical of the type of competition that our manufacturers, paying the American scale of wages based on union rates, as well as having other overhead expenses that no foreign competitor has to meet, such as their social security taxes and higher costs resulting from maximum hours and minimum wages, have to meet. The wages in the Bata factories are said to be from one-quarter to one-half the rates paid our American workers. This permits this company to land their shoes in New York at prices which are from 20 to 30 percent lower than the cost of manufacturing these shoes in our factories in New England, even after transportation costs and import duties are paid.

Another example of how the Bata Co. is evading, legally, even the present low import duties on cemented shoes is the following: This company has recently begun to export into this country incompleting shoes on which the ad-valorem duty is very small. These parts are sent to American factories for several minor finishing operations before they are delivered to the retail stores. These shoes are imported in this fashion to escape the duty applicable to the finished product; and by paying this small ad-valorem duty, we feel that this company is defeating the purpose of our protective tariff.

We wish to add that the Boot and Shoe Workers' Union has forbidden its members to work on any of these Czechoslovakian shoes, and have also sent the Tariff Commission their protest against the importations of these incompleting shoes as endangering the livelihood of thousands of American workers.

This association, in behalf of 100 shoe-manufacturing members, employing 20,000 shoe workers in New England, as well as for the rest of our industry, has already filed our vigorous protest against these imports of cemented shoes with the United States Tariff Commission, and have requested that the Commission immediately conduct an investigation of these imports, pursuant to their powers listed in chapter 336 of the Tariff Act. We are hopeful that such investigation will result in an increase of the import duty on these shoes to the maximum allowed under the act, namely, 30 percent.

In order to expedite matters and to assure the proper consideration by the Tariff Commission of our request for an investigation, we urge that you present a resolution in the Senate requesting such an investigation. Such action on your part will earn the gratitude of shoeworkers and manufacturers alike both in Massachusetts and New England.

We already know of a dozen instances where our manufacturers in the past 2 weeks have lost orders totaling hundreds of thousands of pairs to the Bata Co. solely because they couldn't compete with their low prices. Every shoe that is imported into our country from Czechoslovakia means just one less shoe for our American workers to make. There can be only one result in the affected communities this summer and fall—decreased employment in these shoe factories and corresponding increases in their relief rolls.

We are planning to call on organized labor in our industry, as well as on other shoe manufacturers' associations, to immediately urge their Senators and Representatives to use their influence with the Tariff Commission in undertaking an investigation of the recent heavy imports of Czechoslovakian shoes, as we have outlined in our letter.

We trust that you will agree with us that this situation is of sufficient importance to the shoe industry as to warrant your entering a resolution in the Senate calling for an investigation by the Tariff Commission of the imports of shoes from Czechoslovakia. May we be favored by an early reply as to your thoughts on this matter, as well as to any action you plan to take?

Yours very sincerely,

JAMES H. STONE, *Secretary.*

TABLE 1.—United States imports from Czechoslovakia; women's and misses', McKay sewed

[Source: U. S. Tariff Commission and Department of Commerce]

Duty	Period	Quantity (pairs)	Value	Unit value	Percent these imports are to United States total	
					By quantity	By value
Free	1929	4,397,866	\$10,383,818	\$2.36		
Do	1930 (Jan.-June 17)	2,249,013	5,395,597	2.40		
	1930 (June 18-Dec. 31)	236,964	466,894	1.97	61.0	48.0
20 percent	Total for year	2,485,977	5,862,491	2.36		
Do	1931	2,626,112	4,200,018	1.60	84.0	78.0
30 percent	1932	562,404	682,920	1.21	94.0	90.0
Do	1933	906,420	784,293	.79	99.9	99.9
Do	1934	1,529,034	1,234,850	.81	99.8	99.6
Do	1935	1,170,904	922,856	.79	99.6	99.2
Do	1936	701,546	546,236	.78		

Haverhill Chamber of Commerce,  
Haverhill, Mass., June 9, 1937.

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

DEAR SENATOR WALSH: Mr. McNamara, president of the Haverhill Chamber of Commerce, has requested me to communicate with you relative to the preliminary announcement of a contemplated reciprocity agreement with Czechoslovakia, which, as we are given to understand, is considering reductions on tariff schedules for shoes and textiles. The result of such action, in our opinion, and undoubtedly on which you will agree with us, will have a detrimental and most damaging effect on our local industries.

In the past you have always been of great assistance to us in such matters, and your accomplishments in our behalf in our tariff-schedule battles are a part of our records, and we are, therefore, requesting that you interest yourself once more in this matter on behalf of our community.

We have sent telegrams to both the Committee for Reciprocity Information and the United States Tariff Commission and have followed them up with letters of specific explanation stating our position in the matter and have enclosed copies for your careful perusal and consideration.

The communications also carry what we believe to be the necessary solution for this problem, and we would appreciate an expression of your opinion as to whether you coincide with our ideas.

We have written to Senator LODGE, Congressmen BATES and CONNERY and Congresswoman Mrs. ROGERS, as we believe that it is most essential that all our Representatives should assist in this fight.

I shall appreciate your comments on our suggestions as contained in our communication to the Committee for Reciprocity Information, such as first-hand study, investigations, and quota stipulations, and we are open for any other suggestions which you may have in mind for a line of action on our part.

With kind personal regards, I am,

Yours very truly,

GEORGE H. CROSTON, *Secretary.*

[Copy]

Haverhill, Mass., June 9, 1937.

CHAIRMAN OF THE COMMITTEE FOR RECIPROCITY INFORMATION,  
Seventh and F Streets NW., Washington, D. C.:

The Haverhill Chamber of Commerce protests against and requests an investigation of the imports of cemented and other types of shoes from Czechoslovakia, which hold a most serious threat to the welfare of our shoe industry and imperils the jobs of nearly 8,000 of our shoe workers.

RAYMOND V. McNAMARA,  
President, Haverhill Chamber of Commerce.

[Copy]

Haverhill, Mass., June 9, 1937.

SECRETARY OF UNITED STATES TARIFF COMMISSION,  
Washington, D. C.:

The Haverhill Chamber of Commerce vigorously protests any reduction in tariff schedules on the importation of Czechoslovakian shoes. Requests investigation relative to reported evasions. Demands increased schedule rates, as present situation is a threat

to the welfare of our shoe industry and imperils the jobs of nearly 8,000 Haverhill shoe workers.

RAYMOND V. McNAMARA,  
President, Haverhill Chamber of Commerce.

[Copy]

JUNE 9, 1937.

CHAIRMAN OF THE COMMITTEE FOR RECIPROCITY INFORMATION,  
Seventh and F Streets NW., Washington, D. C.

DEAR SIR: I wish to confirm our telegram of June 9 as follows: "The Haverhill Chamber of Commerce protests against and requests an investigation of the imports of cemented and other types of shoes from Czechoslovakia, which hold a most serious threat to the welfare of our shoe industry and imperils the jobs of nearly 8,000 of our shoe workers."

We have been given to understand that your department has issued a preliminary announcement of a contemplated reciprocity agreement with Czechoslovakia with the possibility that from these negotiations, a reduction in tariff schedules may result, which would include importation of finished and unfinished shoes and also textiles.

The Haverhill Chamber of Commerce has actively protested, in the past, the importation of foreign-made shoes, especially from Czechoslovakia. The contemplated reductions, as they have been brought to our attention, would mean that our manufacturers would be obliged to meet in open market, a competition which would ultimately mean their elimination and also result in the loss of nearly 8,000 jobs to Haverhill shoe workers.

The statistics which have been prepared by the United States Tariff Commission relative to imports of Bata shoes from Czechoslovakia showed a marked increase in 1935 and 1936, and this increase, we are given to understand, is continuing during the year 1937 to an even more marked degree. This increase has become most alarming to our local shoe manufacturers, who, with the present rise in industrial standards relative to hours and wages, in addition to increased costs of materials and overhead, have been obliged to increase the price of their shoes. Therefore, from these facts you must be in agreement with us that they positively cannot meet any further competition from such importations under present schedules.

In our opinion, the study of this tariff problem requires investigation and study on your part from the three following viewpoints, and therefore we request your consideration and assistance:

1. The evasion of present tariff regulations.
2. Proposed reduction as part of the reciprocity agreement.
3. The advocacy of increased rates, as present rates are inadequate to meet foreign competition.

The subject of evasion of the present tariff laws, to which we call your special attention, needs immediate investigation and correction, as, in our opinion, they are not only violations of the law but also its original spirit and intent; that is, the protection of domestic industries.

At the time of the adoption of the present schedules the threat to our local industry was from the importation of McKay shoes, and we were, therefore, favored by a schedule of 30 percent. Inasmuch as cemented shoes were not considered a menace, a 10-percent differential was allowed, making the duty 20 percent on this type, and on unfinished shoes 10 percent.

Today the situation is reversed. The importation of cemented shoes is taking precedence over the importation of McKay shoes, and from present indications unfinished shoes are replacing both the McKay and cemented types in their import numbers. Already our manufacturers have begun to feel the alarming effects of these changes.

As we see the problem, we are faced not with a differential of 10 percent between the McKay and cemented shoes, but with a 20-percent differential between the McKay and unfinished shoes. With the other factors already mentioned, of rising manufacturing costs, you can readily discern how threatening and damaging this situation is to our established industry. The importing of uppers, with the further processing of them in this country, under present schedules permits a 20-percent differential in favor of the foreign manufacturer, as you readily note, which, in our opinion, will ultimately mean the elimination of practically 75 percent of our Haverhill factories. Such competition cannot be met or tolerated.

Our answer and recommendation to this problem is that your committee favorably consider percentage increases on all present shoe schedules, and especially an additional percentage increase on cemented shoes and a still larger percentage increase on unfinished shoes. Furthermore, we would add that a quota prohibition be placed on all three types of importations.

May we suggest that you detail one of your experts to Haverhill and make a first-hand study of this problem, interviewing our manufacturers and studying their markets to obtain factual information on price ranges and also make a further study of the number of jobs that would be affected by a continuance of present schedules.

Inasmuch as we have a woolen mill employing 400 workers, who undoubtedly will be affected if reductions are made and if increases are not immediately made effective, the same arguments and request are applicable to the textile industry. Therefore, we request your additional consideration and assistance.

I wish to thank you for your immediate attention to this matter and inform you that this organization is ready to assist you in the gathering of any factual data which might be of assistance to

you in reaching this determination—the need of increased protection or raise in the present tariff schedules.

Yours very truly,

RAYMOND V. McNAMARA,  
President.

[Copy]

JUNE 9, 1937.

SECRETARY, UNITED STATES TARIFF COMMISSION,  
Washington, D. C.

DEAR SIR: I wish to confirm my telegram of June 9, as follows: "The Haverhill Chamber of Commerce vigorously protests any reduction in tariff schedules on the importation of Czechoslovakian shoes. Requests investigation relative to reported evasions. Demands increased schedule rates, as present situation is a threat to the welfare of our shoe industry and imperils the jobs of nearly 8,000 Haverhill shoe workers."

We have been given to understand that the Committee for Reciprocity Information is investigating the contemplated changes in the reciprocity agreement with Czechoslovakia, with the possibility that a reduction in shoe and textile schedules may result.

The Haverhill Chamber of Commerce has actively protested in the past the importation of foreign-made shoes, especially from Czechoslovakia. The contemplated reductions, as they have been brought to our attention, would mean that our manufacturers would be obliged to meet in open market a competition which would ultimately mean their elimination and also result in the loss of nearly 8,000 jobs to Haverhill shoe workers.

Therefore we have requested this committee to make a study and investigation, and we are enclosing a copy of our letter to them for your perusal. The substance of this letter explains fully our position in the matter and what the effects of any reductions will be upon our local industries.

Are we right in assuming that in the final analysis schedules adopted by your Commission are final? If so, we ask that you consider the same requests which we have made to the Committee for Reciprocity Information, namely:

1. Investigation of the evasion of present tariff regulations.
2. Recommend that the proposed reduction as part of the reciprocity agreement be voided.
3. Establish increased rates, as present rates are inadequate to meet foreign competition.

We further wish to emphasize to you the urgent need for increasing the present schedules rather than lowering them; in fact, we ask you to go still further and adopt quota stipulations on all schedules, as in our opinion, this would insure still greater protection for our local shoe and textile manufacturers. It is our opinion that immediate action should be taken along these suggested lines, as over 75 percent of our shoe factories will be seriously affected, as it would be impossible for them to meet such unfair and discriminatory competition.

May we further suggest that a cooperative study and investigation between your Commission and the Committee for Reciprocity Information be made at once, and, if necessary, a first-hand study of the problems confronting Haverhill manufacturers, even to the necessity of detaching an expert to interview our Haverhill manufacturers—study their markets for factual information on price ranges, and the resultant effect on the shoe workers' jobs, by the continuance of the present schedules.

I wish to inform you that this organization is ready to assist you in the gathering of any factual data which might be of assistance to your Commission in reaching this determination—the need of increased protection or a raise in the present tariff schedules.

Thanking you for your courtesy in this matter, and again asking for your immediate attention, I am,

Yours very truly,

RAYMOND V. McNAMARA,  
President.

THE BROCKTON SHOE MANUFACTURERS ASSOCIATION, INC.,  
Brockton, Mass., June 9, 1937.

HON. DAVID I. WALSH,  
United States Senate, Washington, D. C.

DEAR SIR: Your letter received relative to the reciprocal trade agreement with Czechoslovakia and hope that your efforts and continuance of same will result in the proper safeguarding of our shoe industry which represents employment and business for so many of our citizens.

We certainly appreciate your help in our behalf and would be glad to secure for you any useful information that you desire.

For your information the Brockton Shoe Manufacturers Association are cooperating with the National Boot and Shoe Manufacturers Association, 2812 Chrysler Building, New York City, Mr. Jay O. Ball, executive vice president.

We again thank you, and know you must appreciate that we will be heartily interested in the results obtained.

Very truly yours,

BROCKTON SHOE MANUFACTURERS ASSOCIATION, INC.,  
CHARLES E. MOORE, President.  
E. A. GRAY, Secretary.

Re: Reciprocity treaty with Czechoslovakia.

HARTMAN SHOE MANUFACTURING CO.,  
Haverhill, Mass., June 10, 1937.

The Honorable DAVID I. WALSH,  
Washington, D. C.

DEAR SIR: It is our understanding that the Committee for Reciprocity Information dealing with the above subject is to report an agreement to Congress which no doubt will come before your honorable body for consideration.

Representing the State in which shoe manufacture is of great importance, we feel sure it is hardly necessary to call to your attention the fact that the shoe industry of Massachusetts would suffer a great deal if shoes made in Czechoslovakia could be sold in the United States in competition with our own, as the labor cost in the above country is only a fraction of ours, and every pair of shoes imported aggravates the unemployment situation. No other State in the Union would suffer more than Massachusetts from this competition, and we hope, therefore, that instead of lowering the tariff on shoes from the above country steps will be taken to equalize the difference in labor costs between Czechoslovakia and America.

You can be sure your cooperation in the matter will be appreciated not only by us but by the entire shoe industry.

Respectfully yours,

HARTMAN SHOE MANUFACTURING CO.,  
S. H. AXMAN.

HEADWAY SHOE CORPORATION,  
Webster, Mass., June 10, 1937.

HON. DAVID I. WALSH,  
United States Senate, Washington, D. C.

DEAR SIR: We understand that Czechoslovakia is negotiating for a reciprocity tariff agreement on merchandise purchased from and sold to this country.

We wish you would do everything in your power to exclude shoes from this agreement.

The aforementioned country, with the tariff they now pay for bringing shoes into this country, can undersell manufacturers in this State approximately 50 cents a pair on an item selling for \$1.65.

You can plainly see that if they can do that at the present time, with the present tariff rate, what they would do to our local industry if these rates were lowered in any way or discontinued entirely. Any reduction whatsoever on their present import duties on shoes would really cripple the entire industry in this State. This would no doubt include most other shoe centers of the country and throw thousands of people out of work.

We ourselves and the entire shoe industry are looking to you for assistance on this very serious matter.

With kindest regards to yourself, we remain,

Yours sincerely,

HEADWAY SHOE CORPORATION,  
JOSEPH G. BACKMAN, Treasurer.

UNITED SHOE WORKERS OF AMERICA OF THE C. I. O.,  
Newburyport, Mass., June 12, 1937.

HON. DAVID I. WALSH,  
United States Senator, Washington, D. C.

DEAR SIR: Local 39, U. S. W. of A. of the C. I. O., at its meeting held June 10, 1937, took action on the matter of a reduced tariff on shoes imported from Czechoslovakia. Past experience has taught us that any reduction of tariff would be ruinous to both the manufacturer and the laborer. The mere mention of such a reduction sends a shudder of apprehension through the shoe workers, who are struggling to keep off the public relief rolls; and, of course, with a true American spirit, the shoe workers arise to the occasion to protest vigorously against any and all matters that would interfere with their liberty and the American standard of living.

In the vicinity of Newburyport there are about 2,000 shoe workers and their dependents.

Therefore Local 39 of the U. S. W. of A. of the C. I. O. requests you to do everything in your power to prevent any reduction in the tariff on shoes.

Sincerely,

ERNEST CARROLL, Secretary-Treasurer.

LABOR DISPUTES AND LABOR LEGISLATION—ADDRESS BY SENATOR WALSH

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address entitled Public's Concern in Labor Disputes and Labor Legislation, delivered by Senator WALSH before the Boston Chamber of Commerce, June 7, 1937, which appears in the Appendix.]

AMERICA, THE ALIEN'S HEAVEN—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address on the subject of America, the Alien's Heaven, delivered by him at Washington, D. C., June 9, 1937, which appears in the Appendix.]

## AGRICULTURAL MARKETING—ADDRESS BY SENATOR GILLETTE

[Mr. HERRING asked and obtained leave to have printed in the RECORD a radio address on the subject of Agricultural Marketing, delivered by Senator GILLETTE on June 10, 1937, which appears in the Appendix.]

## NATIONAL UNIVERSITY COMMENCEMENT ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. MINTON asked and obtained leave to have printed in the RECORD the address delivered by Senator THOMAS of Utah on the occasion of the commencement exercises of National University at Convention Hall, Washington, D. C., on June 11, 1937, which appears in the Appendix.]

## ADDRESS TO NAVAL ACADEMY GRADUATES BY ADMIRAL ANDREWS

[Mr. WALSH asked and obtained leave to have printed in the RECORD the address delivered by Rear Admiral Adolphus Andrews to the graduating class of the United States Naval Academy on June 3, 1937, which appears in the Appendix.]

## THE WORKS PROGRAM—COMMENCEMENT ADDRESS BY HARRY L. HOPKINS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD the address delivered by Hon. Harry L. Hopkins, Works Progress Administrator, at the commencement exercises of Babson Institute, Babson Park, Mass., on June 12, 1937, which appears in the Appendix.]

## AIR TRANSPORT ACT OF 1937—ARTICLE FROM NATIONAL AERONAUTICS MAGAZINE

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD an article from the National Aeronautics Magazine for June 1937 with reference to the Air Transport Act of 1937, which appears in the Appendix.]

## AIR TRANSPORT ACT OF 1937—ARTICLE FROM AMERICAN AVIATION MAGAZINE

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD an article published in the American Aviation Magazine for June 1937 relative to the Air Transport Act of 1937, which appears in the Appendix.]

## STATUS OF PROVISIONAL OFFICERS OF WORLD WAR

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1040) placing provisional officers of the World War on the same status with emergency officers of the World War and extending to them the same benefits and/or privileges as are now or may hereafter be provided by law, orders, and/or regulations for said emergency officers, and for other purposes.

The PRESIDENT pro tempore. The amendment offered by the Senator from Maine [Mr. WHITE], which is the pending amendment, will be stated.

The CHIEF CLERK. On page 1, line 5, after the word "War", it is proposed to insert: "or who were appointed to commissioned or warrant grades or ranks in the Navy from civil life subsequent to April 6, 1917."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maine.

Mr. ROBINSON. Mr. President, I should like to have the Senator from Texas state what will be the approximate cost of the enactment of this bill.

Mr. SHEPPARD. The principal item of cost will be the adjusted compensation which this bill grants the former provisional officers coming within its terms. This cost will be approximately \$3,302,046.

Mr. ROBINSON. How many officers are involved?

Mr. SHEPPARD. About 2,200.

Mr. ROBINSON. The total expense would be about \$3,300,000?

Mr. SHEPPARD. Yes; with about \$10,000 additional for disability retirement benefits for those qualifying on application. This latter figure may be exceeded somewhat.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maine [Mr. WHITE].

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I have an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 4, after the word "act", it is proposed to insert a colon and the following:

*And provided further,* That the provisions of this act shall not be extended to those provisional officers retired under Regular Army retirement law and those honorably discharged under section 24b of the act of June 4, 1920, with 1 year's pay.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I hesitate to make the inquiry I am about to submit because I realize that my early and subsequent education was somewhat neglected. However, I notice a tendency, which seems to make itself apparent in this bill today, toward what seems to me is unwarranted, although, so far as I can see, perhaps, very unimportant. I would not call attention to it if it were not that this is a very short bill and is going to be disposed of very soon and we shall not consume much time on it.

In line 10, on page 1; in line 1, on page 2; and in line 3, on page 2, appear the words "and/or." Beginning in line 10 of page 1, the language is as follows:

\* \* \* extended the same benefits and/or privileges as are now or may hereafter be provided by law, orders, and/or regulations for said emergency officers: *Provided,* That application under this act for benefits and/or privileges must be made within 1 year after the passage of this act.

Mr. SHEPPARD. Mr. President, the object of the bill is to place provisional officers on the same basis as emergency officers, with reference to compensation and disability retirement privileges, provided they apply within 1 year from the passage of the act for such benefits.

Mr. NORRIS. I think I understand the object of the bill; but why use "and/or" in each case when one word, as I understand the English language, would be much more expressive than this language, which is becoming more or less common in legislation?

Mr. SHEPPARD. I think the Senator from Nebraska is correct. I think it would be very wise to strike out the expression, "and/or", wherever it occurs in the bill and substitute therefor the word "and." It would be plainer and would not change the meaning.

Mr. NORRIS. This is a new phraseology which has been gradually brought into use. It has been adopted, as I understand, from the advertisements in the newspapers of Wall Street bankers of the bonds and stocks which they desire to sell. They always use the expression "and/or."

Mr. SHEPPARD. I think the Senator has made a good suggestion, and I thank him for it.

Mr. ASHURST. Mr. President, and/or is a Janus-faced verbal monstrosity, neither word nor phrase. So says the Supreme Court of Wisconsin. It has no place in legislation and I am glad the able Senator from Nebraska [Mr. NORRIS], supplemented by the suggestion of the able Senator from Texas [Mr. SHEPPARD], has agreed to strike "and/or" from this bill.

May I have read at the desk at this time a newspaper clipping containing an extract from a decision of the Supreme Court of Wisconsin against the use of the expression "and/or."

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

The Chief Clerk read as follows:

## "AND/OR" BLASTED BY WISCONSIN JUDGE OF SUPREME COURT

MADISON, WIS.—Anyone who has been perplexed on reading "and/or" in insurance policies or legal papers should be heartened. The Wisconsin Supreme Court cannot figure it out either.

In one of the most biting decisions the tribunal has ever handed down, Justice Chester A. Fowler took lawyers to task for the use of the puzzling word combination. The case involved an insurance policy invoked to recover costs of compensation awarded to an employee of the Sturgeon Bay Co. who was injured by a truck. The court had to decide whether C. D. Brower "and/or" the Sturgeon Bay Co. was indemnified under the policy.

"It is manifest", Justice Fowler wrote, "that we are confronted with the task of first construing 'and/or', that befuddling, nameless thing, that Janus-faced verbal monstrosity, neither word nor phrase, the child of a brain of someone too lazy or too dull to know



what he did mean, now commonly used by lawyers in drafting legal documents, through carelessness or ignorance or as a cunning device to conceal rather than express a meaning with a view to furthering the interest of their clients. We have observed the thing in statutes, in the opinions of the courts, and in briefs of counsel, some learned and some not."

Mr. SHEPPARD. Mr. President, I move that the bill be amended in line 10, page 1, by striking out "and/or"; on page 2, line 1, by striking out "and/or"; and on page 2, line 3, by striking out "and/or", and subsisting the word "and" in each case.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 1, line 10, to strike out the words "and/or" and insert "and"; on page 2, line 1, to strike out "and/or" and insert "and"; and in line 3, to strike out "and/or" and insert the word "and."

The amendment was agreed to.

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

The title was amended so as to read: "A bill placing provisional officers of the World War in the same status with emergency officers of the World War and extending to them the same benefits and privileges as are now or may hereafter be provided by law, orders, and regulations for said emergency officers, and for other purposes."

#### CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

Mr. ROBINSON. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the first business on the calendar.

The first business on the calendar was the resolution (S. Res. 8) limiting debate on general appropriation bills. Mr. VANDENBERG. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers, was announced as next in order.

Mr. ROBINSON. Mr. President, this bill has been on the calendar for a considerable length of time. Objections have been made heretofore to its consideration. It occurs to me that there should be an explanation of the purposes and provisions of the bill. I do not object to its consideration.

The PRESIDENT pro tempore. An explanation of the pending bill is requested.

Mr. ROBINSON. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The bill was read, and the Senate proceeded to its consideration, as follows:

*Be it enacted, etc.,* That when used in this act and for the purposes of this act—

(a) The term "Commission" means the Interstate Commerce Commission;

(b) The term "carrier" means any carrier by railroad subject to the Interstate Commerce Act (including any terminal or station company) and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of a carrier subject to said act: *Provided*, That the term carrier shall not include any street, interurban, or suburban electric railroad unless such railroad is operated as a part of a general railroad system of transportation;

(c) The term "train dispatcher" means any subordinate official, employee, or person who is primarily responsible for directing the movement of trains, on an assigned section of track, by train orders or otherwise, and who transmits such train orders or directions verbally or by means of the telegraph or telephone, or any other device, and/or keeps necessary records incident thereto or performs related work;

(d) The term "train-dispatching office" means any office, tower, place, or station at which a train dispatcher, as defined in this act, is employed, or in which he performs his duties; and

(e) The term "train-dispatching service" includes the work of controlling the movement of trains or motive power, of any character, on an assigned section of track, by train orders or otherwise, which movement is made under the direction of a train dispatcher or is directed from a train-dispatching office, or for which a train dispatcher is customarily responsible; and also includes the work of keeping the records necessary and incident to such control of such movements.

SEC. 2. That upon complaint or upon its own motion the Commission or any investigator thereunto authorized by said Commission is hereby empowered to inspect and investigate any train-dispatching office or train-dispatching service of any carrier subject to this act with respect to all conditions under which train dispatchers work which in any way involve or affect the safety of the operation of trains.

SEC. 3. The Commission may, after investigation, upon finding in the train-dispatching office or train-dispatching service of any carrier any unsafe condition, method, rule, regulation, or practice, order such carrier to remove, discontinue, or modify such condition, method, rule, regulation, or practice within a time specified in the order.

SEC. 4. The Commission is authorized after hearing to prescribe and enforce by appropriate order such conditions, methods, rules, and regulations as it deems necessary in the interest of safe operation under which any train dispatcher works and/or under which any train-dispatching office or train-dispatching service of any carrier subject to this act shall be conducted, and the Commission is further authorized to amend, modify, or change by order such conditions, methods, rules, and regulations as said Commission may from time to time find necessary more fully to carry out the purpose of this act.

SEC. 5. Any carrier or any officer or agent thereof violating any of the provisions of this act or failing, refusing, or neglecting to comply with any order, rule, or regulation made under the provisions hereof shall be liable to a penalty of \$100 for each such violation and each and every day such violation, failure, refusal, or neglect continues shall be considered a separate violation and subject to a like penalty, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed. It shall be the duty of such United States attorney to bring such suit or suits upon satisfactory information being lodged with him of such violations having occurred; and it shall be the duty of the Interstate Commerce Commission to lodge with the proper United States attorneys information of any violations of this act coming to its knowledge.

SEC. 6. It shall be the duty of the Commission to see that the requirements of this act and the orders, rules, regulations, and instructions promulgated hereunder are observed by carriers subject hereto, and all powers heretofore granted to the Commission are hereby extended to it in the execution and enforcement of this act.

SEC. 7. This act shall take effect and be in force 60 days after its approval.

Mr. WHEELER obtained the floor.

Mr. ROBINSON. Mr. President, before the Senator proceeds, let me suggest to him that the words "and/or" appear twice in the bill.

Mr. WHEELER. Yes.

Mr. ROBINSON. The use of those words has been discussed this morning; and the general opinion here is that the expression is bad English, and that the Senator should elect which word he will use, striking out either "and" or "or", according to his preference in the matter.

I merely desire to add that, while the bill has been repeatedly objected to on the Unanimous Consent Calendar,

it seems to me to be in the interest of the safety of employees and to propose a reasonable and wholesome provision of law.

Mr. WHEELER. I thank the Senator very much.

Let me say that a similar bill came before the Committee on Interstate Commerce at the last session of Congress, and a subcommittee was appointed which held quite extended hearings upon the measure. Again this year a subcommittee of the Committee on Interstate Commerce, of which I think the Senator from Connecticut [Mr. LONERGAN] was chairman, held hearings on the bill. The Interstate Commerce Commission has recommended its passage.

The bill merely adds to the force of the Interstate Commerce Commission some inspectors to check up on the various train-dispatching offices. It will involve comparatively little expense to the railroads themselves, and I am sure they have no serious objection to the passage of the bill, notwithstanding the fact that representatives of some of them did testify in opposition to it. There is no serious objection to it, however; and I hope the bill will pass.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WHEELER. I do.

Mr. BORAH. I observe that in section 5 a penalty is provided in case of neglect or failure to comply with the orders and rules of the Commission. That is simply a penalty?

Mr. WHEELER. Yes.

Mr. BORAH. It does not constitute a criminal offense?

Mr. WHEELER. It does not constitute a criminal offense. It simply provides that when the Interstate Commerce Commission makes a rule and says that a certain train-dispatching office shall do certain things, a penalty of \$100 is provided for failure to comply with the rule the Commission lays down in compliance with what it believes to be for the best interests of the traveling public.

I move to strike out the word "or" wherever it appears in the expression "and/or", and leave the word "and."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 12, and on page 3, line 21, it is proposed to strike out the word "or."

The amendment was agreed to.

Mr. HUGHES. Mr. President, I object to the consideration of the bill.

Mr. WHEELER. I hope the Senator from Delaware will not do that.

Mr. HUGHES. I have not had an opportunity to examine the bill.

Mr. WHEELER. The bill has been on the calendar for a long time. If I am not mistaken, a similar bill passed the Senate at the last session of Congress, and the pending measure was reported at this session. The Interstate Commerce Committee has held two different and distinct hearings on the bill, and both times has recommended its passage. The Interstate Commerce Commission has passed upon the bill. Representatives of the Commission have testified on it, and have said there could be no objection to it, and that they could carry it out with their present force of inspectors.

Mr. HUGHES. That is contrary to the information I have, and I wish to examine the bill more carefully.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

Mr. WHEELER subsequently said: Mr. President, with reference to Calendar No. 225, being Senate bill 532, which was called earlier this morning and objected to, I have just been informed within the last few minutes that the Railroad Brotherhoods who have been interested in this bill and the railroads themselves have agreed on a compromise satisfactory to both sides. In view of that fact, I ask unanimous consent that the bill be recommitted to the Committee on Interstate Commerce.

Mr. ROBINSON. The Senator, I understand, refers to Order of Business 225.

Mr. WHEELER. Yes; Order of Business 225, being Senate bill 532. The parties interested have just signed a contract within the last 10 or 15 minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and the bill is recommitted to the Committee on Interstate Commerce.

#### BILLS PASSED OVER

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies" approved July 2, 1890, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 47) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Mr. President, that is rather an important bill. I should like to have a discussion of it.

Let the bill be passed over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

#### ROUTING OF FREIGHT SHIPMENTS

The bill (S. 1261) to amend the Interstate Commerce Act as amended, and for other purposes, was announced as next in order.

Mr. DIETERICH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WHEELER subsequently said: Mr. President, I wonder if we cannot return to Calendar No. 421, Senate bill 1261. It should be Calendar No. 241. The figures on the calendar have been transposed.

This is a bill in regard to which testimony was heard before the Interstate Commerce Committee at the last session of Congress and again at this session of Congress. The bill merely seeks to correct a condition brought about by a decision of the Supreme Court of the United States wherein they gave the shipper the right to ask that his freight be shipped over the shortest route. As a matter of fact, there was practically no opposition to the bill on the part of the class A railroads, and the short-line railroads of the country are all interested in it. In substance the bill merely provides that when the class I railroads issue their publications they shall set forth in them the shortest route by which freight may be shipped. This will give notice to the shipper and give him the right to have his freight shipped over the shortest route by which it is possible to ship it. The shippers have had that privilege heretofore and the Interstate Commerce Commission so held, as I recall, up to the time the Supreme Court interpreted one of their rules.

The short-line railroads are anxious to have the Interstate Commerce Commission and the class I railroads given power to publish these statements showing the shortest routes, so that a shipper himself may decide as to which way he desires to have the freight go. I hope the Senator who objected will withdraw his objection.

Mr. BONE. Mr. President, will the Senator permit a question?

Mr. WHEELER. Certainly.

Mr. BONE. Would the selection of the routing of freight result perhaps in a reduction of rates or of mileage?

Mr. WHEELER. It would not reduce the rates, but it would reduce the mileage. Let me give an illustration. If freight is being shipped from Seattle to some point in Canada, instead of making it necessary to ship the freight to

St. Paul the shippers would send it to a point in North Dakota and then it would go north from there, rather than having to go to St. Paul and back to North Dakota and then north.

Mr. BONE. I was wondering whether the reduction in mileage would of necessity, under a regulation, result in a reduction of the total rate.

Mr. WHEELER. My understanding is that it would not reduce the rate.

Mr. BONE. It would merely result in a saving of time?

Mr. WHEELER. It would result only in a saving of time in the shipment of freight and a cutting off of unnecessarily long transportation hauls. It is in the interest of efficiency, it is in the interest of the shipper, and as a matter of fact I think it is in the interest of class I railroads as much as it is in the interest of the short-line railroads themselves.

Mr. BONE. A great many shippers complain bitterly at the length of time consumed in freight shipments.

Mr. WHEELER. Exactly; the shippers' organizations are in favor of the bill, and the short-line railroads are in favor of it.

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

Mr. WHEELER. I yield.

Mr. DIETERICH. I do not care to discuss the merits of the bill. It is a bill of sufficient importance to have justified hearings before the Committee on Interstate Commerce. It is a bill which seriously affects the railroads of this country, and no hearings were had at this session. Hearings are desired. If the chairman of the committee will agree to have the bill recommitted to the committee and have hearings, that will meet the desires of those who oppose the bill in its present form.

Mr. WHEELER. We held very complete hearings upon the bill, I think before the full committee, at the last session of the Congress. Representatives of the class I railroads appeared before the committee, representatives of the short-line railroads appeared before the committee, and representatives of the Interstate Commerce Commission and of the shippers appeared before the committee. I think the bill was passed by the Senate during the last session of the Congress.

Mr. DIETERICH. I am not advised as to that. Unless it is recommitted to the committee, I am going to object.

Mr. WHEELER. At some future time I shall seek an opportunity to move to take the bill up for consideration and have it set down for a vote in the Senate.

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

Mr. DIETERICH. I object.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

Mr. WHEELER. I give notice now that I shall move at the first opportunity to take the bill up for consideration.

Mr. LOGAN subsequently said: Mr. President, referring again to the long-and-short-haul bill, I should like to make a parliamentary inquiry. Would it be in order to move to take up the bill notwithstanding the objection? I do not know what the unanimous-consent agreement is under which we are proceeding.

The PRESIDENT pro tempore. A motion could not be made, under the unanimous-consent agreement.

Mr. LOGAN. Very well.

The PRESIDENT pro tempore. The clerk will state the next bill on the calendar.

#### BILLS PASSED OVER

The bill (S. 69) to amend an act entitled "An act to regulate commerce", approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars was announced as next in order.

Mr. SMATHERS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Co-

lumbia, and for other purposes" was announced as next in order.

Mr. COPELAND. Let the bill go over.

Mr. ROBINSON. Mr. President, I wonder if the Senate is not ready to take up that bill. I did not hear who objected to it.

Mr. COPELAND. Mr. President, we have been trying and are now trying to compose some minor differences with reference to this bill; and it is my suggestion that it go over without prejudice.

Mr. ROBINSON. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2106) for the allowance of certain claims not heretofore paid, for indemnity for spoiliations by the French, prior to July 31, 1801, was announced as next in order.

Mr. BURKE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### NATIONAL UNEMPLOYMENT AND RELIEF COMMISSION

The joint resolution (S. J. Res. 68) providing for the appointment of a National Unemployment and Relief Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas it is evident that the problems of unemployment and relief have passed the emergency phase and these burdens now appear to be long-term charges against the National Government; and

Whereas there is need of a thoroughgoing study of all their phases, including (1) the extent and nature of unemployment and relief needs, (2) the problem of work as against direct relief, (3) the question of assessing the financial burden and administrative responsibilities as between private charitable organizations and local, State, and Federal Governments, (4) some plan for coordinating the long-term relief program with existing governmental agencies, such as the United States Employment Service, the Social Security Board, the Public Works Administration, and other Federal agencies, and (5) the probable avenues of greater private reemployment and a general program looking to the liquidation of the entire relief problem: Therefore be it

*Resolved, etc.,* That the President is hereby authorized to appoint immediately a nonpartisan Commission to conduct a national study of the whole problem of unemployment and relief and make recommendations looking to a comprehensive, intelligent, and just policy for the future. The Commission shall be known as the Federal Unemployment and Relief Commission and shall be composed of not more than 15 and not less than 5 well-qualified and distinguished citizens of the United States, who shall serve without compensation. The Commission is authorized to employ, without regard to the civil-service laws, an executive secretary and such experts and other employees as the Commission may deem necessary, and to fix their compensation without regard to the Classification Act of 1923, as amended. The Commission shall present its findings and recommendations relating to the aforementioned subjects to the Congress at the beginning of the second session of the Seventy-fifth Congress.

SEC. 2. (a) For the purposes of this resolution the Commission or any person designated by it is empowered to hold hearings at any place within the United States, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

(b) In case of contumacy by or refusal to obey a subpoena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or hearing is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

SEC. 3. The President is hereby authorized to allot such sums as may be necessary for carrying out the purposes of this resolution, not exceeding the sum of \$50,000, from any money appropriated for relief purposes.

The preamble was agreed to.

## HOMESTEAD CREDIT FOR CERTAIN MILITARY SERVICE

The bill (S. 369) to allow credit to homestead settlers and entrymen for certain military service was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That in every case in which an entryman or settler upon the public lands of the United States under the homestead laws has been or shall hereafter be discharged from the military service on account of wounds received or disability incurred in line of duty in time of peace, the term of his enlistment shall, in the administration of the homestead laws, be deducted from the required length of residence upon the tract entered or settled upon without reference to the time of his actual military service; except that no patent shall issue to any such entryman or settler who has not resided upon, improved, and cultivated his homestead for a period of at least 1 year.

JOHN E. KETCHUM

The Senate proceeded to consider the bill (S. 2097) providing for the advancement on the retired list of the Army of John E. Ketchum, which was reported from the Committee on Military Affairs with an amendment to add a proviso at the end of the bill, so as to make the bill read:

*Be it enacted, etc.,* That from and after the date of the enactment of this act John E. Ketchum, first lieutenant, United States Army, retired, shall have the rank and receive the pay and allowances of a captain on the retired list of the United States Army: *Provided,* That the said John E. Ketchum shall not be entitled to any back pay, compensation, or benefits by virtue of the passage of this act.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, will not the Senator from Indiana explain the bill? My only reason for asking about it is that the Department seems to have reported against it.

Mr. MINTON. Mr. President, this bill is for the relief of John E. Ketchum, who was retired from the Regular Army as a first lieutenant on February 16, 1920, on account of disabilities which he suffered in line of duty. During the time he was in the service, while playing in a polo game at Honolulu, he was hit on the head with a mallet and so seriously injured that from the effects of the injury he was paralyzed on one side. He fell away in weight to a mere shadow, and his brain started deteriorating and his mind was affected.

Mr. McKELLAR. I have no objection to the bill.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

## COAST FIR &amp; CEDAR PRODUCTS CO., INC.

The bill (H. R. 3557) for the relief of the Coast Fir & Cedar Products Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

## BILL AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 4679) for the relief of John L. Summers and others was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 41) authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this measure? If there is no one present to explain it, let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

## CANAL ZONE CODE, ETC.

The bill (H. R. 4597) to amend the Canal Zone Code was announced as next in order.

Mr. ROBINSON. Mr. President, may I ask what changes this bill makes in the Code of the Canal Zone?

Mr. McKELLAR. Mr. President, this bill and the three bills which follow on the calendar seem to have some con-

nection, and I ask that they go over until the Senator from Missouri [Mr. CLARK] shall return and explain them.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6144) to amend the Canal Zone Code was announced as next in order.

Mr. McKELLAR. This bill should go over, also.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

The bill (H. R. 6436) authorizing cash relief for certain employees of the Panama Canal, not coming within the provisions of the Canal Zone Retirement Act, was announced as next in order.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

The bill (S. 2416) relative to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama was announced as next in order.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

## NATIONAL FLAGS AT FUNERALS OF SERVICE MEN AND WOMEN

The Senate proceeded to consider the bill (S. 947) to provide national flags for the burials of honorably discharged former service men and women, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That paragraph I, Veterans' Regulation No. 9 (a), as amended (U. S. C., 1934 ed., title 38, ch. 12, appendix), be amended to read as follows:

"I. Where an honorably discharged veteran of any war or a person honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard, after serving at least one enlistment or for disability incurred in line of duty, dies after discharge a flag to drape the casket shall be furnished in all cases; such flag to be given to the next of kin after burial of the veteran."

The amendment was agreed to.

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

## ELEANORA S. RICHARDSON

The bill (H. R. 2080) for the relief of Eleanora S. Richardson was considered, ordered to a third reading, read the third time, and passed.

## ESTATE OF J. D. WARLICK

The Senate proceeded to consider the bill (S. 178) for the relief of the estate of J. D. Warlick, which had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "Treasury", to strike out the words "not otherwise appropriated" and to insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps"; on line 9, to strike out "\$15,000" and to insert "\$5,000"; and at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to J. H. Warlick, of Birmingham, Ala., as administrator of the estate of J. D. Warlick, late of Ocala, Fla., the sum of \$5,000, in full satisfaction of all claims of such estate against the United States for the death of said J. D. Warlick, who was struck and killed by a Civilian Conservation Corps ambulance, about 6 miles from Ocala, Fla., on June 11, 1934: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

## THOMAS W. SEAY

The Senate proceeded to consider the bill (S. 1044) for the relief of Thomas W. Seay, which had been reported from the Committee on Claims with an amendment, on page

1, line 9, after the word "wounds", to strike out the comma and the words, "which have resulted in his permanent total disability received during the course of his employment as deputy sheriff of Lea County, N. Mex., and while assisting officers of the United States Government in the apprehension of a ring of counterfeiters" and to insert "received while in the performance of his duty as a deputy sheriff attempting to arrest a counterfeiter, said injuries having resulted in his permanent total disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas W. Seay, of Albuquerque, N. Mex., the sum of \$10,000 in full settlement of any and all claims against the Government on account of personal injuries sustained by him as a result of gunshot wounds received while in the performance of his duty as a deputy sheriff attempting to arrest a counterfeiter, said injuries having resulted in his permanent total disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

#### INSTRUCTION AT WEST POINT FOR OLMEDO ALFARO

The joint resolution (H. J. Res. 335) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Olmedo Alfaro, a citizen of Ecuador, was considered, ordered to a third reading, read the third time, and passed.

#### GEORGE E. IJAMS

The joint resolution (H. J. Res. 339) granting permission to George E. Ijams, civilian employee of the Veterans' Administration, to accept and wear the decoration bestowed upon him by the Republic of France was considered, ordered to a third reading, read the third time, and passed.

#### TRANSFER OF MILITARY RESERVATIONS TO PUERTO RICO

The bill (S. 2531) to authorize the transfer of certain military reservations to other agencies of the Government and to the people of Puerto Rico, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to transfer to the agencies hereinafter set forth the military reservations hereinafter named, or any portions thereof, upon determination by him that said military reservations, or portions thereof, are no longer needed for military purposes: *Provided*, That in case any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, shall at any future time become surplus to the needs of the agency to which transferred, the head of such agency is hereby directed to transfer the same back to the Secretary of War to be sold under the provisions of the act of March 12, 1926 (44 Stat. 203): *Provided further*, That in the event the transfer of any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, is not desired by the respective agencies hereinafter set forth, then the Secretary of War, after the expiration of 90 days following the passage of this act, shall be, and he is hereby, authorized to sell such reservations, or any portions thereof, under the provisions of the foregoing act of March 12, 1926.

The agencies to which transfers are authorized and the names of the reservations, with the approximate amount of land involved in each instance, authorized to be transferred are as follows:

To the Department of Justice: Alcatraz Island, Calif., 12 acres.  
To the Department of Agriculture: Fort DeSoto, Fla., 449.26 acres; Fisherman's Island, Va., 225 acres.  
To the Veterans' Administration: Fort Miley, Calif., 23 acres.

To the Department of Commerce: Fort Dade, Fla., 5.5 acres; Stewart Avenue Reservation, Atlanta, Ga., 1.25 acres; Fort Livingston, La., 126.16 acres; Fort Gorges, Maine, 1.5 acres; Fort Scammel, Maine, a tract 20 feet square, with privilege to land anywhere at any time at the shore line of the 12-acre tract comprising Fort Scammel; Fort Independence, Mass., 1 acre; Gasparilla Island, Fla., 81.5 acres; Fort Popham, Maine, 0.85 acre; Salisbury Beach, Mass., 5 acres.

To the Treasury Department: Fort Dade, Fla., 369.02 acres; Fort Caswell, N. C., 57.2 acres; St. Andrews Sound Military Reservation, Fla., 21.64 acres.

To the people of Puerto Rico: That certain tract or parcel of land within the Main Military Reservation, San Juan, P. R., containing 46.04 acres, more or less, known as the "Escambron Tract."

SEC. 2. The net proceeds from any sale of the properties named in this act shall be deposited in the Treasury to the credit of "Miscellaneous receipts."

#### PROMOTION OF SAFETY OF AIR TRANSPORTATION

The bill (S. 1760) to promote the safety of scheduled air transportation was announced as next in order.

Mr. McCARRAN. Let the bill go over.

Mr. COPELAND. Mr. President, I notice the Senator from Nevada asked that this bill go over. I assume he is not pressing it now.

Mr. McCARRAN. No, Mr. President; I am not pressing either this bill or the next one for the time being. I will do so at a later date.

Mr. COPELAND. I have no objection personally to the second bill, but I have rather serious objection to the first one.

Mr. McCARRAN. At a proper time in the not far distant future I shall seek to have the bills considered.

Mr. COPELAND. I hope the Senator will let me know when he seeks to have them brought up.

Mr. McCARRAN. I will do so.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, was announced as next in order.

Mr. McCARRAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### PUNISHMENT FOR TRANSPORTING STOLEN ANIMALS

The Senate proceeded to consider the bill (S. 1375) to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert the following:

That this act shall be cited as the National Animal Theft Act.

SEC. 2. When used in this act—

(a) The term "animal" shall include any cattle, hog, sheep, horse, or mule.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any animal, or the carcass or hide or any part of the carcass or hide of any animal, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 4. Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any such animal, or the carcass or hide or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 5. Any person violating section 3 of this act may be prosecuted in any district from, into, or through which such animal, or the carcass or hide or any part of the carcass or hide thereof, has been transported or removed.

SEC. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes."

CLAIM OF ESTATE OF JOHN F. HACKFELD, DECEASED

The Senate proceeded to consider the joint resolution (S. J. Res. 67) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the estate of John F. Hackfeld, deceased, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 5, after the name "John F. Hackfeld", to insert "Provided, however, That in any proceeding in the Court of Claims, the United States shall not be deprived of any substantive defenses directed to the merits of said claim, which could be pleaded or availed of in any other forum", so as to make the joint resolution read:

*Resolved, etc.*, That, notwithstanding lapse of time, prior alleged settlement, any statute of limitations, or other limitations upon the jurisdiction of such court, jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim of Fredrick Rodiek, ancillary executor of the will of John F. Hackfeld, deceased, against the United States for just compensation, including damages and losses sustained by the said John F. Hackfeld, directly or indirectly, through the taking and sale or other disposition by the Allen Property Custodian or his agents, at less than their true value, of any corporate stocks or other property owned by John F. Hackfeld, J. F. Hackfeld, Ltd., or H. Hackfeld & Co., Ltd., but belonging in fact to John F. Hackfeld: *Provided, however*, That in any proceeding in the Court of Claims, the United States shall not be deprived of any substantive defenses directed to the merits of said claim, which could be pleaded or availed of in any other forum; with the same right as in other cases to either party to apply to the Supreme Court of the United States for writ of certiorari to review any judgment that may be rendered.

The amendment was agreed to.

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

AMENDMENT OF FEDERAL REGISTER ACT

The Senate proceeded to consider the bill (H. R. 5721) to amend the Federal Register Act, which was read, as follows:

*Be it enacted, etc.*, That section 11 of the Federal Register Act, approved July 26, 1935 (49 Stat. 500), is hereby amended to read as follows:

"Sec. 11. (a) On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within 90 days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.

"(b) There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.

"(c) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.

"(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section."

Mr. ROBINSON. Mr. President, I should like to have the purposes of this bill explained. The bill mentions the Federal Register Act, and apparently provides for a Codification Board. I should like an explanation from the Senator who reported the bill.

Mr. HATCH. Mr. President, the Federal Register Act was passed in 1935. It authorized a compilation of all the executive orders that had been issued and made effective through the various departments of the Government. When it was attempted to carry out the terms of the act it was found that

a great many of these orders, extending over years past, were entirely obsolete so far as existing conditions are concerned. However, under the terms of the original act it was necessary to include all those old orders.

This bill permits the compilation of a code of selected orders, of those which are now in effect and are of general interest. In brief, that is the purpose of the bill. It will do away with a great deal of unnecessary work, and the result will be that the code will be up to date and include all general orders which are in effect at this time. The Department of Justice is very anxious to have the compilation made.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

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

MANNER OF INFLECTING THE PUNISHMENT OF DEATH

The bill (S. 486) to provide for the manner of inflicting the punishment of death was announced as next in order.

Mr. ASHURST. Mr. President, I ask that Senate bill 486, being Calendar No. 706, be passed over for the purpose of having the Senate consider the next bill on the calendar, which is a House bill, and which is similar to the Senate bill. If the House bill shall be passed, I will then ask that Senate bill 486 be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 2705) to provide for the manner of inflicting the punishment of death.

Mr. ASHURST. I ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The legislative clerk read the bill, as follows:

*Be it enacted, etc.*, That section 323 of the Criminal Code of the United States (U. S. C., title 18, sec. 542) be, and the same is hereby, amended to read as follows:

"Sec. 323. The manner of inflicting the punishment of death shall be the manner prescribed by the laws of the State within which the sentence is imposed. The United States marshal charged with the execution of the sentence may use available State or local facilities and the services of an appropriate State or local official or employ some other person for such purpose, and pay the cost thereof in an amount approved by the Attorney General. If the laws of the State within which sentence is imposed make no provision for the infliction of the penalty of death, then the court shall designate some other State in which such sentence shall be executed in the manner prescribed by the laws thereof."

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

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

Mr. ASHURST. Mr. President, in view of the Senate having passed the House bill, I respectfully ask that Senate bill 486, being Calendar No. 706, be indefinitely postponed.

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

PAYMENT FOR AIRPLANES OBTAINED FROM STINSON AIRCRAFT CORPORATION

The joint resolution (S. J. Res. 148) to provide for payment for nine airplanes obtained from the Stinson Aircraft Corporation by the Bureau of Air Commerce, Department of Commerce, and for other purposes, was announced as next in order.

Mr. MCKELLAR. Mr. President, let that measure go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

Mr. MCKELLAR subsequently said: Mr. President, a few moments ago, when Calendar No. 709 was called, I inadvertently made an objection to the joint resolution. At that time I thought I was objecting to another measure. I ask unanimous consent to return to Calendar No. 709. That is a joint resolution which ought to be passed by all means.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider Senate Joint Resolution 148, which had been reported from the Committee on Appropriations with an amendment at

the end of the joint resolution to insert a new paragraph, as follows:

The Secretary of the Treasury is hereby authorized and directed, upon the request of the Secretary of Commerce, to transfer, during the fiscal year 1937, from the appropriation "Salaries and general expenses for the Bureau of Marine Inspection and Navigation, fiscal year 1937", to the appropriation "Departmental salaries, Bureau of Marine Inspection and Navigation, fiscal year 1937", not to exceed \$8,000.

So as to make the joint resolution read:

*Resolved, etc.*, That the Comptroller General of the United States is authorized and directed to approve payment for nine airplanes obtained from the Stinson Aircraft Corporation, Wayne, Mich., under contract Cc-2510, dated October 1, 1936, out of an allotment of \$83,000 made by the President of the United States on March 23, 1937, for this purpose from the Emergency Relief Appropriation Act of 1935. And that there is hereby appropriated for the Department of Commerce, out of any money in the Treasury not otherwise appropriated, the sum of \$8,000 for the purchase of Letters Patent No. 1531065, or licenses under said letters patent.

The Secretary of the Treasury is hereby authorized and directed, upon the request of the Secretary of Commerce, to transfer, during the fiscal year 1937, from the appropriation "Salaries and general expenses for the Bureau of Marine Inspection and Navigation, fiscal year 1937", to the appropriation "Departmental salaries, Bureau of Marine Inspection and Navigation, fiscal year 1937", not to exceed \$8,000.

The amendment was agreed to.

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

#### EXTENSION OF SERVICES OF INLAND WATERWAYS CORPORATION TO SAVANNAH RIVER

The Senate proceeded to consider the bill (H. R. 4213) to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended; authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to the Savannah River, which was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved June 3, 1924, as amended, be further amended by adding at the end thereof the following new section:

"SEC. 7. The Secretary of War is authorized to extend the services and operations of the Inland Waterways Corporation to the Savannah River, under the same terms and conditions as are prescribed for the extension of such services and operations to any tributary or connecting waterway of the Mississippi River in section 3 (b) of this act, as amended by section 2 of the act approved May 29, 1928 (45 Stat. 979)."

Mr. ROBINSON. Mr. President, how does this bill amend the Inland Waterways Corporation Act?

Mr. COPELAND. Mr. President, the bill permits the Inland Waterways Corporation to operate deep-water barges on the Savannah River. The Savannah River has been widened and deepened at the expense of the Government, and under the Inland Waterways Act provision was made extending the services and operations of the Corporation to other rivers than the Warrior River and the Mississippi River. It is quite probable that in the very near future the Inland Waterways Corporation will cease operations on the lower Mississippi River because private parties are operating there. The Corporation has on hand surplus barges, and in view of the fact that the Savannah River is suitable for navigation and that no private operators are using it, the Commerce Committee thought it proper to make this provision with respect to the Savannah River.

Mr. VANDENBERG. Mr. President, the statement made by the Senator from New York is correct. Nevertheless, there is rapidly arising a fundamental question regarding the operation of the Inland Waterways Corporation. I agree with the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL] that, so long as the act stands as it now stands, the Savannah River is entitled to the facilities which are contemplated by this particular bill. But two things are perfectly obvious, Mr. President, and I wish to call attention to them before this bill shall be passed.

First, it is perfectly obvious that the Inland Waterways Corporation is frequently operating its facilities long after

the statutory purpose of the act has been accomplished. Second, the question has arisen as to whether or not the Government owes transportation facilities to every stream which it makes navigable. There is approaching a substantial demand for the facilities of the Inland Waterways Corporation on many rivers in many other sections of the country. The net result of the whole situation, as I see it, is that the Inland Waterways Corporation Act ought to be surveyed and studied by the Senate Commerce Committee with a view to these new considerations; and as soon as the able senior Senator from Missouri [Mr. CLARK] returns, he sharing my interest in this matter, we shall undertake to bring it constructively to the attention of the Senate.

In the meantime, I have no objection to the passage of the pending bill.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

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

#### CONTROL OF FLOODS OF MAJOR RIVERS OF THE UNITED STATES

The joint resolution (S. J. Res. 57) to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That the Secretary of War is authorized and directed to submit to Congress with reasonable expedition a full report or a series of reports embodying a comprehensive national program and plan for the control of floods of all the major rivers of the United States and their principal tributaries. The Chief of Army Engineers, under the direction of the Secretary of War, is authorized and directed to conduct necessary surveys, assemble information, and prepare such a comprehensive plan, which shall include provisions for the construction of levees, spillways, diversion channels, channel rectification, reservoirs, and all works necessary for an effective and adequate system of flood control for all such rivers. Such plan and the report or reports to Congress shall list specific projects and set forth estimates of cost (including the expense of acquiring land and easements and payment of property damage) of carrying out the projects. Such plan and report or reports shall take into consideration flood-control projects now under construction or heretofore authorized by acts of Congress.

Sec. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

#### ADDITION OF LANDS TO THE CACHE NATIONAL FOREST

The Senate proceeded to consider the bill (S. 432) to add certain lands to the Cache National Forest, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, to strike out all after line 6 and to insert certain other matter, so as to make the bill read:

*Be it enacted, etc.*, That, subject to existing valid claims or entries and withdrawals, the following-described lands are hereby added to the Cache National Forest, Idaho, and made subject to all laws applicable to national forests:

Township 6 south, range 34 east, sections 17 to 21, inclusive; sections 28 to 33, inclusive.

Township 7 south, range 34 east, sections 1, 2, 3, 4, 9, 10, 12, 13; south half southeast quarter section 14; west half southwest quarter section 19; northeast quarter and north half southeast quarter section 23; north half, southeast quarter, and north half southwest quarter section 24; north half northeast quarter section 25; west half northwest quarter section 30.

Township 8 south, range 34 east, sections 6, 7, 8, 16, 17, 18, 20, and 21; southwest quarter, west half southeast quarter, and southeast quarter southeast quarter section 26; sections 27 and 28; east half section 29; sections 33 to 36, inclusive.

Township 9 south, range 34 east, west half and southwest quarter southeast quarter section 1; sections 2, 11, 12, and 13.

Township 5 south, range 35 east, sections 25 to 36, inclusive.

Township 6 south, range 35 east.

Township 7 south, range 35 east.

Township 9 south, range 35 east, sections 15, 16, 17, 18, 20, 21, 22, 27, 28, 29; 32 to 36, inclusive.

Township 10 south, range 35 east, section 1.

Township 6 south, range 36 east, sections 14 to 23, inclusive, and sections 25 to 36, inclusive.

Township 7 south, range 36 east.

Township 8 south, range 36 east, sections 1 to 5, inclusive; east half section 6; east half section 7; sections 8 to 17, inclusive; east half section 18; sections 20 to 29, inclusive; and sections 32 to 36, inclusive.

Township 9 south, range 36 east, sections 1 to 5, inclusive; east half section 7; sections 8 to 10, inclusive; east half section 18; east half section 19; east half section 30; section 31.

Township 10 south, range 36 east, section 6.

Township 7 south, range 37 east, sections 18, 19, 30, and 31.

Township 8 south, range 37 east, section 6; west half northeast quarter, west half, and southeast quarter section 7; sections 18 and 19; west half section 29; sections 30 and 31; west half section 32.

Township 9 south, range 37 east, sections 3, 4, 5, 6, 8, 9, 10, 13, 14, 15, and 16.

Township 6 south, range 38 east, sections 16, 21, and 28; east half section 33.

Township 7 south, range 38 east, northeast quarter and south half section 4; south half section 5; east half, east half west half, and southwest quarter southwest quarter section 6; north half northwest quarter and east half section 7; sections 8, 9, 16, and 17; east half section 18; east half and east half west half section 20; sections 21 and 28; east half section 29; north half northeast quarter, southeast quarter northeast quarter, and southeast quarter section 32; section 33; south half section 34; south half section 35; south half section 36.

Township 8 south, range 38 east, sections 1 to 4, inclusive; east half section 5; northeast quarter section 8; east half, northeast quarter northwest quarter, and west half northwest quarter section 9; sections 10 to 16, inclusive; sections 21 to 28, inclusive; southeast quarter and south half northeast quarter section 29; east half section 32; sections 33 to 36, inclusive.

Township 9 south, range 38 east, sections 1 to 4, inclusive; northeast quarter and east half southeast quarter section 5; southeast quarter, south half southwest quarter, and east half northeast quarter section 8; sections 9 to 14, inclusive; section 18; north half section 19; sections 23 and 24.

Township 8 south, range 39 east, sections 30 and 31.

Township 9 south, range 39 east, west half section 4; sections 5 to 8, inclusive; west half section 9; west half section 16; sections 17, 18, and 19; west half section 20.

Township 11 south, range 36 east, section 4; east half north half northwest quarter, southeast quarter northwest quarter, and east half southwest quarter section 5; east half and east half west half section 8; sections 9 and 16; east half and east half northwest quarter section 17; east half section 20; sections 21 and 28; east half section 29; east half section 32; section 33.

Township 12 south, range 36 east, north half north half, south half northeast quarter, and southeast quarter section 4; section 9; east half section 16; east half section 21; east half section 28; northeast quarter section 33.

Township 15 south, range 36 east, sections 24, 25, and 36.

Township 16 south, range 36 east, sections 12, 13, 24, and 25.

Township 12 south, range 37 east, east half northeast quarter section 25 and sections 32 to 34, inclusive.

Township 14 south, range 37 east, west half section 10; west half west half section 14; section 15; north half northeast quarter and northwest quarter section 22; south half and south half north half section 26; sections 34 and 35.

Township 15 south, range 37 east, sections 3, 9, 10, 14, 15, 16, 21, 22, 23, 25, 26, 27, 35, and 36.

Township 16 south, range 37 east, sections 2, 11, 14; southeast quarter, south half northeast quarter, east half southwest quarter, and southeast quarter northwest quarter section 15; east half and east half west half section 22; sections 23 and 26; east half and east half west half section 27.

Township 12 south, range 38 east, sections 30 and 31.

Township 13 south, range 38 east, sections 6, 7, 18, 19, 30, and 32.

Township 14 south, range 38 east, sections 5, 8, 17, 20, 29, and 32.

Township 1b south, range 38 east, sections 5, 8, 17; east half southeast quarter section 18; east half east half and southwest quarter southeast quarter section 19; section 20.

Township 11 south, range 41 east, section 3, 10, 15, and 22.

Township 12 south, range 41 east northeast quarter and west half section 15; section 21; north half section 28.

Township 13 south, range 41 east, west half section 34.

Township 10 south, range 42 east, sections 8, 16, 17, and 20.

Township 12 south, range 42 east, sections 13, 24, 25, and 36.

Township 13 south, range 42, east half east half section 1; east half east half section 12.

Township 14 south, range 42 east, east half section 12; east half section 1; south half section 24.

Township 11 south, range 43 east, sections 6, 7, 18, 19, 30, and 31.

Township 12 south, range 43 east, sections 6 and 7; north half section 18.

Township 14 south, range 43 east, sections 19 and 30.

Township 15 south, range 43 east, southeast quarter section 20; sections 21, 28, and 33.

Township 16 south, range 43 east, east half and east half west half section 4; east half and east half west half section 9; east half and east half west half section 16; east half and east half west half section 21; east half and east half west half section 28, Boise meridian.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, this is a very important bill. Will the Senator who reported the bill please explain it?

Mr. POPE. Mr. President, I will say to the Senator from Tennessee that a similar bill was passed by the Senate last

year. The bill provides for the addition of certain lands to the Cache National Forest. The conditions in the public domain adjoining the national forest with reference to soil erosion and other matters have become very objectionable to the people in that neighborhood, so that, so far as I know, all the people there, without any exception, are favorable to some sort of supervision of the lands which immediately adjoin the Cache National Forest. Under the provisions of this bill the Forestry Service will undertake to remedy the conditions which exist in the lands adjoining the forest.

So far as the people in that region are concerned, there is no objection at all to the bill. Its passage seems to be very desirable for the community, as well as for the immediate lands involved. The change in the description of the land was made merely for the purpose of correction, and was made at the suggestion of the Secretary of Agriculture.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

#### CONSTRUCTION OF SMALL RESERVOIRS UNDER RECLAMATION LAWS

The bill (H. R. 2512) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Mr. President, that bill apparently is identical with a Senate bill that has been on the calendar for a long period. The Senate bill is no. 47, being Order of Business No. 377, and it has been pending since April 22, 1937. It is noted that the bill appropriates out of the reclamation fund \$500,000 to be expended by the Secretary of the Interior in the construction of small storage reservoirs at such locations within the States subject to the Federal reclamation laws as the Secretary may select, no reservoir to be constructed under the bill at a cost exceeding \$50,000.

I think the purpose of these reservoirs should be made clear. I should like to have the bill go over until the Senator from Wyoming [Mr. O'MAHONEY] shall be present.

Mr. NORRIS. Mr. President, may I inquire whether Order of Business 377, being Senate bill 47, was not objected to when called on the calendar?

Mr. ROBINSON. Yes; the bill was then objected to.

Mr. NORRIS. I should like to make a suggestion to the Senator from Arkansas. I have not read these two bills, but if they are exactly the same, if we act on either one of them we ought to consider the House bill and not the Senate bill.

Mr. ROBINSON. The Senator from Colorado [Mr. ADAMS] informs me that the bills are not identical. I think they should go over.

Mr. O'MAHONEY entered the Chamber.

Mr. ADAMS. The Senator from Wyoming is now present.

Mr. O'MAHONEY. Mr. President, these bills, Senate bill 47, being Calendar No. 377, and House bill 2512, being Calendar No. 714, were identical when introduced, but the Committee on Irrigation and Reclamation of the Senate made a modification in the Senate bill. The House bill, therefore, differs from the Senate bill in one particular; namely, that it authorizes an appropriation of \$500,000 from the reclamation fund, while the Senate bill authorizes such an appropriation out of relief funds.

Mr. NORRIS. Mr. President, may I inquire of the Senator, are both these bills reported from the same committee?

Mr. O'MAHONEY. They are not. I was going to say that both bills ought to be taken from the calendar and sent to the Committee on Irrigation and Reclamation, in order that the differences might be adjusted by the committee.

Mr. NORRIS. The RECORD does not show what committee reported Calendar No. 714, being House bill 2512.

Mr. O'MAHONEY. That bill was not reported by the committee. It just went to the calendar when it came from the other House. The Senate bill was reported by the Committee on Irrigation and Reclamation.

Mr. NORRIS. Then the House bill ought to be referred to the committee.



Mr. O'MAHONEY. That is exactly the proposal I am making.

Mr. ROBINSON. Mr. President, I think the Senator from Wyoming has made a good suggestion, that both bills go to the Committee on Irrigation and Reclamation.

Mr. O'MAHONEY. Yes; for further consideration.

Mr. ROBINSON. Will the Senator make such a motion?

Mr. O'MAHONEY. I make that motion.

Mr. ROBINSON. Mr. President, I ask unanimous consent to recur to Order of Business 377, being Senate bill 47, in order that the Senator may make the motion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. O'MAHONEY. I now ask unanimous consent that Calendar No. 377, being Senate bill 47, and Calendar No. 714, being House bill 2512, be taken from the calendar and referred to the Committee on Irrigation and Reclamation.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

A. R. NETTERVILLE, SR.

The bill (H. R. 4575) for the relief of A. R. Netterville, Sr., was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. R. Netterville, Sr., of McComb, Miss., out of any money in the Treasury not otherwise appropriated, the sum of \$130 in full satisfaction of his claim against the United States for work done and money paid out for labor in the part construction of a home at the McComb, Miss., homesteads project in 1934: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

CLARK DREDGING CO.

The bill (H. R. 5880) to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co. in lieu of the Bowers Southern Dredging Co., was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That Private Act No. 210, approved August 13, 1935, for the relief of the Bowers Southern Dredging Co., be, and the same is hereby, amended by substituting as payee therein the Clark Dredging Co. as transferee or assignee of said Bowers Southern Dredging Co.

MR. AND MRS. DAVID STOPPEL

The Senate proceeded to consider the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Mr. and Mrs. David Stoppel, of Butte County, S. Dak., the sum of \$5,000 in full settlement of all claims against the United States for the death of their minor son, David Stoppel, Jr., who was killed on September 11, 1936, when run over and crushed by a tractor owned by the Emergency Conservation Works and assigned to the Civilian Conservation Corps camp near Fruitdale, S. Dak., which camp is operated by the Bureau of Reclamation of the Department of the Interior: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

The bill was read the third time, and passed.

WILLIAM HAYES

The bill (H. R. 1277) for the relief of William Hayes was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$700 to William Hayes in full settlement of all claims against the United States for personal injuries sustained by being struck by an automobile driven by Customs Patrol Inspector Herbert R. Bowen on August 31, 1928, in the city of Niagara Falls, N. Y.: *Provided,* That the Secretary of the Treasury is hereby authorized and directed to transfer to the miscellaneous receipts fund of the Treasury the sum of \$75 appropriated in the First Deficiency Act of March 26, 1930 (46 Stat. 124), for the benefit of William Hayes, as set forth in the schedule of claims contained in House Document No. 243, Seventy-first Congress: *Provided further,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

ROSALIE ROSE

The bill (H. R. 3203) for the relief of Rosalie Rose was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rosalie Rose, of San Francisco, Calif., the sum of \$1,454.50 in full settlement of her claim against the United States for damages sustained on May 29, 1931, when she was injured in a collision with United States Coast Guard truck no. 1001: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

JOHN H. BALMAT, JR.

The bill (S. 2408) for the relief of John H. Balmat, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to consider and authorized to grant the application of John H. Balmat, Jr., former captain, One Hundred and Forty-seventh Regiment United States Field Artillery, for such of the benefits under the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War", approved May 24, 1928, as the said John H. Balmat, Jr., may be entitled to in accordance with his disability rating: *Provided,* That the application of the said John H. Balmat, Jr., shall be filed with the Veterans' Administration within 6 months from the date of the approval of this act.

BILL PASSED OVER

The bill (S. 892) to repeal the act entitled "An act relating to Philippine currency reserves on deposit in the United States" was announced as next in order.

Mr. ROBINSON. Mr. President, in the absence of the Senator from Maryland [Mr. TYDINGS], the chairman of the Committee on Territories and Insular Affairs, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ANNUAL ASSESSMENT WORK ON MINING CLAIMS

The bill (S. 187) providing for the suspension of annual assessment work on mining claims held by location in the United States was announced as next in order.

Mr. MCKELLAR. Mr. President, will the Senator from Montana explain the bill? I see that an adverse report from the Interior Department accompanies it.

Mr. MURRAY. Mr. President, this bill is similar to other bills which have been introduced and passed at each session

during the last several years and which have been designed to relieve individual miners and prospectors from the necessity of observing the law with reference to assessment work on mining claims. The reason for introducing the bill at this session is that the base metal mining industry in the country has not as yet recovered to a sufficient degree to enable the miners and prospectors who are largely dependent on it for the means to do the assessment work. While the price of copper is up and the mining industry is experiencing much activity at this time, the miners and prospectors have not been back to work sufficiently long to put themselves in a position financially to comply with these requirements.

We have received letters from practically every State in the Union where mining is carried on urging the necessity for the passage of this bill at this session.

Mr. McKELLAR. May I ask the Senator to allow the bill to go over? I will then look into it right away and confer with the Senator about it.

Mr. MURRAY. If the bill does not pass now, it will be utterly useless and futile, because the time for doing the assessment work will expire on the 1st of July. If this bill is not passed speedily it will be utterly useless to pass it at all. The justification for it, I think, is ample, and I believe the miners and prospectors in the sections affected are all agreed that the bill should be enacted.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MURRAY. I yield.

Mr. BORAH. I was going to say that unless the bill is passed speedily, in view of the fact that it must still go to the House for consideration and passage, in all probability it will be useless for the Senate to pass it at all.

Mr. MURRAY. The Senator from Idaho is entirely correct.

Mr. McKELLAR. Does the Senator from Idaho think it is a proper bill?

Mr. BORAH. I do. I am aware there is a division of view on this bill, but as it is drawn I believe it will help those who need help. It costs the Government nothing.

Mr. McKELLAR. Was the bill unanimously reported by the committee?

Mr. BORAH. I am not a member of the committee, but I am familiar with the conditions which make necessary this proposed legislation. The conditions which have existed during the depression, as stated by the Senator from Montana, are still such as to require some relief in this respect as to some.

Mr. MURRAY. The relief provided will only go to a few hundred miners and prospectors in various metal-mining States, and if the bill is not passed it will result in great distress. We have received hundreds of letters from all over the country urging its passage.

Mr. BORAH. Mr. President, I should like to say to the Senator from Tennessee that the bill, if passed, will not affect the large corporations engaged in mining activities, but in its practical workings it will reach only those in real necessity. Large corporations that own their properties will not be affected.

Mr. MURRAY. All the mining corporations have their claims patented promptly, but the small miners and prospectors are unable financially to proceed with their patent proceedings, which are quite expensive. Therefore it is necessary for them to carry the claims, sometimes, for many years before they finally secure their patents. Meanwhile they must comply with the law relating to this assessment work.

Mr. McKELLAR. Can the Senator inform me why the Interior Department failed to favor the bill? If it is a proper bill, why should the Department refuse to endorse it?

Mr. MURRAY. I do not think they thoroughly understand the situation. I have read their report, and I feel that the basis of their report is not well founded. It merely assumes that by enforcing this requirement it will stimulate the mining

industry. This is not true. It will merely cause great distress and loss of claims by many.

Mr. ROBINSON. Mr. President, I recall that a Senator who is now attending a committee meeting stated that he desired to have the bill go over. So I ask that it go over for today.

Mr. MURRAY. If the bill goes over, it might as well be taken from the calendar, for if it is not passed speedily it will be useless. The assessment work must be performed between now and the 1st of July, and if it is not performed by that time the claims will be thrown open to relocation and relocators may come in and take advantage of all the years of work and effort that have been expended on these claims by the original locators.

Mr. ROBINSON. In view of the statement of the Senator from Montana, I do not feel justified in persisting in an objection to the consideration of the bill.

Mr. SCHWELLENBACH. Mr. President, I should like to ask the Senator from Montana a question. Is it not true that a large number of these claims are valuable and that some of the large mining companies are merely waiting until the prospectors lose their rights for an opportunity to enable them to step in and take advantage of all the work the prospectors have heretofore done?

Mr. MURRAY. I think the Senator's statement is very probably correct, for the only ones who have offered any objection are superintendents or experts connected with corporations. There is absolutely no objection on the part of the ordinary miners of the country.

This exemption will not cost the Government anything. It is a form of relief that will not cost the taxpayers a cent, and yet it is absolutely necessary if we are going to protect the men who have spent a considerable part of their lives, their money, and their time in locating mining claims.

Mr. LOGAN. Mr. President, I shall make no objection to the present consideration of the bill, but I believe that by insisting upon its passage at this time the holders of claims will have done to them a very great injustice. There is no probability, indeed I think there is not the remotest prospect, of the bill becoming a law. If these men have their hopes aroused again and are led to believe the Government is going to grant this gratuity, they will not do the work which they now have time to do. If the bill should be passed by the Senate, of course, they will not do the work, but will wait hoping that the House will pass it and the President will sign it. My judgment is the bill cannot pass the House.

The committee did not take a favorable stand on the bill nor did it submit an adverse report. It only reported the bill to the Senate upon the suggestion of the very able Senator from Montana [Mr. MURRAY] and the Senator from Nevada [Mr. McCARRAN] and other Senators who were present at the committee hearings and urged that the Senate should be given an opportunity to consider it. The bill does not affect my section of the country at all. I do not know all the facts. I only know that some Senators are very much opposed to the passage of the bill and some are very much in favor of it. Those Senators who reside in the immediate section of the country which would be most affected are divided, some being for it and some opposed to it. I do not know which position is the correct one. I make this statement only that the Senate may be advised.

Mr. McKELLAR. Mr. President, one Senator who is now absent stated to me he is not in favor of the passage of the bill. He is from the West. Ordinarily where western Senators agree about mining legislation, that is all that is necessary to cause me to vote with them; but in this particular case it seems they are very much divided, and that is why I asked the questions I did of the Senator from Montana.

Mr. SCHWARTZ. Mr. President, I hope the bill will be passed. Owing to a revival in the mining business, practically every prospector who has been able to do so has been out doing assessment work. There have been a number who,

because of conditions during the past 4 or 5 years, have found it impossible to perform the necessary assessment work. The bill would help only those who either are on relief or are of that general class. Some of those who have been able to do the work, it seems, have done whatever is necessary, while those who were not able to do it have not done anything.

I believe the Senate ought to give these men the protection which the bill would afford them. It would not cost the Government a dime, but would protect men in the claims which they have had and which they have been working for many years. It is for the protection particularly of individual miners and individual prospectors. We are "running against the clock." By July 1 the claims will have been lost to these men if we do not extend the time as the bill provides. I hope there will be no further objection and that the bill may be passed.

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

There being no objection, the bill (S. 187) providing for the suspension of annual assessment work on mining claims held by location in the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than \$100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock m., July 1, 1936, and ending at 12 o'clock m., July 1, 1937: *Provided*, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock m., July 1, 1937, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That such suspension of assessment work shall not apply to more than 6 lode-mining claims held by the same person, nor to more than 12 lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than 6 placer-mining claims not to exceed 120 acres (in all) held by the same person, nor to more than 12 placer-mining claims not to exceed 240 acres (in all) held by the same partnership, association, or corporation.

#### RETIREMENT FOR RAILWAY EMPLOYEES

The bill (S. 2395) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, was announced as next in order.

Mr. WAGNER. Mr. President, this bill represents an agreement between railway employees and railway companies, being a bill to provide a pension system for railway workers. It has been reported unanimously by the Committee on Interstate Commerce. We are in conference, however, with those in the House interested in the proposed legislation, with the purpose of proposing some amendments. For that reason I ask that the bill be passed over.

Mr. LEWIS. Mr. President, I am asked by representatives of the employees of railroads to present to this honorable body, as the able Senator from New York [Mr. WAGNER] has intimated, the fact that there is pending some new agreement between themselves and employers, and they likewise ask that the matter be temporarily suspended until their efforts now going forward shall be concluded.

The PRESIDENT pro tempore. The bill will be passed over.

#### INCLUSION OF RESERVE OFFICERS UNDER PENSION LAWS

The Senate proceeded to consider the bill (H. R. 2887) to amend the provisions of the pension laws for the peacetime service to include Reserve officers and members of the Enlisted Reserves, which was read, as follows:

*Be it enacted, etc.,* That Veterans' Regulation 1 (a), part II, paragraph 1 (a), be amended to read as follows:

"1. (a) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting in-

jury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than in a period of war service as provided in part I, the United States will pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, a pension as hereinafter provided, but no pension shall be paid if the disability is the result of the person's own misconduct: *Provided*, That active service, including service for training purposes, performed by a Reserve officer or member of the Enlisted Reserves of the United States Army, Navy, or Marine Corps, shall be considered as active military or naval service for the purpose of granting benefits under part II hereof, and it shall not be required that such Reserve officer or enlisted man shall have been discharged from the service. Pension under this paragraph shall not be paid concurrently with active-duty pay or employees' compensation. Where a person who is eligible for pension hereunder is also eligible for the benefits of Employees' Compensation Act, he shall elect which benefit he shall receive. This amendment shall be effective June 15, 1933, but payment of pension hereunder shall be effective from the date of receipt in the Veterans' Administration of application therefor or the date of enactment of this amendment, whichever is the later."

Mr. ROBINSON. Mr. President, I should like to have the Senator from Kansas [Mr. MCGILL] state his understanding of the effect of the proposed legislation.

Mr. MCGILL. Mr. President, prior to the National Defense Act of 1933 all those affected by this bill who suffered injuries or disabilities while in line of training duty, had a pensionable status as Reserve officers or as enlisted Reserve men in the Army, Navy, or Marine Corps; and their dependents, in case of death, had a pensionable status. That act, however, contained the words "except in training", and it has been construed since 1933 that Reserve officers and Reserve enlisted men, if disabled, while on training duty, were not entitled to a pension under the law.

The bill now pending is intended to correct that situation.

I do not know the exact number the bill would affect, but I am advised by the Veterans' Administration that their estimate is it would cost the Government approximately \$2,200 per year. The bill is favored by the War Department, by the Veterans' Administration, and by the various veterans' organizations.

During the Seventy-fourth Congress a measure was introduced in the Senate, referred to the Committee on Military Affairs, and reported back to the Senate, which was substantially the same as the pending bill. In effect there is no difference between the two bills. That bill was passed by the Senate in the Seventy-fourth Congress and went to the House. The House amended it so as to include members of the National Guard. The bill was vetoed by reason of that amendment. That provision is not included in the pending bill. The bill affects only Reserve officers and Reserve enlisted men, and would cost, as I have said, approximately \$2,200 a year.

The PRESIDENT pro tempore. The question is, Shall the bill be read a third time?

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

#### PAYMENT OF AWARDS TO SIOUX INDIANS OF SOUTH DAKOTA

The bill (S. 2556) to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That an appropriation is hereby authorized in the sum of \$79,038 to pay various Sioux Indians of the Pine Ridge Reservation, S. Dak., the amounts which have been awarded to them by the Secretary of the Interior under the act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided*, That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of their services, not to exceed 10 percent of the recovery on each individual claim, which payment shall be in full settlement of all services rendered by the attorney or attorneys to the claimants in such claim.

#### SALE OF CHICKASAW INDIAN DORMITORY PROPERTIES

The bill (S. 2587) providing for the sale of the two dormitory properties belonging to the Chickasaw Nation or Tribe

of Indians in the vicinity of the Murray State School of Agriculture at Tishomingo, Okla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior shall take possession of and appraise and sell, under such rules and regulations as may be prescribed by him, the two dormitories, together with the lands upon which they are located and the furniture therein belonging to the Chickasaw Nation or Tribe of Indians, in the vicinity of the Murray State School of Agriculture at Tishomingo, Okla., which lands were acquired and which dormitories were erected and equipped under the acts of Congress of March 2, 1917 (39 Stat. L. 983), and May 25, 1918 (40 Stat. L. 584); and he shall deposit the proceeds in the Treasury of the United States to the credit of the Chickasaw Nation, less expenses incident to the appraisal and sale of such properties, including reasonable compensation to special attorneys for services rendered in connection with such sale acting under the direction of the Governor of the Chickasaw Nation, such compensation to be fixed and paid by the Secretary of the Interior; and immediately after such sale patents conveying such properties shall be made and delivered in the same manner as now provided by law for the conveyance of other tribal properties: *Provided,* That preference right shall be given the State of Oklahoma to purchase said dormitory properties at a price to be agreed upon between the Secretary of the Interior and the Board of Regents of the Murray State School of Agriculture, in accordance with the senate concurrent resolution passed by the Sixteenth Legislature of the State of Oklahoma.

The PRESIDENT pro tempore. That completes the calendar.

#### AUTHORITY TO APPROPRIATIONS COMMITTEE TO FILE REPORTS

Mr. ROBINSON. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate following today's session the Committee on Appropriations may be authorized to submit reports.

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

#### J. R. COLLIE AND ELEANOR Y. COLLIE

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie.

Mr. BAILEY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. TOWNSEND conferees on the part of the Senate.

#### COLLECTIVE BARGAINING

Mr. DAVIS. Mr. President, on the occasion of Flag Day, June 14, a legal holiday in the State of Pennsylvania, which I have the honor in part to represent, our thoughts turn to the fundamental principles of justice and liberty so beautifully represented by the Stars and Stripes.

The spirit of Betsy Ross is very much alive in our land today. Our resistance to tyranny, our respect for the free judgment of the people, and our love of popular institutions of government are deep-seated within us. Here and there we see sporadic evidences of lawlessness and violence; but this is not the temper of the American people as a whole. These disturbances are universally condemned just as soon as they occur. They draw upon themselves the censure of all law-abiding citizens.

Today we have the presentation of a paradoxical issue wherein the process of collective bargaining is carried through to the point of completion, lacking but one absolutely necessary essential, the signatures of the contracting parties. Any contract made in good faith should carry the signatures of the contracting parties simply as proper business procedure. The great steel companies, such as the United States Steel Corporation and Jones & Laughlin, among others, have not only bargained collectively with labor but have signed legal instruments bearing witness to their good faith.

The innumerable classifications within the steel industry are so detailed as to escape the memory of experts. They are so minute as to require definite statement on paper.

They are so complex as to demand the most faithful adherence to systematic business methods in their proper administration. This is the kind of document a number of steel companies have in hand to sign, but from which signatures have been withheld. Such action is typical of the kind of evasion and avoidance which has made necessary the great range of industrial legislation found on our statute books today. It is tempting of governmental force, which, if continued, can lead to nothing short of a degree of compulsion absolutely foreign to American principles of liberty. On this Flag Day it should cause us to regret that there should exist among us such flagrant disrespect for the commonly accepted standards of business procedure and for the spirit of the Labor Relations Act.

We hear much protest against Government interference with business. I have voiced such protests during the past few years. If industry is not reasonable, however, it will encourage the use of further compulsion on the part of the Government.

In view of the compliance by the majority of the great steel companies with the Labor Relations Act, it seems most unfair that the whole industry should be visited with condemnation simply because of the failure of a few of the companies to comply with the act.

Mr. President, many of our present-day industrial difficulties were unknown in the days when the organization of industry on a smaller scale permitted closer personal relations between the man who managed industry and the man whose labor made industry possible. The employer of today is no longer an individual but a corporation representing the property of hundreds and in some cases thousands of individuals. To surmount the difficulties which arise out of this superorganization we must either find some means of restoring the old-time personal relationship between worker and management or we must find an adequate substitute for it.

America's great need today is cooperation in industry, a mutual recognition by employer and employee of the rights and duties of each other. We are gradually learning that the day of "master and man" is gone in American industry, and that the man who works is a full partner with the man who manages. We are learning that the worker and the employer have mutual interests; that if one gains, both must gain; if one loses, both must lose; if one fails, both must fail. We are finding that each must recognize the needs, the aspiration, and the difficulties of the other, and that both must recognize their joint duty to the public, upon whose patronage the success of any industry ultimately depends.

Mr. President, with the advent of the policy of selective immigration during the past decade, our people have become increasingly homogeneous. This has advanced national unity and economic solidarity. It has made us one people, not only in respect to race but also in respect to class. The old barriers of wealth are being stripped away, along with the differences of foreign speech and customs. Today we must uphold respect for the law on the part of all of our citizens; for disrespect for the law is the road to economic anarchy, spelling disaster for everyone.

Collective bargaining, in which labor is free to select representatives of its own unrestricted choosing, is the hope of the Nation. In essence, this means the maintenance of purchasing power sufficient to keep the wheels of industry turning. It is a benefit to employers as well as employees, and is necessary to the general welfare. It is a practical realization of the Golden Rule, the recognition that we are all members one of the other, and the beneficiaries of a common-sense understanding of cooperation in business undertakings.

Mr. President, I have today attended the funeral of Mr. Hugh Kerwin, Chief of the Conciliation Service of the United States Department of Labor. He has been with this division for the last 24 years, rendering most consistent, valuable service. In the midst of the great strikes which faced the Nation back in 1921-22, when I was Secretary of

Labor, Hugh Kerwin had the peace of mind necessary to instill a love of peace in the various conflicting groups. He was one who by nature had the conciliatory frame of mind necessary to produce peace in industry. I know of no one who had as many friends among both labor and industrial leaders as Mr. Kerwin, because both sides realized his desire to be impartial and fair. His passing will be a loss to his many friends, who during the years have admired his loyal devotion to duty, and his comprehensive understanding of the needs of the Nation.

REORGANIZATION OF FEDERAL JUDICIARY—LETTER BY SENATOR BAILEY TO NORTH CAROLINA GENERAL ASSEMBLY

Mr. BAILEY. Mr. President, some weeks ago the General Assembly of North Carolina addressed a resolution to the North Carolina Members of Congress. I have written a response to the resolution, which I ask leave to have printed in the RECORD, the resolution itself having heretofore been printed in the RECORD.

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

The letter is as follows:

WASHINGTON, D. C., April 17, 1937.

The Honorable W. P. HORTON, *President of the Senate*,  
The Honorable R. G. CHERRY, *Speaker of the House*,  
*The General Assembly of North Carolina.*

DEAR SIR: Most respectfully I acknowledge the honor of receiving a copy of the joint resolution of our general assembly by the courtesy of the Honorable Brooks Price, of Union County, requesting the Senators and Representatives in the Congress from North Carolina to support the measure as proposed by the President "making important changes in the Federal judicial system."

The resolution was adopted March 22. It was delivered to me April 15. This accounts for the delay in this response.

To the changes proposed by the President in respect to the circuit and district courts I have entertained no serious consideration. They contemplate the addition of about 50 judges to the Federal system. I do question whether we need so many, although I realize that at the rate our Federal Government is expanding we may need even more in a short time. I favor the expedition of the administration of justice. I do not favor provisions authorizing additional appointments of judges for the purpose of affecting judicial determinations.

To the addition of six Justices to the Supreme Court of the United States, I have most serious objections, upon considerations which I intend herein to set out, and I am the more moved to do this because I am informed that the concurrent resolution was adopted without discussion or debate and without a record vote. Since the considerations that prompted the adoption of the resolution were not discussed, I hope to serve some good purpose by setting out the considerations which moved me to a decision to the contrary.

The preamble of the resolution sets out only two considerations supporting it, and neither of them professes to touch the merits. One of them is that "the recommendation of the President \* \* \* presents an issue of great national importance in which the people of North Carolina and all other people of the United States are vitally concerned."

In this I concur; and since an issue of such importance is presented I am sure it ought freely to be discussed and debated. I may add that I have supported 9 out of every 10 of the President's principal recommendations (about 50 in number) to the Congress, and that I have gladly honored him for his great leadership in this most difficult period. I do not disagree with him willingly or without regret.

The other consideration is that "the people of North Carolina are strongly supporting the President of the United States in his recommendations to Congress and a great majority of the people of this State firmly believe that the enactment of such measure is vital to the future happiness and welfare of our people." Not that the general assembly finds merit in the measure, but that it believes that a great majority of the people believe that its enactment is vital to the future happiness and welfare of our people. This is the only reason stated for the general assembly's request.

This sole reason is an expression of opinion by the general assembly, and I am grateful for the expression. Public opinion must always be respected, and if a Senator takes a course to the contrary, he owes it to the people to make plain his reasons. But have I taken a course contrary to public opinion as duly expressed? Let us see.

I. In considering any representation as to public opinion, howsoever respectable, a representative of an American State must bear in mind that our Government is a constitutional, representative democracy; that a great authority has described it as government by public opinion; that the people have developed and established the method of ascertaining the state of public opinion and informing their representatives of it; that this method has due regard for the constitutional limitations even upon public opinion; and that it is of the very spirit of the national life. It is, therefore, entitled to the highest respect.

This method is that of campaigns by political parties upon platforms duly submitted and passed upon by the electorate in elections frequently held. We do not guess about public opinion in America—we ascertain it at the polls. This is the purpose of elections. We trust none to say what the public opinion is at a given time, or in any 45-day period, but take the verdict directly from the people after full discussion and debate. In this way we reap the advantage of mass democracy without inviting the destruction of democracy—such as is now manifest in more than one nation on the Continent of Europe, in which democracy recently flowered only to die. It is true that all questions are not submitted to the electorate, but the principal questions are submitted.

The Democratic Party submitted the pending issue in the campaign and election of 1936. I refer to its platform and to that section which reads as follows:

"If these problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the State and Federal Legislatures, within their respective spheres, shall find necessary, in order adequately to regulate commerce, protect public health and safety, and safeguard economic security. Thus we propose to maintain the letter and spirit of the Constitution."

This section gave explicit assurance that recent legislative difficulties arising upon judicial decisions would be met by the accepted process of amendment to the Constitution—specifically "a clarifying amendment" such as will assure "the power to enact laws which State and Federal Legislatures \* \* \* shall find necessary." It also declares—"thus we propose to maintain the letter and the spirit of the Constitution."

In no view of this paragraph may it be suggested that the platform declared for the addition of Justices to the Supreme Court for the purpose of altering the historic interpretation of the Constitution. On the other hand, it gave positive assurance that so far from altering the Court the party would proceed by way of submitting an amendment to alter the Constitution by way of granting power.

I respectfully submit, therefore, that notwithstanding the general assembly's expression of opinion as to public sentiment, I am bound by the actual expression of public opinion in the election, November 7, 1936, in which I was elected on this platform to the Senate.

I have no right, in politics or morals, to violate my party's covenant or my covenant with the electorate. I cannot assume that public opinion has changed between February 5 and March 22, 1937—and surely it could not have changed prior to February 5. If I could assume that it has changed between February 5 and March 22, 1937, would I be safe in assuming that it would not change again before the year is out? And if I could assume that public opinion has changed since the election, with respect to one portion of the platform, I might assume no less for all of it; and platforms and elections would in the process become meaningless. This is the value of platforms and elections: They make known the state of public opinion. There would be at once an end of government by means of political parties if public men might assume that public opinion has changed since the latest election, as their platforms would cease to command respect. Neither Congress nor legislatures may alter a political platform.

I have always considered the platforms on which I stood as binding—first, as obligations of my party; second, as covenants accepted by the electorate; third, as solemn promises given by myself as candidate. I cannot change them after an election. I cannot go behind or over the verdict of the people as formally ascertained and declared in the election.

In a word, I consider it my solemn duty to the Democratic Party, and the majority of the people, to abide by its platform. I have constantly sought to maintain the unity and the integrity of the Democratic Party, and its platform is the means of that unity while the observance of its covenants is the means of its integrity. To play fast and loose with one's party platform is to invite destruction of the confidence of the electorate in the party, and that would mean the destruction of the party.

II. And now for a word on the constitutional limitations.

Upon the presentation of the certificate of my election to the Senate I was required to take an oath—required by all the people—to support, maintain, and defend the Constitution of the United States. This was the sole condition upon which I took the office of Senator. This oath is a part of the Constitution. The obligation of it at the least upon a Senator (or other public officer) is to accept and maintain the Constitution, not as he may wish it to be interpreted but as it is interpreted and applied by an independent Supreme Court. It will be agreed that an oath must be kept. To violate the obligation of an oath, required by all the people, even in response to public opinion, would be to break faith with the people.

If the President's proposal were no more than a plan to provide for an adequate number of Justices, I could readily support it. But it is more. Beyond all cavil, it is more. One cannot escape the evidence. The resolution of the general assembly carries the evidence of this in that it declares that "a great majority of the people firmly believe that it is vital to their future happiness and welfare." The President himself, having put the measure forward on February 5, as merely one to provide for an adequate number of Justices, has since repeatedly made it known that the additional number is desired because he expects, by appointing six additional Justices, so to reconstruct the Court as to bring about a tenor of decisions upon legislative acts different

from the decisions handed down in recent years by the Court as now constituted, different likewise from the historic interpretation of the Constitution, utterly different from the interpretation of the President himself in 1930 in a formal address to the American people.

I take it that this is the "issue of great national importance" referred to in the preamble of the concurrent resolution, since it could hardly be said that the mere increase in the number of Justices to expedite the work of the Court would rise to the level of such an issue, when as a matter of fact the Court is current with its cases.

No one now disputes that the purpose of the proposal is so to expand the meaning of the Constitution as to give the Congress practically unlimited power, and consequently to restrict in proportion the powers reserved in the States and rights reserved in the people as individuals. The President has frankly made this plain—in his victory dinner address and his address to the American people. In the former he gave his view as to how the commerce clause should be interpreted, so as to give the Congress control over vast local activities and relations. In the latter he gave his view as to how the welfare clause should be interpreted, so as to give Congress general and unlimited power over wages, prices, production, transactions. He demanded legislation of this character now, and the addition of six Justices, to be named by him, to make sure that it would be upheld as constitutional.

And I may add in passing that since these addresses were uttered, his political manager and personal friend, the Postmaster General, the Honorable James A. Farley, has publicly boasted of the President's control over the Congress. "We", he said, "will call the roll, and all will be O. K." Having a Congress that will enact the legislation, a Supreme Court is needed to square the Constitution with it, in order that the will of the President may be supreme in our Republic. It will be had whenever "we" call the roll.

Over against this I have no choice: I must exercise my office to preserve constitutional representative democracy.

Is it within the meaning of the oath I was required to take that I may support a bill to increase the number of Justices for the purpose of validating acts of the Congress, which otherwise would be held in violation of the great instrument that the oath bound me to support and defend? Even assuming that I should consider that the acts ought to be validated, may I seek to increase the number of Justices for that purpose? Am I to be the judge of my powers?

I think not. I quite agree that it is within the power of the Congress to determine the number of Justices—whether 1 or 9 or 900. I fully agree that it is within the power of Congress to provide the funds necessary to maintain the Court and that it has power greatly to reduce them. It has power to withhold funds necessary to enforce the decrees of the Court. But I know that good faith with the oath to support the Constitution requires of a Senator that he shall not exercise those powers to affect the tenor of judicial determinations. He holds those powers in a sacred trust and under oath. The Court, not the President, not the Congress, is final judge of the powers granted or reserved in the Constitution. I cannot express my regret that an occasion is now presented when enlightened public opinion must be appealed to to preserve this function to the Court against all who would disturb it.

The Congress is vested with legislative powers as enumerated and implied, but the moment it seeks to affect the exercise of the judicial power it violates the Constitution, which vests the whole, undivided, and absolute judicial power—other than impeachments—"in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." To take the contrary view in this controversy is to attack the accepted principle of judicial review; it is to hold that the Congress has power at any time to validate its acts and to determine litigation of any sort; that the limitations imposed upon it by the people mean nothing; and the Constitution would mean only what the Congress should desire it to mean. If 9 Justices hold an act invalid, we may have 15 to validate it, and if 15 do not please us we may have 25. James I could remove judges who would not do his will. They did not hold by life tenure. Since our Justices do hold by life tenure, it is proposed to increase the number, thereby gain a majority, and accomplish precisely the same end James I had in view.

Manifestly it was never intended that President and Congress might get together for the purpose of reconstructing a Court to find their acts within the powers granted by the Constitution—the instrument creating the Government and preserving the rights of the creating people as against the mighty power they had designed to serve—not to rule—themselves. For, if Congress may have the Constitution construed to suit its purposes by enlarging the number of Justices, why have any pretense whatever of an independent judicial department? Why not return to the system against which we revolted?

I do not think that anyone questions that the people of the United States demand, and their Constitution requires, an independent judiciary—courts of justice free of political influences as well as of all other influences save those of conscience and reason. I do not doubt that once this independence shall have been compromised—no matter with what high purpose—it would be violated again and again; and our people would be reduced to the very conditions under which our forefathers suffered; and revolting from which, with determination that neither they nor their posterity should so suffer again, they established in the Constitution, as they hoped for all time, the independence of the

processes of justice. Without this independence of the judiciary our elections would turn not upon issues of policy but upon issues of power. And Congress would not only legislate; it would judge. Presidents would not only execute the laws, but determine the rights of citizens under the laws. I cannot escape the conviction that the adoption of the bill would inevitably compromise the independence of the judiciary, since that consummation is its manifest purpose and immediate consequence.

I am willing that many things shall be said of me, but I am utterly unwilling that it shall be said of me that I did not in the day of my testing do all that in me lay to preserve this independence. I know its value to men. I know that it means more to their welfare and future happiness than any legislation that may be conceived of. There can be no compensation for the loss of the independence of justice; for without independence there can be no justice in a constitutional representative democracy.

III. I am sure the general assembly did not request me to support the bill referred to solely because the President recommended it. This might be inferred from the first paragraph of the preamble. But its record is far from being one of supine acquiescence. I recall that the President requested that the general assembly ratify the so-called child-labor amendment, which it refused to do; and also that the administration sent five bills to the general assembly with representatives to urge their passage, and that of these five only one was enacted. No criticism is intended here. In the general assembly, as in the Congress, a legislator must do his duty as he sees it. The responsibility is upon him, and he cannot shift it either to the President or to what he conceives to be popular opinion.

The general assembly doubtless refused to ratify the child-labor amendment because it was unwilling to impair the power reserved to the State of North Carolina and aggrandize the power of the Federal Government in that respect. I mention the matter because in the capacity of United States Senator from the State of North Carolina, I have considered myself as in a measure a trustee of the powers of our great Commonwealth in the Senate. I have thought without variation that to discharge that trust I must not impair those powers, indeed that I must preserve them, that I was bound by an oath and by all the traditions of my position to preserve them. I cannot be party to impairing those powers existing in my State by the device of adding compliant Justices to the Supreme Court for the purpose of determining a new meaning of the Constitution and expanding the powers of the Congress. To do so would be to do by indirection what I am forbidden to do by the highest sanctions. And if the general assembly was unwilling to impair the power of the State, when it had authority to do so, it will not complain that I refused to impair that power when I had no authority to do so.

IV. If the powers reserved to the State of North Carolina ought to be impaired, if the rights reserved to the people in North Carolina, as individuals, are to be abridged, if the powers of President or Congress ought to be increased, there is a way provided, and that way is the submission of an amendment to the Constitution for ratification by State conventions or State legislatures. The State itself must act, the State and none other. This is the way the Democratic Party proposed; it is the way the people approved in the election of 1936; it is the way the Constitution provides; it is the way to preserve democracy, and there is no other way for me.

Moreover, I cannot conceive of a worse way than that of undermining the independence of the judicial department of our Government by political action in the exercise of power granted to preserve, and not to control, the courts of justice; to which alone a citizen must appeal to declare his rights under the law and its officers; upon which he must rely for that precious equality which he must enjoy in order to be a free man; to which he must repair in the day when his rights are challenged by the powers of government or the greed of men; and in which if he does not find justice, he will find it not at all.

These words are uttered guardedly and with due restraint: I cannot conceive of a worse way than that proposed. It is not only that it violates the Democratic Party's platform as approved and accepted by the people; that it is opposed to the spirit of the Constitution and would tend to dilute the virtue of that great instrument; that it would undermine the independence of the courts of justice, and call into question the quality of their judgments and decrees; that it ignores the sole right of the people to impair the powers of their States or to aggrandize the powers of the Federal Government; but that in addition it subordinates the moral and spiritual to political power; it would invade the holy precincts of justice and bring her helpless down to the pit of politics.

As I have said, no legislative or economic program, however beneficent, could compensate for such a disaster to our people and their civilization. In a constitutional representative democracy, if such a thing should come to pass, no faith whatever would be placed in the Government thereafter.

And surely if there is a legislative or economic program which the people desire, and it is not within the existing constitutional power of the Congress, an appropriate amendment will be submitted and ratified. This is infinitely better than a political invasion of the Supreme Court from whatever point of view.

If public opinion now favors the proposal, as the concurrent resolution declares, I am sure the time will come when public opinion will utterly condemn it. All that is necessary is that the people shall have time to realize its true character and import.

Assuming that I ought to be guided by public opinion, I must be guided by public opinion as formally expressed and ascertained in the campaign in which I was elected a Senator. My

position here, I am glad to say, is fortified by convictions that tell me my duty—on the merits—and responding to which my spirit finds peace in the midst of conflict and criticism. While there are differences with respected constituents and honored friends, which I regret and make due allowance for, the duly ascertained public opinion fully sustains the position that I have taken and must maintain to the uttermost—not only on that account but also because I am convinced that in no other course may I worthily discharge the great trust reposed in me by my party and the people of North Carolina.

Most respectfully,

JOSIAH W. BAILEY.

#### EXECUTIVE SESSION

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

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

#### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of William Healy, of Idaho, to be judge of the United States Circuit Court of Appeals for the Ninth Circuit.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Harold P. Burke, of Rochester, N. Y., to be United States district judge for the western district of New York, vice Harlan W. Rippey, resigned.

Mr. MCGILL, from the Committee on the Judiciary, reported favorably the nomination of Albert Lee Stephens, of Los Angeles, Calif., to be judge of the United States Circuit Court of Appeals for the Ninth Circuit.

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

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of the following officers to be brigadier generals in the Regular Army:

Col. Ernest Dichmann Peek, Corps of Engineers, from July 1, 1937, vice Brig. Gen. Charles D. Roberts, United States Army, to be retired June 30, 1937;

Col. Frederic Harrison Smith, Coast Artillery Corps, from July 1, 1937, vice Brig. Gen. Alexander T. Ovenshine, United States Army, to be retired June 30, 1937;

Col. Philip Bradley Peyton, Infantry, from August 1, 1937, vice Brig. Gen. Thomas W. Darrah, United States Army, to be retired July 31, 1937; and

Col. William Bryden, Field Artillery, from September 1, 1937, vice Brig. Gen. Sherwood A. Cheney, United States Army, to be retired August 31, 1937.

Mr. SHEPPARD also, from the Committee on Military Affairs, reported favorably the nomination of sundry officers for appointment, by transfer, in the Regular Army.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for appointment or promotion in the Navy.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

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

#### DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. ROBINSON. I ask unanimous consent that the nominations of Foreign Service officers be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

That concludes the Executive Calendar.

Mr. McNARY. Mr. President, the treaties on the Executive Calendar have not been acted upon?

Mr. ROBINSON. No.

Mr. McNARY. I desire to state at this time that I shall object to the consideration of any treaties on the Executive Calendar until the return to the Chamber in a few days of the Senator from California [Mr. JOHNSON].

#### ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON. I move the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 35 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, June 15, 1937, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate June 14 (legislative day of June 7), 1937*

#### ASSISTANT SECRETARY OF WAR

Louis A. Johnson, of West Virginia, to be Assistant Secretary of War.

#### COLLECTOR OF CUSTOMS

Joseph A. Maynard of Brookline, Mass., to be collector of customs for customs collection district no. 4, with headquarters at Boston, Mass. Reappointment.

#### PROMOTIONS IN THE REGULAR ARMY

##### MEDICAL CORPS

##### To be lieutenant colonels

Maj. Ralph Hayward Simmons, Medical Corps, from May 30, 1937.

Maj. Henry Edgar Keely, Medical Corps, from May 31, 1937.

Maj. John Pierce Beeson, Medical Corps, from June 2, 1937.

#### APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. Andrew C. Pickens to be a rear admiral in the Navy from the 3d day of June 1937.

The following-named commanders to be captains in the Navy, to rank from the 3d day of June 1937:

Frank T. Leighton

Alan G. Kirk

Alva D. Bernhard

Francis W. Scanland

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 3d day of June 1937:

Fred W. Connor

Donald B. Duncan

John E. Ostrander, Jr.

Andrew G. Shepard

Houston L. Maples

Simon P. Fullinwider, Jr.

Colin Campbell

Nicholas Vytlačil

Albert G. Noble

Robert G. Tobin

Ingolf N. Kiland

Lt. Ralston B. Vanzant to be a lieutenant commander in the Navy from the 1st day of June 1937.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 3d day of June 1937:

LaRue C. Lawbaugh

Howard N. Coulter

Theodore G. Haff

George G. Herring, Jr.

Elmer D. Snare

Elmer P. Abernethy

Edwin C. Bain

John E. Rezner

John G. Winn

Ward C. Gilbert

Burton G. Lake

Thomas M. Dell, Jr.

Atherton Macondray, Jr.

Apollo Soucek

Timothy F. Wellings

Logan McKee

James C. Pollock

Willard R. Gaines

George M. Brooke

Edmund C. Mahoney

William R. Cooke, Jr.

Geoffrey E. Sage

Lawrence C. Grannis

Lt. (Jr. Gr.) Roger M. Daisley to be a lieutenant in the Navy, from the 1st day of April 1937.

Lt. (Jr. Gr.) Jesse J. Underhill to be a lieutenant in the Navy, from the 1st day of May 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 3d day of June 1937:

Robert W. Wood  
Donald A. Lovelace  
Weldon L. Hamilton  
Lex L. Black  
Phillip G. Stokes  
John A. Scott  
Knight Pryor  
Corben C. Shute

Thomas P. Wilson  
Francis R. Duborg  
William H. McClure  
George W. Ashford  
Lamar P. Carver  
John A. Collett  
William W. White  
John R. Yoho

The following-named ensigns to be lieutenants (junior grade) in the Navy to rank from the 29th day of May 1937:

Edward W. Abbot	Garrett S. Coleman
Porter F. Bedell	Poyntell C. Staley, Jr.
William H. Sublette	Frank S. Fernald
Robert C. H. Hird	Isthmian L. Powell
Edward R. Nelson, Jr.	Howard F. Kuehl
George P. Koch	John M. Stuart

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 31st day of May 1937:

Bernard A. Smith	Lyle E. Strickler
Edward J. Fahy	Albert L. Gebelin
James E. Halligan, Jr.	Douglas M. Swift
John V. Smith	John W. Florence
George H. Browne	Martin H. Ray, Jr.
Lester R. Schulz	Irving S. Presler
Donald A. Scherer	Hugh Q. Murray
Reuben T. Whitaker	Robert W. Leeman
Juan B. Pesante	William T. Kinsella
Charles B. Paine, Jr.	Harold E. Cole
Richard D. Shepard	Frederick A. Gunn
James E. Smith	George H. Wigfall
William A. Smyth	Edward H. Worthington
Clarence E. Dickinson, Jr.	

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, to rank from the 1st day of February 1937:

Joseph R. Phelps  
Frank H. Haigler

Surgeon Charles P. Archambeault to be a medical inspector in the Navy, with the rank of commander, from the 3d day of June 1937.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 3d day of June 1937:

Frederick R. Lang	Frank A. Latham
Elbert F. Penry	Powell W. Griffith
Willard M. Gobbell	Morris M. Rubin
Robert A. Bell	Louis M. Harris
John J. Wells	Ralph D. Handen
George B. Ribble, Jr.	Ernest M. Wade
Edward F. Kline	Giffin C. Daughtridge
Fitz-John Weddell, Jr.	Howard L. Puckett
Thomas L. Willmon	Clarence F. Morrison
Marcy Shupp	Lawrence E. Bach

Asst. Paymaster Elmer A. Chatham to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 3d day of June 1937.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 30th day of June 1936:

Theodore L. Schumacher  
Homer N. Wallin

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate June 14 (legislative day of June 7), 1937*

##### DIPLOMATIC AND FOREIGN SERVICE

To be Foreign Service officer of class 1:

John K. Davis	John C. Wiley
Ely E. Palmer	North Winship
Louis Sussdorff, Jr.	

John P. Hurley to be Foreign Service officer of class 2.

To be Foreign Service officer of class 3:

George L. Brandt	Joseph Flack
Homer Brett	Frederick P. Hibbard
Dudley G. Dwyre	John D. Johnson

To be Foreign Service officer of class 4:

Hooker A. Doolittle	Withrop R. Scott
William R. Langdon	Henry S. Waterman
Robert D. Longyear	

To be Foreign Service officer of class 5:

George Atcheson, Jr.	Thomas McEnelly
Richard Ford	Edwin A. Plitt
Lynn W. Franklin	Christian M. Ravndal
Bernard Gotlieb	John Carter Vincent

To be Foreign Service officer of class 6:

Lewis Clark	Edward J. Sparks
Cabot Coville	Robert B. Streeper
Fayette J. Flexer	William Clarke Vyse

To be Foreign Service officer of class 7:

Charles E. Bohlen	Alan N. Steyne
James C. H. Bonbright	Edward G. Trueblood
James W. Gantenbein	Edward T. Wailes
James W. Riddleberger	

To be Foreign Service officer of class 8 and consul:

Albert E. Clattenburg, Jr.	R. Borden Reams
Robert D. Coe	John C. Shillock, Jr.
Robert English	Stanley G. Slavens
Randolph Harrison, Jr.	Llewellyn E. Thompson, Jr.
Frederick P. Latimer, Jr.	Julius Wadsworth

Robert G. McGregor  
Robert F. Kelley to be Foreign Service officer of class 3, a consul general, and a secretary in the Diplomatic Service.

## HOUSE OF REPRESENTATIVES

MONDAY, JUNE 14, 1937

The House met at 12 o'clock noon.

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

Eternal God, our Father, whose temple is all space and whose inspiration makes life dear, we thank Thee for our Republic. We praise Thee for its traditions and for its sacred institutions. Through the sacrifices of our fathers, whose chivalry challenges the admiration of the world, they have come down to us. The Lord God help us to keep the trust, revere the truth, and honor Thy decrees. We thank Thee for the flag of our country. In song and in story may it be celebrated today in city, hamlet, and countryside. We pray that its beauteous folds may fly high, telling of the onward sweep of truth and right. In the troubled centers of our homeland, rocked by the cries and haunts of wearied men, we pray that Dives and Lazarus may be brought together and each claim the right to help the other. In the spirit of the Prince of Peace, may our national ensign, with its celestial white, its sacrificial red, and with its stars of Thy providence, shine like a rainbow in every storm cloud of strife and trouble, and Thine shall be the glory. Through Christ Jesus our Lord. Amen.

The Journal of the proceedings of Friday, June 11, 1937, was read and approved.

##### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Vice President had appointed Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. WALSH, Mr. LA FOLLETTE, and Mr. CAPPER members of the Joint Committee on Tax Evasion and Avoidance on the part of the Senate, as provided for in Public Resolution No. 40, approved June 11, 1937, entitled "Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 665. An act for the relief of the estate of Everett P. Sheridan; and

S. 1112. An act awarding a Navy Cross to John W. Thomason and Robert Slover.

##### JOINT COMMITTEE ON TAX EVASION AND AVOIDANCE

The SPEAKER. Pursuant to the provisions of Public Resolution 40, Seventy-fifth Congress, the Chair appoints as