Congressional Record

SEVENTY-FIFTH CONGRESS, THIRD SESSION

SENATE

WEDNESDAY, JUNE 8, 1938

(Legislative day of Tuesday, June 7, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 7, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1872) for the relief of Martin Bridges, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, and Mr. CARLSON were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5743) for the relief of Haffenreffer & Co., Inc., asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, and Mr. CARLSON were appointed managers on the part of the House.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 53) providing for the appointment of a committee of Senators and Representatives to participate in the one hundredth anniversary of the birth of the late John Hay, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 821. An act for the relief of Lawson N. Dick;

S. 1220. An act for the relief of Josephine Russell;

S. 1340. An act for the relief of A. D. Weikert;

S. 1694. An act authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land;

S. 2023. An act for the relief of Charles A. Rife;

S. 2368. An act to provide funds for cooperation with School District No. 2, Mason County, State of Washington, in the construction of a public-school building to be available to both white and Indian children;

S. 2409. An act for the relief of certain officers of the United States Navy and the United States Marine Corps;

S. 2655. An act for the relief of Lt. T. L. Bartlett;

S. 2709. An act for the relief of Mr. and Mrs. Joseph Konderish;

S. 2742. An act for the relief of Mrs. C. Doorn;

S. 2956. An act for the relief of Orville D. Davis;

S. 2979. An act for the relief of Glenn Morrow;

S. 2985. An act for the relief of John F. Fahey, United States Marine Corps, retired;

S. 3040. An act for the relief of Herman F. Krafft;

S. 3095. An act authorizing the Secretary of War to grant to the Coos County Court of Coquille, Oreg., and the State of Oregon an easement with respect to certain lands for highway purposes;

S. 3126. An act authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes;

S. 3166. An act to amend section 2139 of the Revised Statutes, as amended;

S. 3188. An act for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.;

S. 3209. An act authorizing the Secretary of War to grant an easement to the city of Highwood, Lake County, Ill., in and over certain portions of the Fort Sheridan Military Reservation, for the purpose of constructing a waterworks system;

S. 3223. An act for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy;

S. 3242. An act to aid in providing a permanent mooring for the battleship *Oregon;*

S. 3365. An act for the relief of Joseph D. Schoolfield;

S. 3410. An act for the relief of Miles A. Barclay;

S. 3416. An act providing for the addition of certain lands to the Black Hills National Forest in the State of Wyoming;

S. 3417. An act for the relief of the State of Wyoming;

S. 3543. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Earle Lindsey;

S. 3820. An act to authorize membership on behalf of the United States in the International Criminal Police Commission;

S. 3822. An act to authorize an increase in the basic allotment of enlisted men to the Air Corps within the total enlisted strength provided in appropriations for the Regular Army;

S. 3849. An act authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money;

S. 3882. An act amending the act authorizing the collection and publication of cotton statistics by requiring a record to be kept of bales ginned by counties;

H. R. 9995. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes;

H. R. 9996. An act to authorize the registration of certain collective trade-marks;

H. R. 10291. An act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes;

S. J. Res. 243. Joint resolution to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior;

S. J. Res. 247. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of

the Order of Orange Nassau, bestowed by the Government of the Netherlands;

S. J. Res. 289. Joint resolution to provide that the United States extend an invitation to the Governments of the American republics, members of the Pan American Union, to hold the Eighth American Scientific Congress in the United States in 1940 on the occasion of the fiftieth anniversary of the founding of the Pan American Union; to invite these Governments to participate in the proposed congress; and to authorize an appropriation for the expenses thereof; and

H. J. Res. 667. Joint resolution to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battles of Chickamauga, Ga., Lookout Mountain, Tenn., and Missionary Ridge, Tenn.; and commemorate the one-hundredth anniversary of the removal from Tennessee of the Cherokee Indians, at Chattanooga, Tenn., and at Chickamauga, Ga., from September 18 to 24, 1938, inclusive; and for other purposes.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I note that there is not a quorum present, and I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Dieterich	King	Pittman
Andrews	Donahey	La Follette	Pope
Ashurst	Duffy	Lee	Radcliffe
Austin	Ellender	Lewis	Reames
Bailey	Frazier	Lodge	Russell
Bankhead	George	Logan	Schwartz
Barkley	Gerry	Lonergan	Schwellenbach
Berry	Gibson	Lundeen	Sheppard
Bilbo	Glass	McAdoo	Shipstead
Bone	Green	McGill	Smith
Borah	Guffey	McKellar	Thomas, Utah
Brown, Mich.	Hale	McNary	Townsend
Brown, N. H.	Harrison	Maloney	Truman
Bulkley	Hatch	Miller	Tydings
Bulow	Hayden	Milton	Vandenberg
Burke	Herring	Minton	Van Nuys
Byrd	Hill	Murray	Wagner
Byrnes	Hitchcock	Neely	Walsh
Capper	Holt	Norris	Wheeler
Caraway	Hughes	O'Mahoney	
Connally	Johnson, Calif.	Overton	
Copeland	Johnson, Colo.	Pepper	

Mr. LEWIS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Nevada [Mr. MCCARRAN], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on important public business.

I also announce that the Senator from North Carolina [Mr. REYNOLDS] is unavoidably detained.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife, and that the Senator from Pennsylvania [Mr. DAVIS] is necessarily detained from the Senate.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On May 31, 1938:

S. 3532. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

S. 3691. An act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia; and

S. 3949. An act to amend the Agricultural Adjustment Act of 1938.

On June 1, 1938:

S. 3526. An act to provide for reimbursing certain railroads for sums paid into the Treasury of the United States under an unconstitutional act of Congress.

On June 3, 1938:

S. 3843. An act to remove certain inequitable requirements for eligibility for detail as a member of the General Staff Corps.

On June 7, 1938:

S. 1307. An act for the relief of W. F. Lueders; and

S. 3522. An act authorizing the President to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy; and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy.

CORRECTION

Mr. FRAZIER. Mr. President, on behalf of my colleague the junior Senator from North Dakota [Mr. NYE] I ask unanimous consent to have placed in the RECORD a letter from Mr. Lawrence Richey making a correction of a statement in an article which, on request of my colleague, was printed in the RECORD of April 8, 1938.

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

WASHINGTON, D. C., *May 4, 1938.*

Hon. GERALD P. NYE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention was called to an editorial entitled "Alias Herbert Hoover," in the People's World of February 28, 1938, which was published in the CONGRESSIONAL RECORD of April 8, 1938, at your request.

I have taken this matter up with Mr. Hoover, and he advises me that he is not now interested and never has been interested in any oil properties in southern California, and that he does not today have the remotest interest in any of the concerns under discussion in the editorial.

I am writing you knowing you would like to have the real facts and hoping you will find some way to make correction in the RECORD.

Yours sincerely,

LAWRENCE RICHEY.

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES (S. DOC. NO. 200)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a proposed provision affecting existing appropriations for the Department of Agriculture for the fiscal years 1938 and 1939, under the headings "Soil Conservation and Domestic Allotment Act," as amended, and "Agricultural Adjustment Act of 1938," as amended, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA (S. DOC. NO. 199)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year 1939, amounting to $16,020, together with a draft of proposed provision pertaining to an existing appropriation, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL AGREEMENT FOR REGULATION OF WHALING

The VICE PRESIDENT laid before the Senate a letter from the Assistant Secretary of Commerce, transmitting a draft of proposed legislation to give effect to the international agreement between the United States and certain other countries for the regulation of whaling, signed at London, June 8, 1937, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

REPORT INVOLVING CONTRACT MADE IN VIOLATION OF LAW

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting a report relative to the Navy Department, submitted pursuant to the provisions of section 312 (c) of the Budget and Accounting Act, 42 Stat. 26, requiring the Comptroller General to specially report contracts made by any department or establishment in violation of law, which, with

the accompanying paper, was referred to the Committee on Appropriations.

LIST OF CASES DISMISSED BY COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims, advising, pursuant to an order of the court, that certain cases—listed therein—which were referred to the Court of Claims by resolution of the Senate under the act of March 3, 1911, known as the Judicial Code, were dismissed on plaintiff's motion, or for nonprosecution, which was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was ordered to lie on the table:

Concurrent resolution memorializing the Congress of the United States of America to eliminate the taxation of gasoline by the Federal Government

Whereas the Congress of the United States of America in 1932 imposed a tax of 1 cent per gallon upon all sales of gasoline; and

Whereas, the State of New Jersey and all the other States of the United States had already imposed taxes upon such sales; and

Whereas the Federal tax on such sales was untimely and restrictive and, coupled with the respective State taxes on such sales, places a burden upon the users of the gasoline beyond that which they should rightfully carry and beyond that which the traffic can legitimately bear; and

Whereas the taxation of sales of gasoline should properly be left to the exclusive use of the States as a means of providing funds for road construction and maintenance: Now, therefore, be it

Resolved by the Assembly of the State of New Jersey (the Senate concurring therein), That the Congress of the United States be and is hereby respectfully memorialized to abandon the Federal gasoline sales tax and surrender to the States exclusively the power to tax such sales in the future; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives, the Secretary of the United States Senate, and to each Member of Congress elected from the State of New Jersey, and that the latter be requested to use their best endeavors to accomplish the purpose of this resolution.

Mr. WALSH presented petitions of sundry citizens of the State of Massachusetts, praying for the adoption of policies designed to keep the United States out of war and also the adoption of an adequate national-defense program, which were referred to the Committee on Foreign Relations.

Mr. OVERTON presented petitions of sundry citizens of the State of Louisiana, praying for the adoption of policies designed to keep the United States out of war and also the adoption of an adequate national-defense program, which were referred to the Committee on Foreign Relations.

Mr. WHEELER presented petitions of sundry citizens of the State of Montana, praying for the adoption of policies designed to keep the United States out of war and also the adoption of an adequate national-defense program, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by local No. 281, United Brotherhood of Carpenters and Joiners, of Binghamton, N. Y., favoring the enactment of legislation to provide for Government-owned and controlled hospitals, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Queens County (N. Y.) Committee of the American Legion, favoring the enactment of legislation providing that honorably discharged veterans who served in the armed forces of the United States during a war shall be eligible for employment by the W. P. A. and P. W. A. regardless of their home-relief status, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a memorial from the delegates of the Congregational-Christian Churches of the State of New York, assembled at Niagara Falls, N. Y., remonstrating against the enactment of legislation 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 Rochester Lodge No. 99, Brotherhood of Locomotive Firemen and Enginemen, of Rochester, N. Y., protesting against the enactment of legislation 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 Nassau County Council, Veterans of Foreign Wars of the United States, of Malverne, N. Y., protesting against the entrance of aliens into the United States during the past 6 weeks, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Queens County (N. Y.) Committee of the American Legion, favoring the enactment of legislation providing that all immigration to the United States be reduced by 90 percent of existing quotas, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Queens County (N. Y.) Committee of the American Legion, favoring the enactment of legislation to terminate all Government relief or other assistance being granted to alien residents of the United States, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (S. 3950) for the relief of the American National Bank, of Kalamazoo, Mich., reported it without amendment and submitted a report (No. 1995) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 3628) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of Government contractors whose costs of performance were increased as a result of enactment of the National Industrial Recovery Act, June 16, 1933, reported it without amendment and submitted a report (No. 1996) thereon.

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

S. 3803. A bill to amend the act entitled "An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co., Inc. (Rept. No. 1997); and

H. R. 7537. A bill for the relief of certain stevedores employed on the United States Army transport docks in San Francisco, Calif. (Rept. No. 1998).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 4571) for the relief of Helen Mahar Johnson, reported it with amendments and submitted a report (No. 1999) thereon.

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

H. R. 2487. A bill for the relief of Thomas J. Allen, Jr. (Rept. No. 2000);

H. R. 2650. A bill for the relief of Veracunda O'Brien Allen (Rept. No. 2001);

H. R. 3747. A bill for the relief of George O. Wills (Rept. No. 2002);

H. R. 4169. A bill to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass. (Rept. No. 2003);

H. R. 4227. A bill for the relief of Mrs. R. A. Smith (Rept. No. 2004);

H. R. 6186. A bill for the relief of Moses Red Bird (Rept. No. 2005);

H. R. 6669. A bill for the relief of Augusta L. Collins (Rept. No. 2006);

H. R. 7012. A bill for the relief of J. Anse Little (Rept. No. 2007);

H. R. 7060. A bill for the relief of James Mohin and Joseph Lercara (Rept. No. 2008);

H. R. 7166. A bill for the relief of the estate of Raymond Finklea (Rept. No. 2009);

H. R. 7429. A bill for the relief of Muriel C. Young (Rept. No. 2010);

H. R. 7460. A bill for the relief of Mr. and Mrs. Roy Blessing (Rept. No. 2011);

H. R. 8051. A bill for the relief of Roswell H. Haynie (Rept. No. 2012);

H. R. 8123. A bill for the relief of Sonia M. Bell (Rept. No. 2013);

H. R. 8241. A bill for the relief of Fred J. Christoff (Rept. No. 2014); and

H. R. 8365. A bill for the relief of the North Mississippi Oil Mills, of Holly Springs, Miss. (Rept. No. 2015).

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

H. R. 7297. A bill for the relief of Gordon L. Cheasley (Rept. No. 2026); and

H. R. 8743. A bill for the relief of Louis Michael Bregantic (Rept. No. 2027).

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

H. R. 10076. A bill to create the White County Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind. (Rept. No. 2017);

H. R. 10225. A bill to amend section 6 of chapter 64, approved April 24, 1894 (U. S. Stat. L., vol XXVIII, 2d sess., 53d Cong.), being an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota" (Rept. No. 2018); and

H. R. 10346. 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. 2019).

Mr. SHEPPARD also, from the Committee on Military Affairs, to which was referred the bill (H. R. 9014) to authorize the conveyance to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, of a parcel of land at lock No. 6, Kanawha River, South Charleston, W. Va., reported it without amendment and submitted a report (No. 2034) thereon.

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

S. 4145. A bill to authorize contingent expenditures, United States Coast Guard Academy;

H. R. 10536. A bill authorizing the United States Maritime Commission to sell or lease the Hoboken Pier Terminals, or any part thereof, to the city of Hoboken, N. J. (Rept. No. 2016);

H. R. 10672. A bill to amend section 4197 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 91); and section 4200 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 92), and for other purposes (Rept. No. 2020); and

H. J. Res. 688. Joint resolution creating the Niagara Falls Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, N. Y. (Rept. No. 2021).

Mr. COPELAND also, from the Committee on Immigration, to which was referred the bill (S. 3389) for the relief of Albert Richard Jeske, reported it without amendment and submitted a report (No. 2022) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7982) to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia, reported it without amendment and submitted a report (No. 2032) thereon.

Mr. JOHNSON of California, from the Committee on Commerce, to which was referred the bill (H. R. 9916) to provide for the establishment of a Coast Guard station at or near Shelter Cove, Calif., reported it without amendment and submitted a report (No. 2023) thereon.

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

S. 3816. A bill authorizing the naturalization of Olaf Nordman (Rept. No. 2024); and

H. R. 9400. A bill for the relief of Adolph Arendt (Rept. No. 2025).

Mr. SCHWELLENBACH, from the Committee on Immigration, to which was referred the bill (H. R. 8275) for the relief of Stanley Kolitzoff and Marie Kolitzoff, reported it without amendment and submitted a report (No. 2028) thereon.

Mr. HUGHES, from the Committee on Immigration, to which was referred the bill (H. R. 8858) for the relief of Joseph Brum and Gussie Brum, reported it without amendment and submitted a report (No. 2029) thereon.

Mr. BARKLEY, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 683) to provide for a floor stock tax on distilled spirits, except brandy, reported it without amendment and submitted a report (No. 2031) thereon.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 3238) to provide for recording of deeds of trust and mortgages secured on real estate in the District of Columbia, and for the releasing thereof, and for other purposes, reported it with amendments and submitted a report (No. 2033) thereon.

Mr. ADAMS (for Mr. BANKHEAD), from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 7764) to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado, reported it without amendment and submitted a report (No. 2035) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 4044) to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by Departments or agencies thereof, reported it with an amendment and submitted a report (No. 2036) thereon.

REPORT ON INVESTIGATION OF THE AMERICAN COTTON COOPERATIVE ASSOCIATION (REPT. NO. 2030)

Mr. ELLENDER. On behalf of the Senator from Alabama [Mr. BANKHEAD] and myself, from the Committee on Agriculture and Forestry, I submit a report pertaining to the investigation of certain activities of the American Cotton Cooperative Association. I ask that it be printed in the RECORD, and in the usual report form.

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

The Committee on Agriculture and Forestry which was authorized and directed to make a full and complete investigation of certain activities of the American Cotton Cooperative Association pursuant to Senate Resolution 137 of the Seventy-fifth Congress, first session, and Senate Resolution 205 of the Seventy-fifth Congress, third session, having completed its investigation, makes the following report:

I. COMMODITY CREDIT CORPORATION

A. IN CONNECTION WITH THE GRADING, STAPLING, RECONCENTRATION, AND MARKETING OF COTTON FINANCED BY THE FEDERAL GOVERNMENT BY MEANS OF LOANS AND ADVANCES MADE BY THE COMMODITY CREDIT CORPORATION AND THE COTTON PRODUCERS POOL

The Commodity Credit Corporation entered into a contract with the American Cotton Cooperative Association for the reconcentration and reclassification of approximately 1,600,000 bales of 12-cent-loan cotton. The committee finds that there was no deliberate or intentional overclassing or underclassing of this cotton. The evidence shows that the classing was reasonably accurate, considering the inexactness of the existing methods of classifying and grading cotton. The testimony indicates that there was considerable difference with respect to the reclassing and regrading of cotton located in South Carolina, but experienced witnesses agreed and the record indicates that where the same cotton is classed by two competent classers at different times, at different locations, on different samples, and under varying conditions as

to light, humidity, etc., wide differences in classifications may and do often result. Several witnesses testified that a difference of as much as 30 points was not unusual and their testimony was borne out by actual figures presented to the committee with respect to the regrading of some 40,000 bales in South Carolina. One classification of one-thousand-seven-hundred-and-some-odd bales of certain cotton in South Carolina made by Government classifiers showed little difference when compared to the original classification of A. C. C. A. Later on a portion of that same lot of cotton was again regraded and reclassed under Government supervision and differences in classification ranged from 1.7 over, to as much as 86.2 under.

On the other hand, the evidence discloses that a comparison made by the Commodity Credit Corporation of the class placed on 64,724 bales of reconcentrated cotton by the B. A. E. board of examiners and the class placed on the same cotton by A. C. C. A. showed a difference of less than 1 point, or less than 5 cents per bale in value. The committee finds that the classification and regrading of cotton made under ordinary trade conditions and in the usual course of business were fairly accurate. There may have been instances where errors occurred in classing individual bales, but, on the whole, there is little or no cause for complaint.

The committee was unable to discover any motive for the alleged underclassing of said cotton by A. C. C. A. Several witnesses testified that the only way by which A. C. C. A. could have benefited by underclassing was to purchase this underclassed cotton and sell it for a better grade. The evidence discloses that A. C. C. A. did purchase 135,398 bales, 30 to 40 percent of which was reconcentrated cotton, and an average of $2.05 per bale was paid to the farmers by A. C. C. A. in addition to the payment of all of the loans with interest, storage, and other carrying charges. The evidence further discloses that A. C. C. A. did not buy any of this cotton except at the request of and for the benefit of certain of its associations' farmer members. The evidence does not show that A. C. C. A. benefited in any of these transactions, except by such profits as may have accrued in the ordinary and usual course of its business. There is no evidence to the effect that any of the members of the association profited through any of these transactions or in fact in any of the dealings of the association.

II. COTTON PRODUCERS' POOL

That the Secretary of Agriculture acquired 2,500,000 bales of cotton, of which 600,000 bales were futures, thereby leaving 1,900,000 bales of actual cotton. Hon. Oscar Johnston was appointed by the Secretary as pool manager and later he entered into a contract with A. C. C. A. for the handling of said cotton under his direction. The evidence does not show that said cotton was underclassed. The adjustments made on said cotton as a result of underclassing or overclassing were negligible, considering the fact that the classing of cotton is a very inexact science.

The committee wishes to quote from the testimony of Mr. Johnston appearing on page 173 of the transcript, as follows:

"In my experience in handling cotton 30-odd years, I have never seen nor have had done a nicer marketing job nor more satisfactory marketing job than was done by American Cotton Cooperative Association and their personnel in the handling of that 1,900,000 bales of actual cotton."

The committee believes that Mr. Johnston was fully justified in making the above statement.

B. THE BONA FIDE MEMBERS IN A. C. C. A. AND WHETHER THEY ARE TRUE COOPERATIVES

Under the law, "persons engaged in the production of the agricultural products to be handled by or through the association, including lessees and tenants of land used for the production of such products, and any lessors and landlords who receive as rent all or any part of the crop raised on the leased premises" are entitled to membership and eligibility of membership is determined by State law.

Governor Myers testified:

"Furthermore, the law does not prescribe any fixed form of application or method that must be followed by nonstock associations in obtaining their membership. Neither is it required as a matter of law that such associations enter into marketing agreements with their members; and, of course, it is optional with associations whether they shall charge membership fees. * * *

There was no evidence by any members of these associations that they were dissatisfied with the conduct and affairs of A. C. C. A.

C. INTERLOCKING DIRECTORATES

The evidence discloses that the directors of the State and regional associations are elected by the farmer members. The farmers through their representative boards elect one director in A. C. C. A. There was no complaint furnished the committee as to the method of electing directors.

D. FINANCIAL STRUCTURE AND OPERATIONS; WHETHER OR NOT A. C. C. A. IS A COTTON COOPERATIVE OR SIMPLY A BUYING AND SELLING ORGANIZATION FOR THE BENEFIT OF ITS OFFICERS; THE LENDING OF MONEY BY THE GOVERNMENT TO INDIVIDUAL ASSOCIATIONS FOR THE USE OF A. C. C. A.; ITS SOLVENCY AND THAT OF ITS MEMBER ASSOCIATIONS; ITS BORROWING OF MONEY FROM GOVERNMENT AGENCIES OR PRIVATE COMPANIES AND ITS PRESENT INDEBTEDNESS TO THE GOVERNMENT OR ITS AGENCIES; ANY SPECULATION MADE BY SAID ASSOCIATION OR ITS MEMBERS IN COTTON

The financial statements furnished to the committee and the evidence of several witnesses, some from the Farm Credit Administration, indicate that A. C. C. A. is solvent, that its capital and surplus as of June 30, 1937, the close of its fiscal year, amounted to $6,166,245.96. As of February 28, 1938, it had a paid-up capital of $6,154,700 and a surplus of $227,684.76. Five million dollars of this amount represents paid-up capital by the various State associations that own the capital stock of A. C. C. A. This latter sum was borrowed from the Farm Credit Administration, repayable over a period of years. To this date, the State associations have repaid $360,000. Seven of the stockholder members have net assets of $1,368,558.08, and five have a combined deficit of $109,859.74.

On March 8, 1938, the State and regional associations owed the Farm Credit Administration a total of $4,640,000. The sum is secured by 57,155 shares of A. C. C. A. preferred stock, valued at $5,715,500.

During the season 1937–38 the Central Bank for Cooperatives loaned to A. C. C. A. $5,250,000, of which amount $1,500,000 has been repaid and the balance is not yet due. A. C. C. A. makes loans from private banks each season ranging from $25,000,000 to as much as $75,000,000. At the request of the Central Bank for Cooperatives 20 percent of these loans secured by cotton were made from it by A. C. C. A.

The evidence discloses that A. C. C. A. is operated for the benefit of its members and there is no evidence whatever of any speculation in cotton. The cooperatives have handled and hedged cotton received according to normal trade practices. We quote from the testimony of Governor Myers:

"Q. You consider the American Cotton Cooperative Association now fully in accordance with the idea of a cooperative association?

"Mr. MYERS. I think it is fully in accordance with the law, I think like all organizations it falls short of our ideals. I believe intelligent effort has been made and is being made more closely to obtain the ideals of what is expected in a farmer cooperative organization * * *."

E. OPERATIONS WITH THE SEED LOAN BORROWERS

The evidence shows no irregularities in the handling of seed-loan cotton. It was disposed of in accordance with the rules and regulations of the Farm Credit Administration and there was no complaint made by the seed-loan borrowers.

F. INTEREST RATE; INTEREST RATE A. C. C. A. PAYS OR HAS PAID TO THE GOVERNMENT OR ITS AGENCIES AND THE INTEREST RATE IT CHARGES OR HAS CHARGED THE FARMERS

During the 1930–31 and 1931–32 seasons the Federal Farm Board loaned money to A. C. C. A. at rates of three-eighths of 1 percent, and during subsequent seasons at rates of from 3 to 4 percent. During the 1936–37 and the 1937–38 seasons, the Central Bank for Cooperatives charged a rate of interest of 2 percent on commodity loans fully secured.

Prior to 1933–34 A. C. C. A. made loans to State and regional associations and charged an interest spread of from 1 to 2 percent in accordance with its bylaws. Proceeds from the interest spread have accrued to the State cooperatives. Since the beginning of the 1933–34 season few loans to individual associations have been made and the interest rates ranged from 3 to 5 percent.

G. WAIVER OF PRIOR LIENS FOR THE GOVERNMENT AND ITS AGENCIES

On one occasion in 1932 the Federal Farm Board waived a second lien which it held on cotton belonging to A. C. C. A. Neither the Farm Credit Administration nor any of its agencies has waived prior liens in connection with extension of credit to A. C. C. A.

H. INVESTMENTS IN REAL ESTATE OF A. C. C. A. AND ITS STOCKHOLDER MEMBERS

The evidence shows that A. C. C. A. owns no real estate, but six of its stockholder-member associations own real estate valued at approximately $300,000, said property consisting of buildings, gins, and warehouses.

I. ACCOUNTING OF FARM CREDIT ADMINISTRATION AND ITS PREDECESSORS REPRESENTING THE GOVERNMENT WITH A. C. C. A. AND ITS AFFILIATES, INCLUDING TOTAL AMOUNT OF LOSSES SUSTAINED IN DEALING WITH THE GOVERNMENT BY THE A. C. C. A. AND ITS PREDECESSORS AND AFFILIATES UP TO DATE AND THE TOTAL LOSS OF THE FARMERS AND THE GOVERNMENT

The evidence given by Governor Myers clearly demonstrates that the Government has experienced no loss in its operation with A. C. C. A. or affiliate associations subsequent to the loss occurring from the Federal Farm Board's stabilization operations. The evidence does not disclose a loss to farmers, but on the contrary, it shows that the spread between the farmer and the cotton consumer has been considerably decreased to the advantage and benefit of the cotton farmers of the Nation.

J. SALARIES OF THE MANAGER AND OTHER EMPLOYEES

The question of the salaries paid to the manager and other employees of the association was raised during the hearings and the committee finds that although the salary of the manager is probably high, it is under that paid to other managers doing like work and having similar responsibilities in the cotton trade.

RECOMMENDATIONS

It is recommended that the Secretary of Agriculture be requested to make a thorough study of the general subject of the classification of cotton, and that he be asked to submit for the consideration of the next session of Congress a proposed bill providing under Government supervision and regulation classification of all cotton produced in the United States in such a manner that the

official Government classification of every bale so produced may be made available to the producer at the earliest practicable date after ginning, and so that such official Government classification shall follow each bale through the channels of trade until consumed.

ALLEN J. ELLENDER.
J. H. BANKHEAD, II.

BILLS INTRODUCED

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

By Mr. FRAZIER:

A bill (S. 4153) to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 4154) to authorize and direct the Commissioners of the District of Columbia to set aside the trial-board conviction of Policemen David R. Thompson and Ralph S. Warner and their resultant dismissal, and to reinstate David R. Thompson and Ralph S. Warner to their former positions as members of the Metropolitan Police Department; to the Committee on the District of Columbia.

A bill (S. 4155) to authorize the county of Kauai to issue bonds of such county in the year 1938 under the authority of Act 186 of the Session Laws of Hawaii, 1937, in excess of 1 percent of the assessed value of the property in said county as shown by the last assessment for taxation; to the Committee on Territories and Insular Affairs.

By Mr. COPELAND:

A bill (S. 4156) to amend the act of March 2, 1929, entitled "An act to establish load lines for American vessels, and for other purposes"; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 4157) to increase old-age benefit payments by one-third; ordered to lie on the table.

By Mr. SHIPSTEAD:

A bill (S. 4158) authorizing the States of Minnesota and Wisconsin, jointly or separately, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Winona, Minn.; to the Committee on Commerce.

By Mr. McADOO:

A bill (S. 4159) to authorize Federal cooperation in the acquisition of the "Muir Wood Toll Road," located in Marin County, State of California, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. DUFFY:

A bill (S. 4160) to amend section 327 of the Liquor Tax Administration Act, approved June 26, 1936, to permit an allowance for breakage and leakage in brewery bottling operations; to the Committee on Finance.

AUTHORIZATION OF WORKS ON RIVERS AND HARBORS FOR FLOOD CONTROL—AMENDMENT

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. PITTMAN submitted amendments intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

Amendments intended to be proposed by Mr. PITTMAN to the bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes, viz: On page 64, line 16, strike out "$50,000" and insert "$66,000."

On page 64, line 22, strike out "$25,000" and insert "$31,750", and after the word "exchange", on page 64, line 25, change the period to a comma and add "and not to exceed $7,500 for expenses of attendance at meetings concerned with the work of the Department of State when authorized by the Secretary of State."

On page 69, line 8, strike out "1939" and insert "1938."

On page 69, line 25, after "1939", strike out the colon, insert a period and strike out "*Provided*, That no salary shall be paid hereunder at a rate in excess of $10,000 per annum."

On page 70, line 13, strike out "$10,000" and insert "$15,500."

At the proper place in the bill insert "Inter-American Highway, $500,000."

INVESTIGATION OF ALLEGED USE OF RELIEF AND WORK-RELIEF FUNDS FOR POLITICAL PURPOSES—CHANGE OF REFERENCE

Mr. TYDINGS. Mr. President, yesterday I submitted a resolution (S. Res. 290) providing for the appointment of three Senators in certain cases where the use of politics is alleged in W. P. A. I understand that, under the rule, the resolution should have been referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It was referred to the Committee on Appropriations. I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the resolution and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland that the Committee on Appropriations be discharged from the further consideration of the resolution referred to by him and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. BARKLEY. Mr. President, reserving the right to object, let me say that the function of the Committee to Audit and Control the Contingent Expenses of the Senate ordinarily is to provide the funds after a standing committee of the Senate has reported favorably upon a resolution which provides for an expenditure. What is the occasion for having the resolution in this instance pursue a different course?

Mr. TYDINGS. In this case the resolution has no relation to any particular committee. Usually a resolution of investigation is along some line of activity of the Senate or the House of Representatives. As this is a detached matter, I have taken it up with the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senator from South Carolina [Mr. BYRNES], and am advised that, as the money is to come out of the general fund for the contingent expenses of the Senate, it is not necessary in this case that the resolution be referred to the Committee on Appropriations. The Committee on Appropriations, as I understand, is perfectly willing to report it, but I do not think that is necessary, because it would be a useless step and no purpose would be served.

Mr. BARKLEY. Of course, I have no information as to the attitude of either the Committee on Appropriations or the Committee to Audit and Control the Contingent Expenses of the Senate with respect to the resolution. So I am not in a position to prophesy what either committee would do about it.

Mr. TYDINGS. It may not come out of the committee, but it should have been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BARKLEY. I have no objection.

The VICE PRESIDENT. Without objection, the Committee on Appropriations is discharged from further consideration of Senate Resolution 290, and the resolution is referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

INVESTIGATION OF ALLEGED USE OF RELIEF AND WORK-RELIEF FUNDS FOR POLITICAL PURPOSES—AMENDMENT

Mr. McADOO submitted an amendment intended to be proposed by him to the resolution (S. Res. 290) providing for an investigation of the alleged use of relief and work-relief funds for political purposes (submitted by Mr. TYDINGS and others on the 7th instant), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate and ordered to be printed.

INVESTIGATIONS CONCERNING FOREIGN MARKETS FOR TOBACCO AND USE OF TOBACCO PRODUCTS

Mr. BYRD submitted a resolution (S. Res. 291), which was ordered to lie on the table, as follows:

Resolved, That the Secretary of Agriculture is requested (1) to make a thorough study and investigation, immediately, of foreign markets and the possibilities of increased exports for all grades of tobacco and tobacco products, (2) to formulate and give full consideration to a plan or plans for increasing such exports and

enabling such exports to be made on a subsidized basis, (3) to make a thorough study and investigation of the use of byproducts of tobacco, and especially the use of nicotine as an insecticide and the cost of its manufacture, with a view to increasing the markets for such byproducts, and such investigation to be made one of the first activities of the farm laboratories when established, and (4) to transmit to the Senate, at the earliest practicable date, the results of his study and investigation, together with his recommendations and the plan or plans formulated by him and estimates of the probable expense to the Government which would be involved.

MR. AND MRS. JAMES CRAWFORD

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2643) for the relief of Mr. and Mrs. James Crawford, which were, on page 1, line 5, to strike out all after "appropriated" down to and including "Crawford" in line 6, and insert "to Mr. and Mrs. James Crawford, of the Umatilla Indian Reservation, Oreg., the sums of $500 and $1,000, respectively"; on page 1, line 8, to strike out "damages resulting from"; on page 1, line 8, after "injuries", to insert "and property damage"; on page 1, lines 11 and 12, to strike out "Government"; and on page 2, line 1, after "Agriculture", to insert "on August 31, 1936."

The VICE PRESIDENT. The Chair understands that the Senator from Oregon [Mr. McNARY], who seems to be temporarily absent from the Chamber, desires to move to concur in the House amendments to the bill. Without objection, the House amendments are concurred in. The Chair hears no objection.

JOHN H. OWENS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1274) to confer jurisdiction upon the United States District Court for the District of Nebraska to determine the claim of John H. Owens, which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John H. Owens, of Omaha, Nebr., the sum of $1,500, in full satisfaction of his claim against the United States for personal injuries sustained on September 23, 1931, when the automobile he was driving was struck at the intersection of Twentieth and Harney Streets, Omaha, Nebr., by an automobile owned by the Department of Agriculture and operated by an employee thereof: *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.

And to amend the title so as to read: "An act for the relief of John H. Owens."

Mr. BURKE. I move that the Senate concur in the House amendments.

The motion was agreed to.

RECONCENTRATION OF COTTON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3836) relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938, which was, on page 2, line 9 after "Corporation", to insert:

Provided, however, That in cases where there is congestion and lack of storage facilities, and the local warehouse certifies such fact and requests the Commodity Credit Corporation to move the cotton for reconcentration to some other point, or when the Commodity Credit Corporation determines such loan cotton is improperly warehoused and subject to damage, or if uninsured, or if any of the terms of the loan agreement are violated, or if carrying charges are substantially in excess of the average of carrying charges available elsewhere, and the local warehouse, after notice, declines to reduce such charges, such written consent as provided in this amendment need not be obtained; and consent to movement under any of the conditions of this proviso may be required in future loan agreements.

Mr. BANKHEAD. I move that the Senate concur in the House amendment.

The motion was agreed to.

E. E. TILLETT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2553) for the relief of E. E. Tillett, which were, on page 1, line 6, to strike out "$781.64" and insert "$774.64"; on page 2, line 4, to strike out "$781.64" and insert "$774.64"; and on page 2, line 16, to strike out all after "1936" down to and including "Office" in line 17.

Mr. BYRD. I move that the Senate concur in the House amendments.

The motion was agreed to.

CORRESPONDENCE IN RE PAX AMERICA

Mr. PEPPER. Mr. President, I ask unanimous consent to have printed as a Senate document some correspondence between Henry H. Buchman, president of Pax America, and myself.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the matter referred to will be printed as a Senate document.

GIVE THE FARMER A CHANCE

[Mr. LEE asked and obtained leave to have printed in the RECORD some extracts from a speech of his own on the farm question, which appear in the Appendix.]

ACHIEVEMENTS OF NATIONAL AIR MAIL WEEK—ADDRESS BY POSTMASTER GENERAL FARLEY

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD a radio address on the achievements of National Air Mail Week, delivered by Hon. James A. Farley, Postmaster General, on June 7, 1938, which appears in the Appendix.]

THE ENGINEER PLUS—ADDRESS BY HON. JOHN C. PAGE

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an address entitled "The Engineer Plus" delivered by Hon. John C. Page, Commissioner of Reclamation, before the annual round-up of the Nebraska Engineering Society of Omaha on April 2, 1938, which appears in the Appendix.]

ADMINISTRATIVE PROBLEMS IN SOCIAL SECURITY—ADDRESS BY HON. FRANK BANE

[Mr. HILL asked and obtained leave to have printed in the RECORD an address on Administrative Problems in Social Security delivered by Frank Bane, Executive Director of the Social Security Board, before the International Association of Public Employment Services at Ottawa, Canada, on May 27, 1938, and also an editorial published in the Washington Post on May 28, 1938, in regard to the address, which appear in the Appendix.]

THE CONSTITUTION—THE SUPREME COURT—THE NEW DEAL—ADDRESS BY HON. JAMES A. REED

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an address on the subject The Constitution; the Supreme Court; the New Deal delivered by Hon. James A. Reed before the American Bar Association at Kansas City, Mo., on September 27, 1937, which appears in the Appendix.]

OIL PACT BETWEEN STANDARD VACUUM CO. AND THE QUEZON GOVERNMENT

[Mr. FRAZIER, on behalf of Mr. NYE, asked and obtained leave to have printed in the RECORD an article entitled "The Oil Pact Between the Standard Vacuum Co. and the Quezon Government" published in the Philippine American Advocate, which appears in the Appendix.]

PAYMENT OF THE DEBTS OF FOREIGN NATIONS BY EXEMPTING EXPORTS OF UNITED STATES FROM TARIFFS, SHIP DUTIES, AND WHARF CHARGES

Mr. LEWIS. Mr. President, I must bring to the attention of the Senate today a subject which is not altogether new, and which, so far as I am concerned, of course has no novelty, but as a recurring responsibility and, as far as I see it, sir, upon this Government a returning and urgent duty.

Next Wednesday there will be due this country, as interest upon the debts which are due the United States from its foreign debtors, sums which in the aggregate will reach $1,000,000,000. Outside of two small countries no one of

these debtors has intimated a desire, much less an intention, to pay this interest as due, or any part of it.

Mr. President, at the same time I beseech the Senate to let me impose upon them the information that the public records will disclose that France is lately advancing the equivalent of $50,000,000 of American money to Turkey. The object of this is to assure Turkey some munitions and ammunition for prospects of war, whatever they are. The nature of this does not concern us deeply, except with regret. At the same time, sir, France is advancing to Czechoslovakia and Poland the equivalent of the sum altogether of $100,000,000. This, in the way of credits, is ostensibly and confessedly for the object of increasing their power in what is called their defense; at any rate, sir, for the uses of war. In the meantime, sir, the debtor England finds it agreeable to extend to Rumania and Portugal what would be more than $50,000,000 in one instance and $100,000,000 in another. This England assumes as necessary to cover their emergencies or their defense demands. These sums are to be paid in such installments as England finds agreeable in her arrangement with Portugal and Rumania. We concede that England has to consider her own impending situation.

At this time, in all these generosities, we cannot fail to note that not one dollar is intimated to be paid to the United States on the debts due us, and this at a time when we are called on to vote vast millions for the relief of our poor, when with money we must meet the necessities of a regrettable but justifiable relief. At the same time, Mr. President, this Government has stupendous indebtedness which it is anxious to meet from other directions. Yet, sirs, while we are enduring this indebtedness, my fellow Senators, while these sums of money are due us and the other sums described are being advanced to other countries by our debtors, I summon the Senate to invite their attention to the fact that these large debtors of ours have lately added more tariffs against United States exports, together with wharf duties and customs privileges and other forms of obligations which attend with burdens exports from our country and the trade that comes from America. The amount that is levied against us in the form of these tariffs, duties, and obligations exactly equals, by a strange coincidence, the amount of 1 month's interest due in this month of June to the United States.

I invite the attention of the Senate to the fact that these debtors find it agreeable not only not to pay us a dollar of the principal, not to offer one dollar of the interest, but at the same time, while they are asking of us a preferential trade treaty which in the generosity of this Government and in the statesmanship of the Secretary of State and the President is being yielded to them, they are levying an increased duty upon the imports of the United States, and a further charge, known as shipping and wharf charges, upon the ships that deliver the produce of the United States to the ports of these our foreign debtors.

Mr. President, this manifest injustice is accompanied, let me add—and here I ask the Senate's attention particularly—by the fact that preferential trade treaties are given by our debtor countries to other countries in Europe, our rivals in trade. These treaties contain specific limitations levied against the United States. Germany and the neighboring countries particularly of Central Europe are by our debtors allowed exemptions from certain obligations, provided these countries give their exclusive trade to the lands—these three, particularly, which are the largest in amount of our debtors.

Mr. President, I do not know what policy induces the Government of my country, outside of a sense of charity and friendship, to tolerate these discriminations against us without ever raising a voice of protest, through our diplomatic channels, against its continuous infliction.

Mr. President, I here and now propose that this Government of ours, either with any trade treaty that it agrees upon, or as preliminary to any trade treaty, or at the appropriate time that may be utilized, make demand on these debtors that they release these tariff duties charged against the United States, and give exemption to United States shipments into their country from tariff taxes, from ship duties, and from any other commercial or wharf obligations, to an amount that shall at least equal the amount of the installments now due and past due of interest that should be paid to the United States.

In this manner these debtors will be able to pay off part of their debts. They will reserve to themselves their cash. They will release us from the payment of these duties and obligations. This will enable our shipments to reach foreign ports upon some equality with the shipments of the other lands to which our debtors have granted trade treaties which give to these other lands a preference over us, with qualifications and contracts within the treaties which practically declare that no trade shall be had with us until that with the other countries has been satisfied—and only that bought from us which these other lands cannot supply.

Sir, in the face of this record, I respectfully urge that the time has come when this honorable body, joining with our State Department, should recommend to our debtors that if they cannot pay us some money, they promptly cease levying these tariff duties and burdens against our exports. This may increase our trade and thus benefit our land at a time like this, when our needs are great, and will offset, sir, the burdens they put upon us, and by this pay something of their obligations long due us.

I realize, sir, that the question of the debts as due and unpaid is not new. I have from time to time brought it to the attention of this honorable body. I recognize that the inaction on the part of this body is due to the courtesy we owe to the State Department, all hoping it will soon initiate some measure looking to the collection of the debts or the equalizing of wrongs, in complete justice to ourselves. We may ratify such measure, or tender to it, sir, such suggestions as may seem pertinent and proper.

Mr. President, I have occupied these few moments prior to the Senate's entering upon the consideration of the river and harbor bill set for this hour that I might bring to the attention of this body that which I feel calls for immediate attention. I ask the Senate to accept my thanks for its consideration but to regard the subject as potent and vital for immediate action.

EMPLOYMENT OF ALIENS BY GOVERNMENTAL DEPARTMENTS OR AGENCIES

Mr. McKELLAR. I ask unanimous consent for the present consideration of Senate Resolution 285, pertaining to the employment of aliens by governmental Departments or agencies.

There being no objection, the resolution (S. Res. 285) submitted by Mr. McKELLAR on May 31, 1938, was considered, read, and agreed to, as follows:

Resolved, That each Department and agency of the Government is requested to transmit to the Senate, at the beginning of the first session of the Seventy-sixth Congress, a list containing the names of all aliens employed by such Department or agency, together with the reasons for their employment.

PERRY'S VICTORY MEMORIAL COMMISSION

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2009) to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission, which were, on page 2, line 12, to strike out "any" and insert "their claims against the United States or the Perry's Victory Memorial Commission, representing"; and on page 2, line 13, after "parties", to insert "necessarily incurred for maintenance of Perry's Victory Memorial Monument, Put in Bay Island, Lake Erie, Ohio, prior to July 6, 1936, at which time control and management of said monument was transferred to the National Park Service of the Interior Department, pursuant to Presidential proclamation."

Mr. BULKLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CARL ORR

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2802) for the relief of the legal guardian of Carl Orr, a minor, which were, on page 1, line 8, to strike out "for damages", and to amend the title so as to read: "An act for the relief of Carl Orr, a minor."

Mr. LEE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MR. AND MRS. S. A. FELSENTHAL AND OTHERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3147) for the relief of Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy, which were, on page 1, line 6, to strike out "$1,382.75" and insert "$3,000"; on page 1, line 8, to strike out "$3,389.50" and insert "$5,000"; on page 1, line 9, to strike out all after "of" where it appears the first time down to and including "be", in line 10, and insert "$250,"; on page 1, line 11, to strike out all after "for" down to and including "of", in line 2 of page 2; on page 2, line 4, after "a", to insert "United States Army"; on page 2, line 4, to strike out all after "car" down to and including "accident", in line 6; on page 2, line 7, to strike out "Belvidere" and insert "Belvedere"; and on page 2, line 8, to strike out "or about."

Mr. McKELLAR. I move that the Senate concur in the House amendments.

The motion was agreed to.

BOARD OF TRADE GAMBLING IN WHEAT

Mr. CAPPER. Mr. President, I have before me a recent editorial on Gambling in Wheat by A. Q. Miller, editor and publisher of the Belleville (Kans.) Telescope, commenting forcibly on the drive now being made by the grain gamblers to drive down still further the already low market price for wheat.

The United States seems to be due for a wheat crop of close to 900,000,000 bushels, which will mean a total supply of well over a billion bushels of wheat for the coming marketing year. Of course, seeing that the rest of the world also appears to be due to have larger than normal crops, this means low-priced wheat.

But it is little short of criminal, at a time like this, to see the board of trade gamblers driving prices still further down. Last year the United States produced something over 800,000,000 bushels of wheat. Chicago Board of Trade gamblers bought and sold some 10,000,000,000 bushels. Producers and consumers, first one group and then the other, suffer from this gambling in a necessity of life. I am in entire sympathy with Editor Miller's demand that this gambling in wheat be more effectively curbed. I ask unanimous consent that the editorial from the Belleville Telescope be printed in the RECORD at this point as part of my remarks.

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

[From the Belleville (Kans.) Telescope]

GAMBLING IN WHEAT

(By A. Q. Miller)

The Nation is all set for a 900,000,000-bushel wheat crop, according to crop reporters, and Kansas is marked down to produce somethink over 200,000,000 bushels or nearly a fourth of the entire crop in the United States.

In the meantime the grain gamblers are busy pushing wheat prices down. All sorts of pretexts are used by the speculators to bear the wheat market, as well as other commodity markets. For example, last year the United States produced only 850,000,000 bushels of wheat, but the Chicago grain gamblers bought and sold 10,000,000,000 bushels. This is 12 times as much as the entire wheat crop, and represents nothing more or less than a poker game in which wheat is used as chips. The same system of gambling is used to sell corn, pork, cotton, and other commodities.

For years Congress has tried to place restrictions around this type of practice, one of which requires actual delivery of the product purchased, but even this seems to have been unsuccessful, because the law is not enforced. The normal application of the law of supply and demand is bound to work, just as the law of gravitation cannot be repealed, but the frenzied buying and selling of commodities on the Chicago Board of Trade, which transactions are not represented by actual merchandise, and sales should be prohibited. The actual producers of wheat, and not the speculators in wheat, are the ones who should have the profit for their labor and effort.

If Secretary Wallace or Congress want to do something realistic to help the wheat farmer they will protect him from human wolves who infest the Chicago wheat pit at this time of the year and juggle with the farmers' grain crop.

TRANSFER OF BALTIMORE MAIL LINE SHIPS TO INTERCOASTAL TRAFFIC

Mr. McADOO. Mr. President, on several occasions I have burdened the Senate with some observations on the intercoastal trade of the United States and the injustice which has been done to the great State which in part I represent and to the entire Pacific coast because of the withdrawal of three of America's finest steamships operating between New York and the Pacific coast, and the transfer of those ships to other services.

During the time this matter has been under consideration I introduced certain bills in the Senate to correct the situation, and active negotiations have been in progress with the Maritime Commission. I am very happy now to say that the Maritime Commission has found a solution, by agreement with the International Mercantile Marine Co., which controls the company which has been operating in the trans-Atlantic trade the so-called Baltimore mail steamships vessels.

As a result of this agreement the five Baltimore mail steamships will be transferred to the intercoastal service of the United States, which I think is an excellent solution, at least for the present, of the serious problem which has confronted California and the Pacific coast on account of the withdrawal heretofore of all intercoastal vessels.

I send to the desk and ask to have read to the Senate a brief letter from the Chairman of the Maritime Commission, Admiral Land.

The PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

UNITED STATES MARITIME COMMISSION,
Washington, June 8, 1938.

Hon. WILLIAM G. McADOO,
United States Senate, Washington, D. C.

MY DEAR SENATOR: With reference to your letter of June 5, there is enclosed herewith a copy of the action taken by the Maritime Commission in connection with the application of the Baltimore Mail Steamship Co. from which you will note that their application to enter the intercoastal service with the five vessels of the Baltimore mail line has been approved by the Commission.

The Commission understands that operations on this new service will begin at the earliest practicable date, this being a matter completely under the cognizance of the owners of the line.

Cordially yours,

E. S. LAND, *Chairman.*

Mr. McADOO. Mr. President, I ask unanimous consent to have incorporated in the RECORD as a part of my remarks the order of the United States Maritime Commission, No. 486, dated June 7, 1938, which I send to the desk.

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

[United States Maritime Commission. No. 486. In re application of the Baltimore Mail Steamship Co. to transfer certain vessels owned by it to intercoastal trade. Submitted June 3, 1938. Decided June 7, 1938. Application of Baltimore Mail Steamship Co. for permission to enter intercoastal trade approved, subject to certain restrictions. Cletus Keating for applicant. Roscoe H. Hupper, William P. Palmer, J. R. Bell, Hon. William G. McAdoo, Arthur L. Winn, Jr., W. L. Thornton, Jr., H. J. Wagner, and G. H. Pouder, for intervenors]

REPORT OF THE COMMISSION

By the Commission.

By application, as supplemented, filed May 17, 1938, Baltimore Mail Steamship Co., hereinafter referred to as the "applicant," requests permission under section 805 (a) of the Merchant Marine Act, 1936, to transfer to domestic intercoastal service five combination passenger and cargo vessels owned by it—namely, *City of Baltimore, City of Norfolk, City of Hamburg, City of Havre,* and *City of Newport News.* A public hearing was held pursuant to notice and briefs were filed.

The above-named vessels were formerly operated by that company in foreign commerce between Baltimore, Md., and Newport News and Norfolk, Va., on the one hand, and continental European ports, on the other. Applicant states that, after a contemplated reorganization now in progress, all of its stock will be owned by the

International Mercantile Marine Co. and/or the Atlantic Transport Co. of West Virginia, the Baltimore Trust Co., and the Canton Co.

In 1915 the Atlantic Transport Co. of West Virginia inaugurated a service between the Atlantic and Pacific coasts by the way of the Panama Canal. The Atlantic Transport Co. of West Virginia is a subsidiary of the International Mercantile Marine Co. and owns outright the American Line Steamship Corporation, which has had a service under the name of "Panama Pacific Line" for some time with the vessels *California*, *Pennsylvania*, and *Virginia*, since the latter were constructed.

The Baltimore Mail Steamship Co., a Maryland corporation, at the present time is owned 46.59 percent common stock and 25 percent preferred stock by the Atlantic Transport Co. of West Virginia. According to the record the Baltimore Mail Steamship Co. will be reorganized, after which all of the stock of the Baltimore Mail Steamship Co. will be owned by the International Mercantile Marine Co. and/or the Atlantic Transport Co. of West Virginia and two affiliated companies. It is stated in briefs filed on behalf of applicant that "upon completion of reorganization the Atlantic Transport Co. of West Virginia will own a substantial majority of all of the outstanding stock of the Baltimore Mail Steamship Co."

The International Mercantile Marine Co. controls the Atlantic Transport Co. of West Virginia and also the United States Lines Co., a common carrier by water in foreign commerce, and the holder of an operating-differential subsidy contract under title VI of the Merchant Marine Act, 1936. Section 805 (a) thereof provides, in part, that—

"It shall be unlawful to award or pay any subsidy to any contractor under authority of title VI of this act, or to charter any vessel to any person under title VII of this act, if said contractor or charterer, or any holding company, subsidiary, affiliate, or associate of such contractor or charterer, or any officer, director, agent, or executive thereof, directly or indirectly, shall own, operate or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service, or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service, without the written permission of the Commission. Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Commission shall give a hearing to the applicant and the intervenors. The Commission shall not grant any such application if the Commission finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it would be prejudicial to the objects and policy of this act."

Carriers actively operating in intercoastal service intervened in opposition to the application. Their contentions, briefly summarized, are that the trade is now overtonnaged; that there is no present need for the vessels of the Baltimore Mail Line; that the transfer of those vessels to the intercoastal trade may disrupt the existing rate basis, especially if service is to cover ports that were not previously served by the Panama Pacific Line; that new construction by existing carriers will be discouraged by the proposed transfer; and that approval of the application in substance will amount to the extension of Government aid to the applicant upon terms not available to them. For these reasons they conclude the proposed operation will result in unfair competition to them and prejudice to the object and policy of the act which we administer. They also contend that the applicant has failed to show the proposed service to be in the public interest.

The vessels involved herein were originally sold in 1921 by the United States Shipping Board and in 1931 were reconstructed by the applicant through the aid of a construction loan made available pursuant to section 11 of the Merchant Marine Act, 1928, aggregating $6,520,706.26, of which $5,933,106.23 is still due. As a part of the application, applicant requests that provision be made for the payment of that indebtedness by equal annual installments during the balance of the present term of existing mortgage. Each vessel has accommodations for 82 passengers, a speed of 16.5 knots with a cargo capacity of about 500,000 cubic feet, of which 26,610 cubic feet is now equipped with circulating air refrigeration. It is contemplated that refrigerated space on each vessel will be increased to approximately 80,000 cubic feet.

The service is proposed to operate in lieu of the service heretofore operated between New York, N. Y., and ports in the State of California by the American Line Steamship Corporation and/or the Atlantic Transport Co. of West Virginia with the steamships *California*, *Pennsylvania*, and *Virginia*. Those vessels, and also the combination passenger and cargo vessels of the Grace Line, Inc., which operated continuously in intercoastal service for many years were recently withdrawn from this route. Except for the westbound service of Dollar Steamship Lines, Inc., Ltd., with infrequent sailings from New York during recent months as a part of its round-the-world service, there is no adequate passenger service between Atlantic and Pacific coast ports of the United States at the present time. Some cargo vessels are equipped with limited passenger space, but they are not classed as passenger vessels. Intervenors supporting the application urge the necessity of such a service by more modern vessels than are now in operation, and of a type and kind suitable for use as naval and military auxiliaries in time of war or national emergency. This need is further evidenced by the substantial number of passengers shown to have been transported during 1937 by the Panama Pacific and the Grace Lines. While applicant's vessels can accommodate but a portion of the passenger traffic previously transported via the Panama Canal, to the extent of their capacity they will serve an existing need.

It is also shown that there is little, if any, adequate space on cargo vessels now in operation for certain classes of refrigerated cargo. Vessels of the Panama Pacific Line were equipped with a total of approximately 300,000 cubic feet of circulating air refrigeration. A representative of the California Fruit Growers' Exchange testified that during the period 1933 to 1937, inclusive, shipments of citrus fruits eastbound exceeded 450,000 boxes per season; that the association filled to capacity all the refrigerated space on the vessels of that line available to it. Vessels of Grace Line, Inc., now withdrawn from service, were also equipped with substantial quantities of circulating air refrigeration. The witnesses for the association testified that it is ready, willing, and able to supply cargo to fill all the refrigerated space on the five vessels. In addition to citrus fruits, shipments moving eastbound which require refrigeration include frozen fish, frozen poultry, eggs, fresh vegetables, and fresh fruits. Westbound commodities requiring refrigeration include confectionery, cranberries, cheese, frozen fish, and oysters. It is clear that a need exists for refrigerated service in intercoastal trade which is evidenced in part by the large number of letters and telegrams from shippers and others that were submitted by the applicant. It was shown that substantial quantities of citrus fruits move all-rail to competitive points in eastern territory, but all-rail rates are substantially higher than via the all-water route to eastern points.

From the foregoing it is clear that to the extent of the refrigerated and passenger service which applicant's proposed operation will afford, its service will not be competitive with that of existing operators.

Intervenors American-Hawaiian Steamship Co. and Luckenbach Steamship Co., Inc., oppose the granting of the application on the ground that the trade is now overtonnaged and that cargo transported by applicant will decrease the carryings of vessels now in operation. They direct attention to present sailings with only part cargoes and state that all lines now operate at a loss. These intervenors operate vessels whose speed is 11.5 knots or more with sailing frequencies in excess of their present competitors. With such advantages they are able to attract high-grade cargo. Testimony in the record indicates that, while there has been some recession in the quantity of higher-grade cargo due to present economical conditions, the decline has not been so marked as that with respect to low-grade cargo, which has fallen off materially.

However, in considering the problems presented by this application, temporary declines in traffic due to existing business conditions should not control. Consideration must be given to the long-term prospects of the trade and to the age of the existing tonnage operated therein. The last factor is of particular significance in view of the fact that no substantial volume of new construction for this trade seems likely at the present time. Therefore, the transfer of the applicant's vessels, which were completely rebuilt in 1931, may be the only means of insuring adequate long-term service for high-grade cargo. Moreover, in this connection it must also be recognized that, while some of the cargo for the proposed operation may be diverted from the objecting water carriers, a substantial amount probably will represent cargo carried by fast intercoastal vessels, viz: *Virginia*, *California*, and *Pennsylvania* controlled by the Atlantic Transport Corporation, of West Virginia, or refrigerated cargo and passenger business for which the objectors' vessels cannot provide. The objectors recognize that they have no right to a monopoly in the trade. Under the ruling herein, the right to compete is not denied to them.

There is no merit in the contention that the proposed operation would result in unfair competition because of the proposed readjustment of the indebtedness covering the applicant's vessels. Such readjustment of the indebtedness as may be hereafter agreed upon would tend to insure orderly liquidation of such indebtedness and would not constitute a grant or disguised subsidy. Similar adjustments have been made in the past with operators engaged in the intercoastal trade, as well as the foreign trade. If found by the Commission to be fair and reasonable, these adjustments in themselves do not introduce any element of unfair competition. In this connection, it also should be noted that the interest rate on the mortgages covering the applicant's vessels would automatically be increased to 5¼ percent, in accordance with the terms of the mortgages.

American-Hawaiian Steamship Co. directs attention to impending dangers to the rate structure now observed by it and other carriers. In any event the rate structure is now constantly subject to jeopardy by our lack of authority to prevent intercoastal operation by other persons, and this alone does not justify a denial of the application.

We find that on this record there will be no unfair competition within the purview of the 1936 act to existing carriers or prejudice to the objects and policy of the Merchant Marine Act, 1936, from the operation of applicant's vessels in the intercoastal trade, and the application will be approved.

In view of this conclusion it is unnecessary to determine whether there has been a continuation of operations. An appropriate order will be entered.

ORDER

At a session of the United States Maritime Commission, held at its office in Washington, D. C., on the — day of June A. D. 1938—

No. 486—In re application of the Baltimore Mail Steamship Co. to transfer certain vessels owned by it to intercoastal trade

A hearing having been held in this proceeding, pursuant to the provisions of section 805 (a) of the Merchant Marine Act, 1936, and the Commission, on the date hereof, having made and entered of

record a report stating its conclusions and decision therein, which report is hereby referred to and made a part hereof;

It is ordered that the application of the Baltimore Mail Steamship Co. be, and it is hereby, approved.

By the Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

Mr. McADOO. Mr. President, I am very happy to be able to make this announcement, because a very serious problem which has been confronting the entire Pacific coast has now been settled, at least for the time being.

PROPOSED RULES OF PRACTICE IN FEDERAL COURTS

Mr. KING. Mr. President, on the 5th day of January last I offered a resolution providing for the postponement of the effective date of the Rules of Practice in Federal Courts recently promulgated by the Supreme Court of the United States.

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

Mr. KING. I yield.

Mr. NORRIS. If the Senator is about to refer to the rules, I suggest that he preface his remarks by explaining to the Senate how the rules were adopted, the original resolution by which they were authorized, and the way in which the resolution provided they should go into effect unless some action should be taken by Congress which would interfere with their going into effect. I think it would be well that Senators understood the purport of the discussion of the Senator from Utah. The Senator is speaking on a very important matter, one in which all attorneys, particularly, are vitally interested, namely, the rules which have been promulgated by the Supreme Court, and which will go into effect unless some action is taken by the Congress to prevent it. I am not particularly arguing against the rules, although I agree with the Senator from Utah that there are some of them which ought not to go into effect. At least the matter ought to be understood by Congress, and it ought to be understood that unless we do take some action on these rules they will go into effect as a matter of course.

Mr. LEWIS. Mr. President, I hope the Senator from Utah will add in his discussion a statement of what he feels will be the effect of these rules when put into execution.

Mr. KING. Mr. President, I appreciate the suggestion made by the Senator from Nebraska, and also the suggestion submitted by the Senator from Illinois. In compliance with the request of the Senator from Nebraska I invite attention to the act of June 19, 1934, which conferred upon the Supreme Court of the United States the power to prescribe, by general rules, for the district courts of the United States, and for the courts of the District of Columbia the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. The statute also provided that the rules were not to abridge, enlarge, or modify the substantive rights of any litigants. However they were to take effect 6 months after their promulgation and an important provision of the statute declared that:

* * * thereafter all laws in conflict therewith shall be of no further force or effect.

Section 2 of the act referred to provided that the rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session and until after the close of such session.

It is apparent, therefore, that these rules, with all their virtues and all of their infirmities, will become effective within 6 months after their promulgation, but they must have been reported to Congress by the Attorney General at the beginning of a regular session.

The Attorney General of the United States on the third day of January of this year did present to the Senate and the House of Representatives of the United States, rules of civil procedure which have been submitted to him by the Chief Justice of the United States on the 20th of December 1937. In the letter of transmittal to the Attorney General the Chief Justice stated:

Mr. Justice Brandeis does not approve of the adoption of the rules.

I need not say what all concede, that Mr. Justice Brandeis is one of the outstanding characters in the United States, and one of the ablest jurists who has brought distinction and honor to the Supreme Court of the United States. In this connection permit me to state that the opinion of Mr. Justice Brandeis in the Erie case handed down a few days ago, justifies the position I take, that the effective date when the rules referred to shall go into effect, should be postponed until Congress has an opportunity to examine them and their effect upon statutes which have been enacted during the past more than 100 years.

As I have indicated the rules, unless Congress shall take some affirmative act, will go into effect within a very short time. I have contended that Congress should immediately pass a measure that will postpone the effective date of the proposed rules until the adjournment date of the first session of the Seventy-sixth Congress. It is proper, therefore, in view of the importance of the questions involved and the effect of the rules upon hundreds of statutes, that Congress, through its appropriate committees, should make a thorough investigation of the rules and their relation to existing law and their effect upon procedural matters in the courts of the United States.

I might add that the late Senator from Montana, Senator Walsh, together with a number of other Senators, resisted efforts to superimpose upon the States the so-called Conformity Act. He, as well as many lawyers, were unwilling to have the Federal Government determine the rules of practice in the Federal courts in common-law proceedings. That is to say, he and they insisted that the procedure prescribed in the laws of the various States should be followed by the Federal courts within their respective States in connection with common-law actions.

I might add that the Supreme Court of the United States appointed an advisory committee to assist in the preparation of a unified system of general rules for cases in equity and actions at law, so as to secure one form of civil action and procedure in both classes of cases, and to assist the court in such undertaking it appointed an advisory committee consisting of a number of lawyers from various parts of the United States. The advisory committee was charged with the duty, subject to the instructions of the Court, to prepare and submit to the Court a draft of a unified system of rules. This advisory committee prepared rules of civil procedure for the district courts of the United States. They are found in a pamphlet which I exhibit to the Senate, consisting of 125 pages. Accompanying the pamphlet containing the rules is a pamphlet entitled "Notes to the Rules of Civil Procedure for the District Courts of the United States," prepared under the direction of the Advisory Committee on Rules for Civil Procedure. These notes are found in a pamphlet of 79 pages, which I now exhibit to the Senate.

Mr. President, believing that it would be unwise and, indeed, improper for Congress to permit these rules to become effective without examination, I offered a joint resolution, No. 281, in the Senate, on the 5th day of January, which was referred to the Committee on the Judiciary of the Senate.

It seemed highly improper that rules, which would have such an important effect upon the procedure of the courts, and indeed upon substantive rights, should automatically go into effect, and I, therefore, believed it to be the duty of Congress, through appropriate committees, to make a searching examination of the rules before they became effective. Realizing that they would become effective unless some action was taken by Congress to postpone the date when they were to go into effect, I offered the resolution referred to.

May I say that I believe that Congress would be derelict in its duty if it did not investigate the rules to determine their effect, and be in a position to certify as to the wisdom and propriety of the same. Speaking for myself, I was unwilling to permit the rules to become effective without having an opportunity to study them, and without an opportunity being given to members of the Committees of the

Judiciary of the House and the Senate as well as all members of both legislative bodies to give them appropriate examination.

The joint resolution referred to is as follows:

Whereas, by the act of June 19, 1934, chapter 651, it is provided that the Supreme Court of the United States shall prescribe by general rules for the District Courts of the United States and for the District of Columbia the forms of process, writs, pleadings, and motions and the practice and procedure in civil actions at law; and

Whereas it is further provided by said act of June 19, 1934, chapter 651, that the said rules to be promulgated thereunder shall not take effect until after the close of the regular session of the Seventy-fifth Congress; and

Whereas the rules transmitted to the Senate and the House of Representatives by the Attorney General on January 3, 1938, which purport to unite the rules for cases in equity with those in actions at law and provide in proposed rule 86 that such united rules will take effect on September 1, 1938, or 3 months subsequent to the adjournment of the second regular session of the Seventy-fifth Congress if that date is later; and

Whereas the act of June 19, 1934, chapter 651, provides that all laws in conflict therewith shall, after the rules take effect, be of no further force and effect, and rule 86 of said proposed rules provides that the united rules shall govern all proceedings in the courts in actions brought after they take effect and in all actions pending with certain exceptions.

Senators will perceive that the statute providing for the rules of civil procedure repeals by implication, if not directly, all laws which appear to be in conflict with the "united rules," though such laws may have been enacted more than 100 years ago.

I continue to read the joint resolution:

And whereas if the rules so promulgated with such provisions and under such statute are intended to have the force and effect of repealing, modifying, or superseding numerous acts of Congress now on the statute books, innumerable questions will arise as to the exact extent of the conflict; and

Whereas it is desirable that a study of such proposed rules and the laws with which they may be in conflict should be made and the conflicting provisions governing practice and procedure in the District Courts of the United States and in the District of Columbia should be brought into harmony and not be left in confusion: Now, therefore, be it

Resolved, etc., That the effective date of the proposed united rules shall be extended to the adjournment date of the first session of the Seventy-sixth Congress.

Mr. President, it will be observed that there is no intimation that the rules ought not to go into effect after full consideration; but I was unwilling, and I believe many Senators were unwilling, to give their support to a proposal which would, by implication, repeal hundreds of statutes, some of which I have examined, which were passed more than 100 years ago.

The resolution which I offered, as stated, was referred to the Committee on the Judiciary, which after consideration reported the same favorably, and it is now upon the Senate calendar. Yesterday, under the 5-minute rule, the resolution was reached, but an objection was interposed, and that postponed its consideration. It may be that in this late hour of the session, particularly when so many bills are upon the calendar, the resolution may not be passed. However, I believe it to be my duty to challenge the attention of the Senate to the rules, and to the fact that unless affirmative action is taken by Congress they will go into effect within a few days without full opportunity being given to Congress and to the people to examine them and to understand their implications. Personally, I believe that some of the rules should be modified and that material changes should be made in others. I cannot help but believe that in their present form, if they became effective, there will be great confusion in the courts, which will result in litigation, add to the work of the courts, and impose unnecessary burdens upon litigants.

I have taken this opportunity of bringing the attention of the Senate to the resolution which I offered, together with the report of the Committee on the Judiciary of the Senate accompanying the resolution when it was favorably reported to the Senate. Without taking the time of the Senate to read the report, I ask unanimous consent that it may be included at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report follows:

The Senate Committee on the Judiciary, to whom was referred the joint resolution (S. J. Res. 281) to postpone the effective date of the Rules of Civil Procedure for the District Courts of the United States, after consideration thereof, report the same favorably with the recommendation that it do pass.

The Rules of Civil Procedure for the District Courts of the United States were presented to the Congress on January 3, 1938, by the Attorney General.

These rules prescribe the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. They purport to unite the rules for cases in equity with those in actions at law, and will take effect upon September 1, 1938, or 3 months subsequent to the adjournment of this session of Congress. The rules are intended to have the force and effect of repealing and superseding numerous acts of Congress now on the statute books, and innumerable questions will arise as to the exact extent of the conflict.

If Congress takes no action on the proposed rules, they will take effect, leaving hundreds of laws, enacted by Congress during the past century, still on the statute books, some of which undoubtedly are in conflict with many of the provisions of the rules. The result obviously will be uncertainty as to whether the rules or the statutes are to prevail. The act under which the rules were drawn does not provide for any action by Congress, but, as indicated, merely declares that the rules shall be submitted to Congress; and, in addition, provides (or is interpreted to provide) that when adopted all acts of Congress heretofore passed, and possibly to be enacted hereafter, i. e., regulating practice in the Federal courts, shall no longer be in effect.

It is the opinion of many that this will result in great confusion and instead of simplifying procedure will greatly complicate it. It is possible that in nearly every case the attorneys will be required to ascertain whether or not they have complied with the rules and the applicable statute to see whether there are conflicts or whether there may be conflicts. This means that the attorneys must select one or the other course at their peril, and so in many cases the question will have to be submitted to the court for decision. As an example, the statute that requires that the practice in the Federal courts shall conform to the State practice (the so-called Conformity Act). Would it not be better in order to avoid confusion to repeal the Conformity Act directly and not have it nullified by some promulgation of rules of court which repeal it by implication?

As stated, the rules will soon go into effect. There has been no opportunity by the Judiciary Committee of the Senate to study the rules and their effect upon statutes; and it would seem, in view of the importance of the questions involved, that a thorough study should be made by Congress before the rules become effective. This may not be done during the few weeks remaining of the present session.

The joint resolution recites some of the reasons why the effective date of the proposed rules shall be extended to the adjournment of the first session of the Seventy-sixth Congress. If this extension is given, full opportunity will be afforded for a thorough study and examination of the rules.

For these reasons, briefly stated, the Committee on the Judiciary of the Senate recommend that Senate Joint Resolution 281 do pass.

Herewith is submitted a memorandum briefly presenting reasons in behalf of the adoption of the resolution.

MEMORANDUM

It can readily be seen that if Congress is to complete its work and establish effectively a simplified system of practice in the Federal courts combining law and equity, it should make the statutes conform to the rules. This may not be a difficult task. In many cases the statute may be amended by substituting for the special procedure outlined in the statute, a provision that the procedure shall be as provided in the rules of court. This will settle a question that is bound to be the subject of interminable litigation, that is, whether a statute is substantive law or merely procedural. If substantive law, the rules cannot repeal it for there is no authority to change substantive law. This is provided in the statute authorizing the making of rules.

But what is "substantive law" as distinguished from "practice and procedure," which are proper subjects of rules of court? Certain it is that courts may well differ on what is "substantive law" and what is "procedure" in many of the rules. Certain it is that Congress enacted numerous statutes, found in the Judicial Code and its amendments, that were considered by Congress as affecting "substantive rights" and not merely the making of rules of court.

It has been held that many steps in a trial, which have offhand seemed to be merely matters of practice, such as the matter of charging the jury whether orally or in writing, the submission of interrogatories, the submission of a special verdict, the power of a court to set aside a judgment after term, the power of a court to vacate its findings and grant a voluntary nonsuit, are none of them matters of "practice and procedure."

Many of the rules contain provisions as to which there will be interminable dispute on the question whether they affect substantive rights or are merely procedural.

All this suggests the advisability of a careful study of all the statutes that are affected by the new rules. The committee of the bar association which proposed the rules has prepared a pamphlet which contains a comment on each rule and, in most instances, a reference to the statute intended to be nullified or modified or affected in some way. This pamphlet may serve as a guide in revamping the Judicial Code so as to harmonize it with the rules and avoid a vast number of questions concerning construction. This work cannot be completed in the remaining days of the present Congress. The draft of the "comments" to which reference is made has not yet been printed in final form. The House committee has not yet printed its hearings and has not yet made a report.

It is clear that a much finer work and one more satisfactory to the bar of the country can be performed if the Congress will postpone the effective date of the new rules so as to afford an opportunity to avoid the confusion resulting from conflicts between the rules of court and the acts of Congress. The resolution suggests a date at the end of the next session. The one point it is desired to emphasize is that Congress should have an opportunity to act upon the proposals for the modifications and corrections of the statutes, instead of leaving the statutes providing for one thing and the rules of court another, because of inaction by Congress, and allowing the rules to go into effect within a few weeks.

SOME OF THE CONFLICTS AND UNCERTAINTIES RESULTING FROM ADOPTION OF THE RULES WITHOUT MODIFYING THE STATUTES

(1) Rule 26 relating to mode of proof as distinguished from "Practice and Procedure." Conflicting statute 28 U. S. C. sec. 635 (Judicial Code).

(2) Rule 57 affecting remedies. Conflicting statute 28 U. S. C. sec. 400, Declaratory Judgment Act, and see 256 N. Y. 298.

(3) Rules 38 (a) and 38 (d) affecting right to jury trial. Conflicting statute 28 U. S. C. sec. 773 Judicial Code. United States Constitution, art. III, sec. 2; 52 U. S. (11 Howard) 669.

(4) Rule 4 (f) enlarging power to issue process. Conflicting statute 28 U. S. C. sec. 112; *Toland* v. *Sprague*, 12 Peters (37 U. S.) 300.

(5) Rule 6 (c) and rule 59 (b), powers of courts after term. Conflicting statutes, see *Bronson* v. *Schutten*, 104 U. S. 410.

(6) Rule 43 (b) and rules 26, 31, 33, 34, unlimited right of discovery. Conflicting statutes, 28 U. S. C. sec. 636 Judicial Code; *Hanks, etc.*, v. *International Co.*, 194 U. S. 303.

(7) Rule 35, physical examination of persons. Conflict, see 113 U. S. 717; *Union Pacific Co.* v. *Botsford*, 141 U. S. 250; Rev. Stat. sec. 861, 863, et seq. Rev. stat. sec. 724, 28 U. S. C. 635 et seq., Judicial Code.

Mr. KING. In the early part of the present session there was transmitted to Congress in a letter from the Attorney General, printed as House Document No. 460, a document embodying rules of civil procedure for the district courts of the United States adopted by the Supreme Court of the United States. A brief survey of these proposed rules has been made by the Judiciary Committee of the House and just recently by a subcommittee of the Judiciary Committee of the Senate. Even a cursory study of these rules shows that they bring about quite revolutionary changes in the procedure and power of judges and rights of litigants, particularly in law cases to be tried by juries, and that as to such law cases they purport to supersede and affect in various ways numerous statutes of the United States heretofore enacted by the Congress from time to time since 1789.

The joint resolution (S. J. Res. 281) reported out by the Judiciary Committee represents an effort by Congress to deal affirmatively with this situation and act on the rules and statutes rather than have the laws of the United States changed by inactivity of the Congress.

Mr. BROWN of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Michigan?

Mr. KING. I yield.

Mr. BROWN of Michigan. I wish to give the Senator from Utah an example of hasty action in adopting rules, the matter he was just referring to. There is now in effect a rule providing for a depository bond, a rule which the Supreme Court adopted in 1937, a year ago, and yet under the statutes governing national banks, no national bank is authorized to put up a depository bond. It seems to me that situation was rather poorly and hastily considered. No national bank can accept a deposit of the kind referred to in the rule, because it cannot legally put up security, and the Supreme Court has so held. In the last 4 years our banking legislation in this respect has been based on the proposition that special secured deposit accounts should be eliminated and all depositors placed on the same basis.

Mr. KING. Mr. President, the illustration given by the Senator from Michigan demonstrates the unwisdom of hasty and improvident legislation. Many laws thus enacted cause confusion and often serious injustice to individuals and communities. Senators know that thousands of bills are introduced at each session of Congress. Hundreds of the bills are passed, many of which have received but little attention and failed to meet conditions which it was designed they should remedy. Many acts are declared unconstitutional and we are not infrequently confronted with the fact that situations which ought to have been anticipated in the consideration of proposed legislation, were not properly guarded against or provided for, and the results were disappointing and indeed in many cases harmful if not disastrous to individuals and communities.

Mr. CONNALLY. Mr. President, the Senator is discussing the rules promulgated by the Supreme Court?

Mr. KING. I am bringing the attention of the Senate to the rules and the steps which were taken in their formulation and in their presentation to the Senate. I shall not take the time of the Senate to discuss these rules; indeed, it would require hours to do so. It is my purpose merely to call attention to the rules; their effect upon judicial procedure and the confusion which will inevitably result and the unwisdom of Congress by its silence approving these rules. If the rules are to be submitted to Congress then the duty rests upon Congress to examine them with the utmost care before it places its seal of approval upon the same. I think it would be to the discredit of Congress, by its silence, its inaction, to place its seal of approval upon these rules which affect the individual and property rights of millions of American citizens.

Mr. CONNALLY. Exactly. Let me ask the Senator if that point is not accentuated now by the recent decision of the Supreme Court in overruling the old Tyson case, in which it is now laid down that the Federal courts must follow the laws of the States in the several jurisdictions, rather than the old decision, which was by Mr. Justice Story, I believe, which announced a general law that applied everywhere? If the courts are bound to follow the practice in each State, and the law of each State, is not that course out of harmony with hard and fast, uniform, standardized rules of practice?

Mr. KING. Absolutely.

Mr. CONNALLY. Is not that circumstance an added reason why we should postpone the approval of these rules until the next session of Congress?

Mr. KING. The Senator has stated a cogent reason for that course. May I say that Mr. Justice Brandeis, who refused to assent to the promulgation of the rules, wrote the opinion in the Erie case. That opinion, in the judgment of some, further confirms the view that rules are in conflict with many statutes.

Mr. CONNALLY. I think the recent decision, going back to the original doctrine, is a very important one, and a very wise one.

Mr. KING. I think so.

Mr. CONNALLY. I think we ought to sustain the Court in that attitude as far as we can.

Mr. KING. It seems to me that Mr. Justice Brandeis has admonished us that ours is a dual form of government; that the States have rights; that there have been too many transgressions upon the rights of the States, and there has been too much centralization of authority and power in the Federal Government. He has admonished us in that decision that the rights of the States are not to be disregarded.

Mr. CONNALLY. Is there not also another important aspect of the matter? One plaintiff may not be able to get into the Federal court in Missouri, we will say, or in Nebraska. So he is bound by the laws of the State; and if under the laws of the State there is no liability on the part of the defendant, the plaintiff has no recourse. Another

plaintiff, who, by some rule, can bring his defendant into a Federal court under the old practice, might recover under the same state of facts. That situation tends toward lack of uniformity, inequity, and injustice as between litigants.

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

Mr. KING. I yield.

Mr. BURKE. The decision of the Supreme Court in the Erie case, to which reference has been made, has to do only with substantive law. It has nothing to do with procedure.

Mr. KING. I am not so sure that the decision can be so circumscribed as to mean that it relates only to substantive law.

Mr. BURKE. The common law relating to substantive rights, as determined in each State, is the law in that State, and not what some Federal judge may think about it. The rules of procedure promulgated by the Supreme Court have nothing at all to do with substantive rights, and relate only to procedure, in the interest of the orderly trial of lawsuits.

Mr. KING. Mr. President, I do not quite agree with my friend. It is not always easy to draw a line between what might be called procedural rights and substantive rights; they are so blended and commingled that controversies often arise in determining what is procedural and what is substantive. Those who are familiar with the laws of code States will, I am sure, agree with this view. Many cases find their way to the appellate courts growing out of controversies over procedural questions; and as indicated, there is such an overlapping, or, if I may use that expression, integration of procedural and substantive rights, as to result in confusion and too often, expensive and prolonged litigation.

I know of the difficulties which have arisen in code States in drawing the line between procedural and substantive matters; and a review of the decisions of the appellate courts will reveal the intricate and complicated questions presented for consideration in determining whether a procedural right only has been infringed, or substantive right has been denied.

Professor Keigwin, who has had many years of practice as a lawyer and as a professor and writer, indicated some of the problems involved in interpreting the rules and in applying them to the questions to which they relate. He refers to the English Judicial Act which went into effect in 1878, and in the course of 15 years, as he was advised by Professor Hepburn, the English courts decided 4,000 cases touching on points of procedure, purely on the construction of the act and the rules formulated thereunder. He further states that Justice Stewart in 1887 observed that the reports seemed to be filled with cases on points of procedure which he thought were unnecessary, and that if one followed the cases following 1834 for 10 or 15 years, he would find a considerable proportion of cases on procedure. He further added that in the same way, the code reform in 1848 showed a great flood of decisions on mere points of procedure.

And, as I have indicated, lawyers know the difficulties they have encountered in determining where the line of demarcation is drawn separating procedural matters from substantive rights. If time permitted, I could point to many instances where there was such a commingling of procedural matters and substantive rights and law, that controversies protracted and bitter resulted, and expensive and costly litigation resulted.

I recall that Professor Keigwin further stated that he had occasion to look for cases on pleading which he might use in compiling a case book for his classes, and he examined the current monthly digest published by the West Publishing Co.; and there he found every month a dozen or twenty cases from the code practice and it was not difficult to find a case dealing with points of procedure in the matter of common law.

But I must hasten along, Mr. President.

The propriety of some affirmative action by Congress, instead of leaving the rules to impair and seriously affect statutes of the United States by mere silence and inaction by Congress, becomes at once apparent when the circumstances and authority under which the rules were reported to Congress for its consideration are examined. As the statute under which the rules were made is short, and its full import is important to a consideration of the joint resolution, I deem it proper to read it at this time. It is as follows:

Be it enacted, etc., That the Supreme Court of the United States shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect 6 months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

SEC. 2. The Court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: *Provided, however*, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session.

It will be observed that this statute is concerned primarily with the making of rules in actions at law to be tried by juries. So far as suits in equity are concerned, the enabling act permits merely the combining of the proposed new law rules with the equity rules already made, but does not authorize the making of equity rules. The authority to make equity rules was given nearly a hundred years ago in the act now on the statute books as section 730 of title 28 of the United States Code. The statute of 1842, as amended, gave the Supreme Court the power to prescribe the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of obtaining discovery, entering decrees, and of proceedings before trustees in all suits in equity in the district courts of the United States, but specifically provided in no uncertain terms that such rules should not be, in any manner, "inconsistent with any law of the United States."

The authority for the new rules now before us relating to law cases does quite a different thing. Instead of providing that the laws of the United States on the subject should not be repealed or modified, the enabling act upon which the new rules are promulgated provides that when they take effect "all laws in conflict therewith shall be of no force or effect"; that is, shall be considered repealed.

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

Mr. KING. I yield.

Mr. MINTON. After the rules are adopted, if the Supreme Court desires to amend the rules, Congress has nothing to say about it.

Mr. KING. I think that statement is correct. It might very well be stated that we are improperly delegating and surrendering legislative authority.

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

Mr. KING. I yield.

Mr. BURKE. Has any real abuse or harm been caused by the fact that for a hundred years the courts have had the right to make equity rules, as the Senator stated? Has not that fact worked out to the very great advancement of orderly procedure?

Mr. KING. Undoubtedly equity rules are necessary; but the Federal authority to prescribe equity rules specifically states that they must be conformable to law. In the present instance the reverse is true.

Mr. BURKE. The fact that the court could at any time change the equity rules without Congress having anything to say about it has not worked to the disadvantage of any litigant in the country, has it?

Mr. KING. The Senator may have been more fortunate than some of us who have practiced law. He may not have had occasion to challenge what some of us believed was an abuse of authority under the equity power of the court and under the equity rules which had been promulgated. However, I do not have time to enter into a discussion of the equity rules and the resulting benefits and evils and injustices following their interpretation and application.

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

Mr. KING. I yield.

Mr. NORRIS. Does the Senator have before him a copy of the rules?

Mr. KING. Yes.

Mr. NORRIS. I think he ought to exhibit the volume to the Senate, so that the Senate may gather some idea of the number of them.

Mr. KING. I thank the Senator. I have the rules before me. They are found in a volume of more than 100 pages. I shall be glad to have Senators examine them, and I am sure that such examination will result in uncertainty as to their meaning and skepticism as to the effects of their attempted application by the courts.

If Congress is to take no action whatever on this subject and is to remain silent when this proposed alteration of the statutes of the United States is reported to it, then on September 1, the date fixed by the rules, all the laws of the United States affecting the rights and powers of litigants in United States courts in jury cases are wiped off the statute books so far as they conflict with the rules reported to Congress. This is done not by a legislative body impliedly repealing its own statutes, but by another branch of the Government, which admittedly has no legislative power to repeal, amend, suspend, or modify statutes.

It seems to me that some of us who have contended for judicial supremacy ought to scrutinize very carefully proposed legislation or rules which supersede statutes and interfere with judicial process.

Mr. BROWN of Michigan. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BROWN of Michigan. If, as indicated by the Senator from Indiana the court can amend the rules without approval by Congress, why should we not write into whatever legislative action we take in approval of the rules a provision preventing the amendment of the rules without the approval of Congress?

Mr. KING. Mr. President, that is a wise suggestion; but we are now denied the opportunity, because the rules go into effect soon after we adjourn; and I have serious doubt as to whether we would be able to amend them in those instances in which we have learned by experience and from investigation that they contain provisions which militate against the rights of litigants or interfere with the rights of States themselves, or encroach upon the proper authority of the courts.

This is more than repeal by implication. It is something unheard of in the history of legislative bodies. It would be sanctioning by silence repeals by others not having legislative powers, and outside of legislative halls, without Congress even knowing or being informed of the laws which are thus erased from the statute books by implication. It would be abandonment of the function of Congress to legislate; for it is as much the duty of Congress, and Congress alone, to change the laws and to repeal the laws as it is to enact the laws. The duty of Congress to decide for itself whether laws should be repealed is so clearly a part of the warp and woof of our Constitution that it is idle to say that the performance of this duty may be excused because of the eminence of the gentlemen who have formulated the implied repeals and the long study which they have given to the subject.

And what are these laws—statute law and common law—which are thus to be cast aside, without any consideration by the law-making body? They affect the finest achievement of our American judicial institutions—the preservation, on the one hand, of the common-law trial by jury in the great volume of ordinary litigated cases, and, on the other hand, permitting the exercise of the equity powers by the judge alone in those exceptional cases where jury trial is, by the very nature of the relief sought, inappropriate—a dual system, each with its own safeguards provided by statutes directly or by affirmance of common-law principles.

But I can see at once that many who have not considered these rules and who assume that they do not affect statutes, even though authority to do so was given, are saying that we are taking counsel of our fears, that this is a mare's nest, and that no such thing will happen. Let us consider this, and get at the base of the proposition. As it is generally known, the rules of procedure in Federal courts were prepared by a committee of lawyers before they were submitted to the Supreme Court. This committee from time to time prepared notes, principally relating to the source of the rules and their effect upon statutes of the United States and former rules in equity. We now have those notes put in final form and applied to the rules as now promulgated.

I thought I had the notes on my desk but, unfortunately, I left them in my office. In the appendix to this document of notes prepared and printed under the direction of the advisory committee on rules for civil procedure will be found a list of the statutes of the United States, that is, sections of the United States Code, to which references are made in the notes. The statutes so referred to are some 400 in number. Of course, many of these statutes are not overruled by the new code of rules, but are merely referred to as statutes of the same import or statutes which are continued in force by the rules, but on the other hand there are very many of these 400 sections that are admittedly either superseded or modified by the rules.

At the very beginning of the notes on page 2 there is a comment that rule 2 taken in connection with other rules modifies United States Code, title 28, section 384—Suits in Equity, When not Sustainable—and supersedes title 28, sections 724, 397, and 398.

Rule 3 is said to vary the operation of the statute of limitations.

Controversies will inevitably arise in the interpretation of that statute. My friend talks about substantive rights, but the statute of limitations is not merely a question of procedure but involves substantive rights. Yet this proposal tampers with that important phase of our judicial process.

Rule 4 is said to supersede title 28, sections 721 and 722, and modifies title 28, section 503.

Rule 7 is said to modify title 28, section 45.

Rule 8 is said to supersede the methods prescribed in title 19, section 508.

Rule 26 relating to obtaining testimony other than at the trial in open court is said to modify title 28, section 639, 640, 641, 644, 646, and 643.

Rule 28 is said to be substantially like section 639; that is, these notes say it is substantially like section 639.

Who is to determine? That would be a source of litigation. As I said a moment ago, these rules will be provocative of litigation. Attempts will be made to interpret the rules, whether they supersede and in what respect they supersede and in what respect they collide with existing law, procedural law as well as substantive law.

Mr. MINTON. Mr. President, let me ask the Senator whether the Supreme Court wrote these rules or whether the American Bar Association wrote them and the Supreme Court approved them?

Mr. KING. The Supreme Court did not write them. As I said a moment ago, one of the ablest Justices of the Supreme Court, Mr. Justice Brandeis, who is deeply interested in human rights and in the protection of the States refused to approve of them. They were prepared by a committee, as I have stated. Major Tolman took an important part, and the former Attorney General, Mr. Mitchell, who testified before the committee, played some part, but I do not know how important it was in their formulations. If Senators will read his testimony they will ascertain from his own words what contribution he made to the preparation of the rules.

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

Mr. KING. I yield.

Mr. BURKE. It is a fact, is it not, that, after the Supreme Court had taken the initiative in the matter and designated the committee, committees, selected by local bar groups, were formed in every judicial district in the United States, to study the proposals and were in almost continuous session,

meeting frequently as the proposed rules were submitted; and that in every county in the United States lawyers who had been through the mill and who had experience in the trial of cases and knew the errors in procedure and how justice could be expedited, gave their best thought to the promulgation of the rules, and, in overwhelming numbers, supported the proposal that we now have before us?

Mr. KING. Some of us complained about adding to the number of Justices on the Supreme Court and said that the more we had the greater would be the confusion. When thousands of lawyers—and my friend goes down, I presume, into the precincts and counties of every State—monkey with this delicate matter, trying to deal with it and trying to formulate rules, confusion is inevitable. I have great respect, of course, for bar associations; I myself am a lawyer, though I do not know how much of a lawyer I am now since entering the legislative field, but I am unwilling, I do not care how able lawyers may be, to abdicate my functions and my duty as a legislator and let them prescribe rules and laws which, in effect, supersede hundreds of statutes of the United States. I want a chance, at any rate, under my oath of office, to examine and to see whether their work is satisfactory. That is all I am asking for myself and for those who have a responsibility in this matter.

Mr. BURKE. Mr. President, if the Senator will yield further, let me ask him did he vote for the act of 1934 under which the rules were formulated and were to go into effect?

Mr. KING. I have no recollection, I will say, that I did. If I did, it was one of the serious indiscretions and errors upon my part as a Senator of the United States. I am not perfect, by any means, and neither is my dear friend from Nebraska. As I have said, I joined with my friend, Senator WALSH, and we fought for years against the imposition upon the States of a statute which I felt then as I feel now was not justified.

Rule 28, as I have said, is said to be substantially like section 639. An examination will show that it is not.

Rule 30 is said to follow the equity rules—I am speaking now from the notes—but it is not stated what effect it has—this is my interpolation—on statutes relating to law cases which require testimony in open court, with few exceptions.

Rule 31 is likewise an equity rule, and its effect on statutes relating to law cases is not stated. This is true also of rules 33 and 34.

Rule 36, on admission of facts in documents, a thing unheard of heretofore in any law case, is not commented on as to its effect in changing the law in jury cases.

Rule 37, relating to control of the judge over the conduct of the parties and punishment of the parties by arrest, applies an extended equity practice to law cases. What laws of trial by jury it affects can hardly be overestimated.

Rules 38 and 39, requiring demand for jury trial on penalty of waiver, are said to modify title 28, section 773.

And so on. I will not take the time to examine each of these rules and to show the many sections of the statutes which they supersede or modify or are alleged to modify and the different contentions which have been made and will be made in trying to interpret them in their relation to substantive law as well as to procedural matters.

I desire to mention the outstanding feature of the rules by which they seriously modify the rights of litigants and power of the judge in actions at law for jury trial as such trial was known at the common law. This is done principally by rules 26 to 37 relating to procuring testimony and discovery in civil actions, which make the most radical change in the customary method of conducting trials in actions at law as distinguished from trials of suits in equity. These proposed rules, if they are, as they purport to be, superseding the statutes will bring about a most vital change from the jury trial "as at common law" referred to in the Constitution. For these rules transfer bodily to law cases all those powers of the court over the person and conduct of the parties to the litigation which we are familiar with heretofore as existing only in equity suits, such as what is known as discovery; that is, the interrogating of the other party not in the presence of the jury and not according to the rules for taking depositions after showing the necessity therefor; inspection of the premises of the parties; physical and mental examination of the parties by order of court; reference to a master to take the whole case, as is permitted in equity, and try it out, and make a decision before the case is submitted to the jury.

All of these provisions interfere with a proper concept of the trial by jury. They constitute an effort to bring about a condition in which those of us who believe in the jury system will be compelled to treat court proceedings as if we were in a court of equity, and the atmosphere and spirit of the equity procedure will prevail, rather than the common-law spirit as it relates to jury trials.

No one can contemplate this transfer of all the incidents of an equity suit to the common-law action before a jury without realizing beyond peradventure that they do affect, modify, amend, or repeal the statutes of the United States and remove the safeguards found in those statutes, particularly the safeguard which continues the restrictions and limitations of State procedure in law cases now held by the Supreme Court, in a recent decision known as the Erie Railroad Co. case, to be necessary to the preservation of the separate sovereignty of the States—a decision, by the way, which was rendered since the rules were promulgated, and since they were submitted to Congress, and since the hearings were held in the House.

I do not see how we can avoid the responsibility of determining for ourselves what statutes affecting the rights of litigants in law cases should be repealed, what statutes should be modified, and what statutes should be amended, or whether there should be such further restrictions on the rules as will make it perfectly clear that the statutes which it is not desired to repeal or modify may remain in force as not intended to be abrogated by the rules of court.

But it is said that combining the rules at law and in equity constitutes a forward step on which the bar of the country has been working for many years, and that if the effective date of the rules is postponed now they may never be enacted, and the chance of this great reform will be lost. I do not think any such argument has any place in the legislative halls. If it is our duty to consider these rules, if it is our function to determine the extent of repeals and to determine whether we want to impair our trial by jury as it was known at common law and as it is expressly continued by the Constitution in all Federal courts, we cannot justify waiving that duty and function because we have not had time at this session to go into the matter, and because it will take a little more time to complete this distinctly legislative task which the legislative body, and it alone, can perform.

If these rules are so important, to postpone their operation for only a few months so that we may acquaint ourselves with their full significance will not prevent their enactment into law if they should receive legislative approval. Indeed, if we find that the rules are proper, a full examination will hasten their consideration at the next session of Congress. I may say that we have lived for years without these rules, and I do not think justice will be denied if we wait for a few months before the rules go into effect.

There are some persons who prefer to take the word of somebody else as the basis of their action. That is all right; but when there is a responsibility resting upon me, I want to know whether a given course is right or whether it is wrong; and in a matter affecting our judicial system, the courts in every State of the United States, it seems to me that the lawyers here, who will be criticized if the rules are improper and who will be praised if they are just, should desire to know just what they are, and their effect, before they give them the seal of their approval.

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

Mr. KING. I yield to my friend from Texas.

Mr. CONNALLY. If this matter were delayed until the next session of Congress, would it not be possible for the Judiciary Committee to assign a subcommittee to make an intensive study of the rules, and be in position intelligently

to advise Congress at the next session, much more so than at the present time?

Mr. KING. The Senator's question answers itself. Certainly; and I know that a number of Senators upon the Judiciary Committee have suggested that if we postpone the effective date of these rules, the Judiciary Committee will examine them through a committee, and will be ready to make its report at the next session of Congress.

It is said again that the enabling act under which the rules are made carries its own corrective, because it says that the rules so far as they affect law cases shall not abridge, enlarge, or modify substantive rights of any litigant, and that the trial by jury "as at common law" shall be preserved inviolate. But what are the substantive rights of litigants, and what is the substantive law applying to litigants, and what are the incidents of a trial in a law case that make it a trial by jury "as known to the common law"? Congress has from time to time enacted statutes with reference to trials by jury in Federal courts provided for by the Constitution. Congress has enacted, since 1789, many statutes preserving the substantive rights of litigants in actions at law. Some of them have been procedural in character, and yet they have become substantive, because they inherently related to individual rights as known at common law. One of the outstanding statutes is that which says that the extraordinary remedies in equity shall never be used in a lawsuit; that is, that the equity suit may not be proceeded with when there is a plain, adequate, and complete remedy at law. If that is a substantive right as well as a statute on procedure, then we are confronted with the question whether it shall be repealed.

No one can decide that question but the Congress; for it is its function, as I have repeatedly said, and its function only, to repeal laws. The courts cannot do this. The net result of this thought—which I might well expand, but which I shall not stop to do—is that in saying that the rule-making authority shall not abridge substantive rights, and at the same time that it may repeal all laws in conflict with the rules, is to say at one place that the rule-making body may repeal laws, and in another place that it may not repeal laws. To say the least, this is to introduce confusion—unnecessary confusion—simply because Congress does not take the time to perform its function as a legislative body in determining the continuance, modification, or repeal of laws.

Finally it is said that these rules, having been derived from such a source and having been considered by men of such eminence, ought to be tried out so that we may learn by experience what laws should be repealed and what laws should be continued. I respectfully suggest that in such a serious matter as bringing about the mass of litigation that such confusion and uncertainty will produce in our Federal courts throughout the country while we are acquiring this experience through a period of years, no such suggestion ought to weight with Congress to induce it to evade the responsibility of preventing this probable chaos.

If the rules are a model, and the statutes which conflict with them are outmoded, but yet remain on the statute books as substantive law which cannot be affected by the rules, and further remain on the statute books as laws which are superseded insofar as the rules may supersede them, we have, indeed, a curious kind of model when the rules and the statutes are taken together, as they must be.

Why give up the hope in this or any other legislation that Congress may perform its functions of legislating for the people of the United States and determining what laws should be repealed because they do not fit in with a model suggested?

In the case of no other law before Congress would this idea of experimenting to see what will happen be considered for a moment. Why not take a few months to perfect the model, rather than wait a long period of years to see what the model is, and what part of it is law and what part of it is rule?

I believe, therefore, that a joint resolution permitting Congress to take the time to give real consideration to the rules of court and their effect upon the statutes of the United States is in accord with the best traditions of the Congress, if, indeed, it is not required by the constitutional powers conferred on Congress, and withheld from other branches of the Government.

For what purpose were the rules required to be reported to Congress? For what purpose are we advised in advance that the rules may and do affect, supersede, and modify statutes of the United States? Merely to keep silent, and have someone else make the laws for us? I think not. I think we must assume the task.

This view, it seems to me, is much strengthened when we consider the alternative. As the matter now stands, if Congress is merely silent, we will have one body of rules applying to law cases and equity cases indiscriminately, having the force and effect of law governing trials in Federal courts, which, as to equity proceedings, cannot affect, modify, or repeal the laws enacted by Congress, and as to law cases, do purport to supersede laws of Congress on the subject. And thus, without more, under the guise of attaining simplicity of practice in the Federal courts, we will have successfully scrambled the eggs, if I may use a common expression, which it will take years of litigation, with consequent endless confusion, to unscramble.

Mr. President, I wish I had time to read some of the testimony of the able professors and lawyers who appeared before the Judiciary Committee in support of the position I am taking.

I apologize for having trespassed upon the Senate, but I believe this question is so important that our attention should be directed to it. I believe that I would be derelict in my duty, believing, as I do, that these rules should be considered by Congress before they go into effect, if I did not challenge the attention of my colleagues to them and to their effect and to the results which will follow in a few weeks, unless the resolution shall be agreed to.

I ask permission to insert at the close of my remarks a few statements made by Professor Keigwin and the statements of several witnesses who testified before the Committee on the Judiciary.

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

TESTIMONY BEFORE THE SUBCOMMITTEE OF THE JUDICIARY COMMITTEE POINTING TO POSSIBLE INFRINGEMENTS UPON SUBSTANTIVE RIGHTS OF LITIGANTS IN THE NEW RULES

Mr. KING. Mr. P. H. Marshall, a member of the bar of the District of Columbia, stated:

The act of Congress provided that these rules should neither abridge, enlarge, nor modify the substantive rights of any litigant. I hope to be able to make this committee believe that the Supreme Court, in promulgating these rules, exceeded the authority conferred upon it by Congress. I cannot believe it has not. The committee would not listen to me to go through a detailed consideration of all these rules, but I will select some of them about which I should like to speak briefly.

There is a rule, No. 34, which is found on pages 45 and 46, which provides that "upon motion of any party showing good cause therefor and upon notice to all other parties, the court in which an action is pending may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence material to any matter involved in the action and which are in his possession, custody, or control."

The point I have particularly in mind is that the court may "order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated relevant object or operation thereon."

In reference to this particular rule, I was taught in law school that a man's house was his castle. I have always understood that the rights of the security of the home was one of the most fundamental rights that the citizens of this country enjoy, and that right could not be taken away from a citizen except by process of law. A law officer might enter with due process, of course. But how a court, be it the Supreme Court of the United States, for which I have the highest regard and respect, under an act which authorizes it to promulgate rules of procedure and expressly prohibits it from adopting any rule which will either abridge, enlarge, or modify any substantive right of a litigant, can by a rule deprive me of the privacy of my home, because somebody hauls me into court in litigation, is something I cannot understand. The moving party may bring me into court and say:

"I installed certain plumbing fixtures in your bathroom, and you have not paid for them. You claim they were not according to specifications. I want to go in there and photograph them, and I have got an order of the court to do it."

There is another rule that was adopted by the Court, with the limited authority given to it by Congress. That is rule No. 35, which may be found on pages 46 and 47. That rule provides that:

"In an action in which the mental or physical condition of a party is in controversy, the court in which the action is pending may order him to submit to a physical or mental examination by a physician. The order may be made only on motion for good cause shown and upon notice to the party to be examined and to all other parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made."

Now, the question arises, may a court, when Congress has said, "You may not pass any rule which will in any manner affect or abridge the substantive rights of a litigant," by rule require a litigant to submit to a physical examination? If so, then what I have always understood to be the substantive law of the land, the security a man has of his person, is a mere procedural matter and is not a substantive right at all. Can it be possible that my right to privacy is a mere procedural matter? The Supreme Court of the United States, when that question was before it in a case which is cited in the notes that accompany these rules, held that an order made by a judge in a State requiring the defendant to submit to a physical examination was far beyond the power of that court, and excoriated the judge for making such an order. It said that to compel a person to submit his body to a physical examination against his will was an assault and a trespass upon his substantive rights.

Here, for example, take rule No. 13 on page 18. Under that rule permissive counterclaims are provided for. It is also provided in that rule that a counterclaim which arises out of the same transaction upon which the suit is brought must be pleaded as a defense, or that suit will be abandoned, although the statute of limitations may provide that that countersuit may be brought within 3 years, or perhaps 6 years, from the time the cause of action accrued. The other suit may be filed within 3 weeks. If that be a valid rule, then it takes away from the counter claimant the time allowed him under the statute of limitations to file his suit against the other man.

Now, it seems to me that is a change in the substantive law. The statute of limitations is a substantive law. It says that statute is a complete answer and defense to a suit. That is all you need to say. When you say to a man who, under that statute, has 6 years in which to file a claim, that, because another man has sued him, he may have only 1 year or 6 months, you are certainly affecting his substantive rights under that statute, because you are depriving him of the time the legislature has fixed within which he may file that suit. It seems to me that changes the substantive law.

Mr. Kahl K. Spriggs, a member of the bar of the District of Columbia, submitted a memorandum for the consideration of the committee in which he pointed out various rules which, in his opinion, have to do with substantive rights. The memorandum stated, in part:

Rule 2 provides for one form of action to be known as a civil action. On the surface, this rule seems only to modify the form of procedure; to unite the law and equity courts insofar as the mere question of procedure is concerned; to provide for the calling of a suit in equity and an action at law a "civil action." In short, the surface import of paragraph 3 of the notes of the committee (p. 2) is that the mere forms of action and procedural distinctions have been abolished. In reality, however, the rules vest equity powers in the court in actions at law as well as in equity. It would be supposed that a litigant was not entitled to invoke the equity powers of the court under the new system of pleading where he was not entitled to invoke them in a suit theretofore in equity. If, therefore, the matters alleged in the complaint now known as a civil action would not afford a litigant equitable relief measured by the principles obtaining in equity, he ought not to be entitled to such relief under the new proposed rules. (See *Armstrong Cork Co.* v. *Merchants' Refrigerating Co. et al.*, 184 Fed. (C. C. A.) 199, 204.) Such is the law of Congress as it now stands.

The committee, however, have frankly stated in the first sentence of paragraph 1, page 2, of their notes pertaining to rule 2 that it modifies title 28, United States Code, section 384. To what extent this modification applies is not clear. Section 384 states that suits in equity shall not be sustained in any court of the United States in any case where a plain, adequate, and complete remedy may be had at law. A careful study of the new rules shows that under them the court in law actions will have equitable powers, including those over the person, which heretofore had been exercised in equity only and under special circumstances and surrounded by safeguards grown up in conjunction with the practice in equity.

In abolishing the forms of procedure, the substantive jurisdiction and powers of a court of equity may not be conferred upon a court of law under the authority given by the statute authorizing the promulgation of the new rules. In the suits to which reference has been made in the notes of the committee under rule 2, it is to be observed that the provisions for a single action and mode of procedure arise under statutes of the States. Even if Congress is competent to enact all of the provisions found in the new proposed rules, this it has not done, and under the guise of promulgating new rules substantitve legislation cannot be enacted in this indirect manner.

Rule 7 forbids a pleading by the plaintiff to a plea of confession and avoidance, to a plea of new matter, or to any pleading described under rule 8 (c) as affirmative defenses. For example, in any ordinary suit upon a promissory note if the defendant pleads the statute of limitations the plaintiff need not reply, but presumably could rely upon whatever evidence he might be able to produce at the trial to offset the objection of the statute. The defendant would not know until the time of trial whether plaintiff was relying upon alleged acknowledgement of the debt, or part payment, or absence from the jurisdiction. In *French* v. *District Title Insurance Co.* (75 Fed. (2) 650) the Court said that the statute of limitations in the District of Columbia in law actions cannot be raised by demurrer (nor can it be under the new rules. See rule 8 (c)), even where the declaration showed on its face that the statutory period had expired, the reason being that plaintiff is entitled to an opportunity to avoid the bar if he can by replication.

The proposed rules do not provide for definite issues to be raised by the pleadings, and thus to secure the just, speedy, and inexpensive determination of every action. Surely in pleadings, at least, where the parties are not put to any great expense either of time or money, except in the investigation by the attorneys of the real issues of the case, the parties should be held to a fairly accurate presentation of the points in controversy. There is a greater loss of time and expense occasioned by the failure to have pleadings in proper shape and by the lack of preception by respective attorneys of the merits of a case as disclosed by the pleadings than any other single thing. If looseness in pleading is condoned, and even invited, ideal justice will not be attained. The opportunity for surprise afforded by rules allowing laxity of pleadings does not make for speed or simplicity. The proposed rules presume that each litigant knows perfectly well all the contentions of the other side, and that it is only necessary to state in pleadings mere general allegations that the plaintiff claims something of someone and the defendant then may deny this claim. The appendix of forms attached to the rules clearly indicates this. (See especially Form 9 on p. 109, which would now be insufficient in any court of law.) It must be observed that a plaintiff under almost any form of action has from 1 to 3 more years to work up his case. This should be sufficient time to enable him to state with some degree of precision the gravamen of his complaint. The defendant has less time, but with diligence can usually meet the issues within the time prescribed by the rules, and if necessary can secure whatever extension may be necessary. It is elementary in all pleadings and practice that facts should be opposed to each other, or issues should be opposed to each other. Under the proposed rules of pleading neither system is adopted. If order is to be brought out of supposed chaos it cannot be done by having the new order result in greater chaos.

Rule 16. It is difficult to determine just what exactly rule 16 is intended to accomplish, or what the mechanics of it will be. The dockets of almost every Federal court in the land are congested. The courts are behind in the trial of cases already at issue, and upon which the respective litigants are anxious to go to trial. The courts are busy taking care of such cases and deciding those already before them.

The court is given authority in its discretion to direct the attorneys for the parties to appear before it for a conference to consider the simplification of the issues and it is hardly to be assumed, from what has been said, that the court will "with panoramic eyes and microscopic view" search its dockets to determine what cases ought to be simplified. The attorney for one of the litigants, ex parte, by this rule is invited to see the court, discuss the case, and suggest that the other side be called in and an effort made to obtain as much concession as possible; or, the court itself in a case involving political or social ramifications, may, because of predisposition, decide to take the matter in its own hands and extract, by virtue of its position or through moral persuasion, admissions or concessions which may militate against the right of clients. Under rule 11 the pleadings in a cause represent certifications by the respective attorneys that there is good ground to support them. In short, each attorney believes that the things stated in the respective pleadings are necessary and material to the proper disposition of the case. In good faith a defendant and his attorney admit those allegations in the plaintiff's pleadings which are true, and deny those which they controvert. The present law does not permit the court to turn the function of its office of an impartial adjudicator of the law, into a mere moderator or arbitrator. In the modern practice counsel agree among themselves as to what proof may be dispensed with and what documents may be admitted without formal proof.

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Rules 26 to 37, inclusive—rules relating to depositions and discovery—apparently affect substantive rights (*Union Pacific Railway Co.* v. *Botsford*, 141 U. S. 250).

Twenty-eighth United States Code, section 636, affords all full and legitimate use of discovery necessary in law actions, and the extremely wide latitude permitted under rules 26 to 37, as admitted in the committee notes, bring about an unnecessary conflict with the desirable restrictions placed by Congress on the exceptions to trial in open court.

Rule 26 goes further, it is believed, toward permitting a "fishing expedition" to be indulged in concerning matters which may or may not be admissible in evidence than has ever been sanctioned by Congress in a jury action.

Rule 30. Here an important right has been taken away, namely, that of taking depositions orally, without being subject to the discretion of the court. Under the present statute (28 U. S. C., 639) a party may take depositions orally upon reasonable notice.

Under the rule 30 (b), the court has discretion to require that depositions be taken on written interrogatories. In *Henning* v. *Boyle* (112 Fed. 397) the Court said the method of taking testimony by commission is cumbersome and unsatisfactory, and not resorted to when the convenient method of taking proof prescribed by 863 Revised Statutes (title 28, 639) is available. Moreover, under rule 31 (d) the court has discretion to require that depositions which may be taken on written interrogatories shall be taken orally. This is another instance in which the discretion of the court is substituted for the plain mandate of the statutes.

Section 639 of the Judicial Code recognizes that litigants are the best judges of how the case should be conducted, and whether the exigencies of the case require the taking of oral testimony.

Rule 33 permits litigants to go far beyond bounds in jury actions. In addition to permitting equitable remedies in law actions, the rule transcends even the widest latitude allowed under the present Federal equity rules. The committee notes say this rule restates the substance of equity rule 58. A mere reference to that equity rule shows that the interrogatories must pertain to the discovery by one party to the other of facts and documents material to the support or defense of the cause. This safeguard and restriction is omitted in rules 33 and 34. Apparently rule 34 affects substantive rights, especially taken in conjunction with rule 37 (IV), which subjects a party to arrest for failure to obey any order of the court pertaining thereto. In *Union Pacific Railway Co.* v. *Botsford* (141 U. S. 250) it was held that a Federal court could not order a plaintiff in an action for damages to submit to a surgical examination in advance of a trial. The reason, as is clearly shown by the opinion, is that it was a substantive right not conferred by Federal statutes. That case reviews the extent to which courts of common law could go in compelling the production of books and documents, as well as other powers over the parties to the lawsuit.

The special remedies peculiar to equity arose because the parties to the controversy were not on equal footing, by virtue of trust relationship or other conditions where one party was in possession of much of the evidence, and so discovery and restraints upon the person or property were necessary to make either a suit or sometimes a defense to a suit possible.

Rule 36 is said to have its support, among other things, in the last paragraph of equity rule 58. A reference to such paragraph discloses that it is not near as broad, even in an equity suit, as rule 36 of the proposed rules applicable to actions at law as well as in equity. Under the equity rule, a demand for the admission of genuineness of documents is made 10 days before the trial (at a time when a party has prepared for trial) and calls for admitting the authenticity only of the document, letter, or other writing (saving just exceptions). Under rule 36 a party is required to admit or deny not only the genuineness of relevant documents but also the truth of any relevant facts stated therein—whether admissible or not, and apparently without saving any exceptions. Moreover, equity rule 58 calls upon a person to admit the whole document, whereas rule 36 requires one to negative or admit any particular part of a document.

The rule permits a party contemplating a lawsuit to send self-serving declarations to a proposed defendant, and after the suit has been filed call upon him to admit under oath the truth or falsity of such statements, the verbiage of which may have been selected by counsel. Furthermore, it might require the denial under oath of an unverified narration served by a plaintiff pursuant to rule 36.

Under rule 37, if a party refuses to permit entry on his property or to submit to certain other orders relating to discovery after being ordered to do so by a court, he may be punished, among other things, both by the default judgment against him or an arrest. This would seem to be, under the circumstances, legislation affecting substantive rights (*Union Pacific Railway Co.* v. *Botsford*, 141 U. S. 250).

In general, the various powers of discretion reposed in the court under the new rules, together with the power of every litigant to try the case piecemeal, serve to whittle down the right of trial by jury. Heretofore the theory has been that a case may be submitted at one time through the medium of oral testimony and in open court, except in the infrequent instances in which depositions are used. Now, by a kind of inquisition conducted under rule 26, interrogatories under rule 33, discovery under rule 34, and admission of facts under rule 36, together with the consequences imminent under rule 37, there is left little further to be done.

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CONFUSION AND UNCERTAINTY RESULTING FROM THE ADOPTION OF THE PROPOSED RULES

Mr. Charles A. Keigwin, a professor at law and noted authority on procedure, pointed out some of the confusion which will arise in the application of the rules. He said:

In respect to the procedure in the States which have adopted codes, where there is any uniformity in the code practice, there would be very little change, if any. I think these rules substantially adopt the code procedure. In a State like New York, Ohio, or California, I take it that the law would simply follow the procedure you just now brought up. In a jurisdiction like the District of Columbia, or a State like Maryland, or Illinois, or Massachusetts, the lawyers would have to learn the new practice. They would have to get a book on code pleadings.

With respect to substantive rights, what Mr. Marshall spoke about, they would produce the same sort of question in the code States as well as here. In many of the States the common law provides that a foreign corporation doing business in the State may be sued in courts of that State. The Supreme Court has time and again held that corporations may properly be subjected to that jurisdiction where they are doing business within the State.

We have a provision here that the liability of a corporation to be sued will depend upon the law of the State of its incorporation. It is possible that in a State like Delaware—I do not say it has been done or will be done—they would incorporate a concern that could be sued only in the State of Delaware. The corporation might be doing business in Pittsburgh, Cincinnati, or Chicago, and the question is whether or not that provision in these rules would subject that corporation to suit in the courts of the same State or, by he same token, in the United States court sitting in that State, because the corporation is controlled by the laws of the State of its incorporation.

It is the same way with respect to suing a partnership only by its name, or an unincorporated association. That may be the name under which they make their contracts. I take it there is a law in all the States that these people must be sued by their individual names. There are very few States, if any, without such a provision. When this provision goes into effect, you have something which dispenses with local laws, as to the manner in which the partnership may be sued. I think that goes somewhat beyond the procedural method. I think it is a substantive matter. Under our present practice, if you are going to sue A and B, you must sue them by their individual names.

THE RELATIONSHIP BETWEEN LAW AND EQUITY

Mr. Challen B. Ellis, a member of the Bar of the District of Columbia, submitted for the consideration of the committee, in addition to his oral testimony, a memorandum reading in part:

The confusion and uncertainty brought about by the rules for the Federal courts, as now reported to the Congress, arise from the fact that the right of litigants appropriate in equity cases only have now been prescribed for and made applicable to law cases triable by a jury, notwithstanding the act of Congress, under which the rules must be judged and applied specifically, requires that the rules shall preserve in full vigor the right of trial by jury with the ordinary incidents of such trial preserved in the Constitution and further specifically requires that such rules "shall neither abridge, enlarge, nor modify the substantive rights of any litigant" so far as jury actions are concerned.

The trial by jury is a product of the common law as it developed in England prior to the adoption of the Constitution. It has continued and developed in the several States which have complete and sovereign jurisdiction.

The incidents of trial by jury which make up what the Constitution calls due process of law are products of the development of common law in the States. These incidents are part of the rights of litigants and they are substantive rights because they involve the substantive right to due process of law—which may not be denied anyone under our form of government. Congress cannot take away these rights if it tried. It cannot set up a common law of the United States or for United States courts, for there is no common law outside the States. This is the purport of Justice Brandeis' decision April 25, 1938, in *Erie Railroad* v. *Thompkins*.

This decision throws a flood of light on the questions with which we are here concerned; that is, the conflicts and confusion which the new rules bring about.

For these rules do attempt so to modify trial by jury and the rights of litigants with respect thereto, as to seriously impair the efficacy of such a trial as an arbitration by one's neighbor and peers rather than by the uncontrolled action of a single judge.

The broad distinction between an action at law and a suit in equity has grown up in our practice ever since courts were established and dates back to the early days of English common law. The fundamental difference between law and equity is that law is concerned with the settlement of an issue of fact by a jury and does not in any manner involve any restraint on the person of the plaintiff or defendant; while in an action in equity, the court (formerly the chancelor) acted upon the person of the defendant; that is, the court had the authority, upon the proper showing, to order the defendant to do or not to do something on pain of certain punishment (sometimes in addition to contempt of court). As a result of this marked distinction the procedure in an equity suit differs radically from the procedure in a law action, and each has safeguards peculiarly necessary to the respective rights and powers.

Considering the tremendous powers of the chancelor and dangers of abuse, certain safeguards were thrown around an action

in equity which would not be needed nor appropriate in an action at law.

One of the first and most important safeguards is that equity is always an extraordinary remedy; that is, the drastic action of the court against the person of the parties may not be exercised unless that is the only way the complainant can escape irreparable injury. One of the outstanding principles always applied in equity is that if all the complainant is entitled to is a payment of money by the defendant to the plaintiff, he cannot impose any other obligation on the defendant, and, in fact, cannot bring his case in equity at all.

So it has been held over and over again, and has been enacted into the law of the United States, that no person can bring a bill in equity and invoke the extraordinary powers of the court when he has an adequate remedy at law, and ordinarily where an action is one on contract or one for a tort (which means nine-tenths of all the actions), the plaintiff is given remedy in damages. If the action is for breach of contract, the plaintiff is not entitled to anything but damages for the breach; if the plaintiff is injured by the negligence of the defendant, the plaintiff is compensated by damages. He cannot punish the defendant or order the defendant to turn over property to him, or make a deed, or submit to an inspection of his books and papers to establish the plaintiff's claim. In other words, in the ordinary everyday action at law, the question would be whether the plaintiff was damaged, and if so, how much; and the judgment is a money judgment if for the plaintiff and a judgment of dismissal if for the defendant. The defendant cannot be ordered to do anything or not to do anything. He has nothing to fear from interference with his person or conduct. All that is at stake is the property which he owns which may be seized after judgment only on execution, and such seizure can always be avoided by payment of the judgment.

But, in an equity case the court acting as chancellor scrutinizes with the greatest care the statement of the claim so as to be sure that the plaintiff, unless given the particular remedy of court order over the actions of the defendant other than the payment of money, will be irreparably injured; that is, whatever relief he might have will be gone. And so again, if the court finds that the plaintiff, under the guise of an equity proceeding, is attempting to harass the defendant or inquire into the affairs or examine his premises merely because he has a money claim against the defendant, the court is quick to dismiss the action, because it does not state a case in equity.

Now all this is to be thrown aside by the new rules of pleading and practice. Not alone do the rules provide for one form of action—which in itself is not objectionable—but they practically strike down all the safeguards thrown around the action at law; and, in addition, eliminate many of the safeguards peculiarly appropriate to equity.

APPLICATION OF THE DOCTRINE OF ERIE RAILROAD CO. *v.* TOMPKINS TO THE FEDERAL RULES OF CIVIL PROCEDURE

In a memorandum submitted for the consideration of the committee, Mr. Gustavus Ohlinger, a member of the bar of Ohio and an active practitioner in Toledo, Ohio, developed the application of the recent Supreme Court decision in the *Erie Railroad case* to the new rules. His memorandum reads in part:

While for the litigants *Erie Railroad Co.* v. *Tompkins* was concerned solely with a matter of substantive law, nevertheless for the people of the United States it was a forceful restatement of the philosophy underlying our Federal system of government.

The new rules for the district courts deal with procedure—any language in the rules, or any interpretation which would carry them outside that field would be unwarranted. But even as rules of procedure they are subject to the pragmatic tests which the Supreme Court applied to *Swift* v. *Tyson*. Will they introduce "grave discrimination by noncitizens against citizens?" Will they present "uniformity in the administration of the law of the State?" Will the impossibility of discovering a line of demarcation between the field which is appropriate to court rules, and the field which the rules should not enter, develop "a new well of uncertainties?"

Rule 2 provides:

"There shall be one form of action to be known as 'civil action.'"

In its report of April 1937 the Advisory Committee noted that this rule "suspended" United States Code 28:384; in its later Notes to the Rules the Committee advises that the rule "modifies" this section. The section in question is in almost the identical language of section 16 of Judiciary Act of 1789. It reads: "Suits in equity shall not be sustained in any court of the United States in any case where a plain, adequate, and complete remedy may be had at law."

Whether the Supreme Court, by adopting rule 2, meant to supersede or to modify the statute, or, if it intended to modify the statute, then in what particulars it meant to change it, is, at least, uncertain. It can well be argued that the distinction between law and equity is inherent in the Constitution, as interpreted by the Judiciary Act of 1789, and that the rule cannot change it. As said in *Armstrong Cork Co.* v. *Merchants Refrigerating Co.* (C. C. A. 8) (184 Fed. 199, 204):

"The difference, however, between causes of action at law and causes of action in equity is in matter of substance, and not of form. It inheres in the natures of the causes themselves, and it cannot be extracted by legislation or declaration. This ineradicable difference is sedulously preserved in the forms of suits which enforce these causes in the national courts. In those courts a legal cause of action may not be sustained in equity because the parties are entitled to a trial of the issues in such a cause by a jury under article 7 of the amendments to the Constitution of the United States, and it is only when there is no adequate remedy at law that a suit in equity can be maintained. * * * As the essential character of a cause of action and of the remedy it seeks determines whether it is a cause at law or in equity, neither the parties to it nor the court can by declaration or procedure make a cause of action at law a cause in equity, or vice versa, and when a pleading by the complainant, whether styled a petition, a declaration, or a bill, is filed with the clerk of a Federal court which states any cause of action, it necessarily states one at law or one in equity, and the facts set forth in the pleading and the remedy sought thereby determine whether the cause of action pleaded is at law or in equity, and whether the pleading filed invokes the jurisdiction of the court at law or in equity (*Van Nordon* v. *Morton*, 99 U. S. 378, 380, 25 L. Ed. 453; *New Orleans* v. *Construction Co.*, 129 U. S. 45, 9 Supp. Ct. 223, 32 L. Ed. 607)."

Rule 3 consists of two lines. "A civil action is commenced by filing a complaint with the court." What could be simpler? Moreover, what could be more patently procedural than this rule? But a brief comment by the advisory committee gives pause for thought:

"When a Federal or State statute of limitations is pleaded as a defense, a question may arise under this rule whether the mere filing of the complaint stops the running of the statute or whether any further step is required, such as service of the summons and complaint or their delivery to the marshal for service. The answer to this question may depend on whether it is competent for the Supreme Court, exercising the power to make rules of procedure without affecting substantive rights, to vary the operation of statutes of limitations."

In the past the Rules of Decision Act has been applied to State statutes of limitations. The Supreme Court, in *Bauserman* v. *Blunt* ((1893) 147 U. S. 647; 13 S. Ct. 466; 37 L. Ed. 316), said:

"No laws of the several States have been more steadfastly or more often recognized by this Court, from the beginning, as rules of decision in the courts of the United States, than statutes of limitations of actions, real and personal, as enacted by the legislature of a State, and as construed by its highest court (*Higginson* v. *Mein*, 4 Cranch. 415, 419, 420; *Shelby* v. *Guy*, 11 Wheat. 361, 367; *Bell* v. *Morrison*, 1 Pet. 351, 360; *Henderson* v. *Griffin*, 5 Pet. 151; *Green* v. *Neal*, 6 Pet. 291, 297–300; *McElmoyle* v. *Cohen*, 13 Pet. 312, 327; *Harpending* v. *Dutch Church*, 16 Pet. 455, 493; *Leffingwell* v. *Warren*, 2 Black 599; *Sohn* v. *Waterson*, 17 Wall. 596, 600; *Tioga Railroad* v. *Blossburg & Corning Railroad*, 20 Wall. 137; *Kibbe* v. *Ditto*, 93 U. S. 674; *Davis* v. *Briggs*, 97 U. S. 628, 637; *Amy* v. *Dubuque*, 98 U. S. 470; *Mills* v. *Scott*, 99 U. S. 25, 28; *Moores* v. *National Bank*, 104 U. S. 625; *Michigan Insurance Bank* v. *Eldred*, 130 U. S. 693, 696; *Penfield* v. *Chesapeake, &c., Railroad*, 134 U. S. 351; *Barney* v. *Oelrichs*, 138 U. S. 529)."

This rule has been followed quite consistently: *Balkan* v. *Woodstock Iron Co.* ((1894, 154 U. S. 177, 14 S. Ct. 1010, 38 L. ed. 953); *Weems* v. *Carter* ((C. C. A. 4), 30 F. (2d) 202); *Craig* v. *United States* ((C. C. A. 10), 89 F. (2d) 586); and *Graham* v. *United States* ((C. C. A. 10), 89 F. (2d) 591) (limitations on revival of action); *Arkansas Fuel Oil Co.* v. *City of Blackwell* ((C. C. A. 10), 87 F. (2d) 50) (time of accrual of cause of action); *Walton* v. *United States* ((C. C. A. 8), 73 F. (2d) 15); *Apple* v. *Owens* ((C. C. A. 5), 48 F. (2d) 807) (limitation on cause of action of surety for contribution); *Watkins* v. *Madison County Trust & Deposit Co.* ((C. C. A. 2), 24 F. (2d) 370, cert. den. (1928), 277 U. S. 602, 48 S. Ct. 562, 72 L. ed. 1010) (limitation on action for conversion under N. Y. Civil Practice Act); *St. Louis S. F. R. Co.* v. *Quinette* ((C. C. A. 8), 251 Fed. 773).

However, *Van Dyke* v. *Parker* ((C. C. A. 9), 83 F. (2d) 35), indicates that the statute of limitations is not a substantive right but relates to the remedy, and the law of the forum should control. The law of the forum, insofar as the Federal courts are concerned, will be rule 3:

"A civil action is commenced by filing a complaint with the court." Does the mere filing of a complaint toll the State statute of limitations when a State statute, like Ohio General Code, sec. 11230, reads:

"When commenced: An action shall be deemed to be commenced within the meaning of this chapter, as to each defendant, at the date of the summons which is served on him or on a codefendant who is a joint contractor, or otherwise united in interest with him. When service by publication is proper, the action shall be deemed to be commenced at the date of the first publication, if it be regularly made."

"This chapter," as referred to in the section quoted, is the chapter entitled "Limitations of Actions." If the mere filing of a complaint does toll the State statute of limitations, then we have a different and more liberal rule in the Federal court, and litigants in the same State, by reason of the accident of diversity, may be unsuccessful in invoking the statute in the Federal court, while they might succeed in setting up the bar in a State court.

But is rule 3 the law of the forum? The enabling act, act of June 19, 1934 (ch. 651, 48 Stat. 1064), among other things, says:

"Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant * * *. They shall take effect 6

months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect * * *."

The court must, therefore, first draw a line between substantive rights on the one hand and procedure and remedies on the other—a distinction more shadowy and difficult than that between rules of property and general common or commercial law. Any rule invading a substantive right, either under State statute or under State decisions, would, under the Erie Railroad Co. case, be "an unconstitutional assumption of powers by courts of the United States," and an invasion of State autonomy.

Again, what is meant by the words "of no further force or effect"? Is the Rules of Decision Act, insofar as it applies to what has heretofore been considered remedial, rendered of no further force and effect? For the purpose of statutes of limitations will the computation of time in rule 6 enlarge the State statute of limitations and create two rules of limitations side by side? If so, the accident of diversity again could readily change the outcome of litigation. Can the relation back to the date of the original pleading of an amendment under rule 15 (c) whenever the claim "asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading," result in the continuance in the Federal court of litigation which would be barred under the State decisions on the statute of limitations?

So far as suits in equity are concerned, the Federal courts have in the past determined for themselves when a suit was deemed commenced. (See *United States* v. *American Lumber Co.* (C. C. A. 9), 85 Fed. 827; *Humane Bit Co.* v. *Barnet* (C. C. N. J.), 117 Fed. 316; *United States* v. *Miller* (C. C. Oreg.), 164 Fed. 444; *Brown* v. *Pacific Mutual Life Ins. Co.* (C. C. A. 4), 62 F. (2d) 711; *United States* v. *Hardy* (C. C. A. 4), 74 F. (2d) 841.) Will rule 3 be applied uniformly to actions at law and actions in equity, since there is one form of civil action? Here we come upon a dilemma. If it is applied uniformly, it will in law actions override State statutes of limitation and result in different rules in the Federal and State courts. If it is applied only to equity proceedings, as it well might be, the court must first determine what in the past has been a cause of action in equity and a cause of action at law, without having, in the Federal practice, even the familiar landmark of "cause of action" as a guide, it having been superseded by "claim for relief." (See rule 8.)

These questions as to "commencement" of an action will arise, under rule 3, not only in the field of the statute of limitations, as the advisory committee has suggested, but also in connection with abatement and revival. (See *In re Connaway as Receiver of the Moscow National Bank* (1900), 178 U. S. 421, 20 S. Ct. 951, 44 L. Ed. 1134; in the determination of when the doctrine of lis pendens applies, see *Wheeler* v. *Walton & Whann Co.* (C. C. Del.), 65 Fed. 720; and in ascertaining whether a district court or a State court first obtained jurisdiction over a cause, or a res, see *Farmers' Loan, etc. Co.* v. *Lake St. Rd. Co.*, 177 U. S. 51, S. Ct. 564, 44 L. Ed. 667; *Harkin* v. *Brundage* (1928), 276 U. S. 36, 48 S. Ct. 268, 72 L. Ed. 457; *Brown* v. *Pacific Mutual Life Ins. Co.* (C. C. A. 4), 62 F. (2d) 711.) In the latter instance equity and law must again of necessity be separated.

Under V, Depositions and Discovery, rules 26 to 37, inclusive, provision is made for broader powers of discovery than obtain in most of the States. In fact, in the words of the advisory committee, these sections give an "unlimited right of discovery." Will this introduce "grave discriminations by noncitizens against citizens," such as were criticized by the Supreme Court in the Erie Railroad Co. case? Will such a "unlimited right of discovery" be abused by nonresidents against residents, as a means of forcing settlement in "nuisance" suits? Will not serious uncertainties arise as to whether rules 38 and 39 under more than lip service to the seventh amendment? How many uncertainties as to venue and the existence of a case or controversy will arise as to third-party practice under rule 14?

Will substantive rights be affected and will different results be reached in the State and Federal courts when rule 43 on evidence is applied? It is interesting to note the companion articles by Charles C. Callahan and Edwin E. Ferguson entitled "Evidence and the New Federal Rules of Civil Procedure," appearing in 45 Yale L. J. 622 and 47 Yale L. J. 194. In volume 45, at page 645, it is said:

"There is often a very close judicial relation between legal rights and the evidence which will establish them. Presumptions and burden of proof, suits involving title to land, are commonly used examples. It can be urged that conformity would operate to give full force and effect to local remedies and modes of rendering substantive rights cognizable. And so far as cases of exclusive Federal jurisdiction are concerned, conformity has been said to be desirable in that the Federal court will have the benefit of advanced State legislation.

"The proponents of conformity, however, rely mainly on the argument that substantive rights are better enforced through State rules of evidence."

Again, at pages 646–647, it is said:

"And the evils which the proponents of conformity fear may very well disappear through the States' gradual acceptance of the Federal system as their model. This was the belief and hope of the proponents of the new rules of procedure. One writer suggests that 'there are serious considerations militating against such an outcome,' in that the States will quite likely wish to keep the control of the processes of their courts in their own hands, and that should there be such adoption, the initiative in judicial reform would pass to Washington, weakening the vitality of State jurisprudence. Without concrete evidence one way or the other, a valid prediction is difficult; but it is submitted that if the Federal procedure is as successful in operation as it might well be, the pressure of the people and bar in the State will be brought to bear upon its adoption, rather than toward a jealous guarding of procedural independence; that it is a matter of conjecture whether State initiative in reform will cease upon an adoption of the Federal procedure."

As against these conjectures, it is well to recall the remark of Justice Holmes in *New York Trust Co.* v. *Eisner* (1921; 256 U. S. 345, 349, 41 S. Ct. 506, 65 L. Ed. 963):

"A page of history is worth a volume of logic," and to consider the opinion in the Erie Railroad case:

"Experience in applying the doctrines of *Swift* v. *Tyson*, had revealed its defects, political and social; and the benefits expected to flow from the rule did not accrue. Persistence of State courts in their own opinions on questions of common law prevented uniformity; * * * and the impossibility of discovering a satisfactory line of demarcation between the province of general law and that of local law developed a new well of uncertainties * * *.

"On the other hand, the mischievous results of the doctrine had become apparent. Diversity of citizenship jurisdiction was conferred in order to prevent apprehended discrimination in State courts against those not citizens of the State. *Swift* v. *Tyson* introduced grave discrimination by noncitizens against citizens. It made rights enjoyed under the unwritten 'general law' vary according to whether enforcement was sought in the State or in the Federal court; and the privilege of selecting the court in which the right should be determined was conferred upon the noncitizen. (Note No. 9.) Thus, the doctrine rendered impossible equal protection of the law. In attempting to promote uniformity of law throughout the United States, the doctrine had prevented uniformity in the administration of the law of the State."

The statements quoted are strongly supported by the references in the notes which accompany the opinion.

Again compare the history of *Swift* v. *Tyson* with the following comment on page 197 of volume 47, Yale L. J.:

"It is not intended to present a dark picture of the operation of this part of rule 44; indeed its virtue seems to lie in the fact that it does not restrict courts to a particularized body of rules. As to general questions of admissibility, therefore, the Federal courts will have complete freedom to develop their own rules. This may be somewhat of an overstatement. The fact that certain evidence, such as flagrant hearsay or opinion, is not admissible in any court, coupled with the judicial dislike for sudden change, point to the prediction that, although the Federal courts will be starting practically with a clean slate so far as rules of admissibility are concerned, the new body of precedent will be much the same as the old in general outline. But the rule of admissibility as proposed by the advisory committee does give the courts a free hand in applying reforms to individual rules, thus keeping them abreast of the times."

The inconsistency of the philosophy underlying the new rules, with that upon which *Erie Railroad Co.* v. *Tompkins* is based, becomes apparent. The hopes now expressed were also entertained by Justice Story who wrote the opinion in *Swift* v. *Tyson*. For a hundred years the Supreme Court wrestled with the problems arising out of that decision while it waited for the fulfillment of those hopes. Finally, in desperation, it abandoned entirely the century old, yet always new, "well of uncertainties."

It should be borne in mind, too, that many of the rules are modeled after those prescribed for courts of general jurisdiction under unitary governments—the English rules under the Judicature Act, the rules adopted in self-governing commonwealths of the British Empire; and after those which States have provided by legislation for courts of general jurisdiction. Senator KING has pointed out, in the hearings on the present resolution, how even under the English rules "over 4,000 cases went to the courts growing out of misinterpretation or lack of interpretation, or attempts to reconcile the rules with what might be called substantive law."

Our problems are vastly more difficult than those that might arise in a unitary State with courts of general jurisdiction. The district courts are courts of strictly limited powers in a Federal State. They are confronted by all the problems inherent in their special character—problems of State autonomy and independence, problems of equal protection of the law, and by problems of jurisdiction and venue. As said by Benjamin R. Curtis, one time an Associate Justice of the Supreme Court:

"Let it be remembered, also—for just now we may be in some danger of forgetting it—that questions of jurisdiction were questions of power between the United States and the several States."

CITY OF NEW BRUNSWICK, N. J.

Mr. BROWN of Michigan. Mr. President, I ask unanimous consent that the votes whereby Senate bill 1294 was ordered to be engrossed for a third reading, read the third time, and passed on yesterday be reconsidered. There are certain amendments which the Senator from Nebraska [Mr. BURKE], the Senator from Louisiana [Mr. ELLENDER], and I intended should be added to the bill. I ask that the bill be now reconsidered, and the amendments agreed to.

The PRESIDENT pro tempore. The Chair understands the request of the Senator from Michigan to be that the votes by which Senate bill 1294 was ordered to be engrossed for a third reading, read the third time, and passed on yesterday, be reconsidered; also, that if the bill has been transmitted to the House of Representatives, it be recalled.

Mr. BROWN of Michigan. Yes; I ask that the bill be recalled from the House, if necessary.

The PRESIDENT pro tempore. Is there objection to that request? The Chair hears none.

Mr. KING. Mr. President, a parliamentary inquiry. May amendments be offered to the bill while it is in the possession of the House, or must the Senator from Michigan wait until the bill is returned?

The PRESIDENT pro tempore. The Chair is not yet advised as to whether the bill is still in the possession of the Senate. If the bill is not in the possession of the Senate, it will be necessary to recall the bill from the House.

Mr. BROWN of Michigan. When that is ascertained, I will take up the matter again.

Mr. BROWN of Michigan subsequently said: Mr. President, I ask that the amendments which I send to the desk be stated.

The PRESIDENT pro tempore. Senate bill 1294 is in the possession of the Senate. Therefore, it is in order, by unanimous consent, that the votes by which it was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered, and that the bill be restored to the calendar. Is there objection to that course? The Chair hears none, and it is so ordered.

Is there objection to temporarily laying aside the unfinished business and proceeding to the consideration of Senate bill 1294?

Mr. McNARY. Mr. President, I did not hear the nature of the request.

The PRESIDENT pro tempore. The request of the Senator from Michigan is that the Senate proceed to the consideration of Senate bill 1294, and that the unfinished business be temporarily laid aside for that purpose.

Mr. KING. It is a bill which we passed yesterday. By inadvertence, the amendments were not incorporated in it.

The PRESIDENT pro tempore. The Chair hears no objection.

The Senate proceeded to consider the bill (S. 1294) for the relief of the city of New Brunswick, N. J.

The PRESIDENT pro tempore. The amendments offered by the Senator from Michigan [Mr. BROWN] will be stated.

The amendments submitted by Mr. BROWN of Michigan to the committee amendment in the nature of a substitute agreed to yesterday were as follows:

On page 3, line 7, before the words "per centum", to strike out "14" and insert "15"; on page 4, line 1, after the word "price", to strike out "but such" and insert a period and "The amount of such mortgage may be increased, as may be determined by the Secretary of the Treasury and the Reconstruction Finance Corporation pursuant to the rules and regulations adopted under the provision of section 13 (b) hereof, but the face amount of any such"; on the same page, line 12, after the word "years" and the period to insert "The Corporation is hereby authorized and directed to apply for such insurance."

On page 4, after line 12, to strike out section 12 and insert in lieu thereof the following:

Sec. 12. (a) The Reconstruction Finance Corporation is hereby authorized to purchase from the United States Housing Corporation, at their face value, such of the aforesaid mortgages as in the opinion of the Board of Directors of Reconstruction Finance Corporation constitute full and adequate security for the indebtedness secured thereby, and to sell or otherwise dispose of any such mortgages so purchased for such price and upon such terms as it may determine.

(b) Any such mortgages not purchased by Reconstruction Finance Corporation may be sold by the United States Housing Corporation pursuant to rules and regulations adopted under the provisions of section 13 (b) hereof.

(c) The funds received by the United States Housing Corporation from the sales provided for in sections 10 and 13 hereof, from any collections on mortgages executed and delivered pursuant to section 11 hereof, and from any sales of such mortgages authorized by said section 11, shall be used to clear any liens described in clause (c) of section (c) of section 10, and to pay any special expenses incurred by the United States Housing Corporation in carrying out the provisions of this act, including title expenses, recordation costs, and any expenses of the application to Federal Housing Administrator for insurance pursuant to section 11 hereof, and the remainder may, in the discretion of the Secretary of the Treasury and the Reconstruction Finance Corporation and pursuant to the rules and regulations promulgated under section 13 (b) hereof, be paid to the city of New Brunswick, N. J., for municipal and school service rendered to the Lincoln Gardens area and the residents thereof prior to the date of the sale of such property as provided in section 10.

On page 5, line 17, after the words "may be", to strike out "necessary to carry" and insert "deemed advisable in carrying", and in line 18, after the word "Act", to insert "and settling any pending litigation with respect to any property involved", so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to authorize the President to provide housing for war needs", approved May 16, 1918, as amended, is hereby amended by adding at the end thereof the following new sections:

"SEC. 9. The United States Housing Corporation (hereinafter referred to as the 'Corporation') is authorized and directed to accept from any person holding an existing contract for the property in the Lincoln Gardens project, New Brunswick, N. J., a full release of any right or interest any such person may have acquired by reason of any such contract. Upon tender of release by any such person and acceptance by said Corporation, such contract shall become null and void and of no further force or effect, and shall be considered as a forfeiture of any right or interest any person may have acquired under or by reason of such contract.

"SEC. 10. Upon any such tender, acceptance, and forfeiture, the Corporation shall sell to such person the property covered by such forfeited contract for an amount equal to the sum of (a) 15 percent of the original contract price of such property, (b) any sum which was due the Corporation under such contract and unpaid on the date of such forfeiture, and (c) the value of any other valid liens (but not tax liens) against such property existing on the date of such sale. Such sale shall be made upon the terms and conditions set forth in section 11 hereof, and the purchaser shall have the option to elect whether to pay the purchase price in cash or partly in cash, or to have the payment of the same in whole or in part secured by the mortgage referred to in section 11.

"SEC. 11. Upon the sale of such property as provided in section 10, the Corporation shall, notwithstanding any alleged tax liens against such property, execute and deliver to the purchaser a warranty deed for such property, free and clear of all encumbrances to the date of such sale. The United States, upon conveyance, shall retain a first lien for any unpaid portion of the purchase price. To secure such lien the purchaser shall execute and deliver a first mortgage to the Corporation for any unpaid portion (or all) of the purchase price.

The amount of such mortgage may be increased, as may be determined by the Secretary of the Treasury and the Reconstruction Finance Corporation pursuant to the rules and regulations adopted under the provision of section 13 (b) hereof, but the face amount of any such mortgage shall not exceed 50 percent of the original contract price at which the property was first sold by the United States. Such first mortgages shall be executed upon a form approved by the Federal Housing Administrator for use in the State of New Jersey, shall bear interest at a rate not to exceed 5 percent per annum, and shall contain such further terms and conditions as may be necessary to make them legally eligible for insurance under title 2 of the National Housing Act as amended: *Provided,* That at the option of the purchaser such mortgages may be made to mature in not to exceed 15 years. The Corporation is hereby authorized and directed to apply for such insurance.

SEC. 12. (a) The Reconstruction Finance Corporation is hereby authorized to purchase from the United States Housing Corporation, at their face value, such of the aforesaid mortgages as in the opinion of the Board of Directors of Reconstruction Finance Corporation constitute full and adequate security for the indebtedness secured thereby, and to sell or otherwise dispose of any such mortgages so purchased for such price and upon such terms as it may determine.

(b) Any such mortgages not purchased by Reconstruction Finance Corporation may be sold by the United States Housing Corporation pursuant to rules and regulations adopted under the provisions of section 13 (b) hereof.

(c) The funds received by the United States Housing Corporation from the sales provided for in sections 10 and 13 hereof, from any collections on mortgages executed and delivered pursuant to section 11 hereof, and from any sales of such mortgages authorized by said section 11, shall be used to clear any liens described in clause (c) of section 10, and to pay any special expenses incurred by the United States Housing Corporation in carrying out the provisions of this act, including title expenses, recordation costs, and any expenses of the application to Federal Housing Administrator for insurance pursuant to section 11 hereof, and the remainder may, in the discretion of the Secretary of the Treasury and the Reconstruction Finance Corporation and pursuant to the rules and regu-

lations promulgated under section 13 (b) hereof, be paid to the city of New Bruswick, N. J., for municipal and school service rendered to the Lincoln Gardens area and the residents thereof prior to the date of the sale of such property as provided in section 10.

SEC. 13. (a) Anyone who fails or refuses to execute a release to the Corporation as provided in section 9 hereof, for any reasons whatsoever, within 90 days after the date such section takes effect, shall be ineligible to receive the benefits of sections 9 to 11, inclusive, of this act, and the Corporation shall cause such proceedings to be instituted as may be appropriate to enforce the rights of the United States, and if necessary, to divest anyone of any interest which may have been acquired in any property in the Lincoln Gardens project, and sell the property so recovered at public or private sale. The Corporation may, however, in its discretion, extend such time for a further period of not to exceed 90 days.

(b) The Corporation, with the approval of the Secretary of the Treasury and the Reconstruction Finance Corporation, shall have power to make such rules and regulations as may be deemed advisable in carrying out the provisions of sections 9 to 13, inclusive, of this act and settling any pending litigation with respect to any property involved.

The amendments to the amendment were agreed to.

The amendment, as amended, was agreed to.

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

The title was amended so as to read: "A bill to amend the act entitled 'An act to authorize the President to provide housing for war needs,' approved May 16, 1918, as amended."

GRIFFITH L. OWENS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3215) for the relief of Griffith L. Owens, which was, on page 1, line 8, after "amended"," to insert "and as limited by the act of February 15, 1934 (48 Stat. 351),".

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

The motion was agreed to.

SALE BY THE UNITED STATES OF WAR MATERIALS TO JAPAN

Mr. POPE. Mr. President, the American people are shocked at the continued Japanese barbarities in carrying out her campaign against China. Our Government has protested against particular acts of violence, and we have claimed damages for property destroyed. America has been joined by other powers in these protests. It is just as well, however, for us to recognize the bitter fact that it is America which is supplying 54.4 percent of the materials absolutely necessary in order that Japan may continue her aggression against China. It is doubtful whether Japan could get these materials if we were not willing to supply them.

These commodities are: Oil; iron—pig iron, scrap iron and steel; ores—lead, copper, tin, zinc; aluminum; machinery—engines and parts for automobiles and airplanes; trucks, motors, and so forth.

The figures have just been compiled from the reports issued by the Japanese Government, and also from the United States Department of Commerce, Far Eastern Financial Note, No. 246, January 19, 1938.

I have before me a table showing the distribution of Japanese imports essential for war purposes by the principal countries. Mr. President, I ask that the table may be printed in the RECORD at this point.

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

Distribution of Japanese imports essential for war purposes, by principal countries

[Thousands of yen]

Commodity class and country	1937		1936	
	Value [1]	Percent of total	Value	Percent of total
All oil		100.0	172,491	100.0
United States of America		60.5	109,340	63.4
Dutch India		30.8	43,492	25.2
British Borneo		4.4	9,524	5.5

[1] The values for 1937 have not been entered here because the estimated figures are not accurate enough to be of any real use.

Distribution of Japanese imports essential for war purposes, by principal countries—Continued

[Thousands of yen]

Commodity class and country	1937		1936	
	Value	Percent of total	Value	Percent of total
Ores (iron, zinc, etc.)		100.0	51,151	100.0
British Malay		[2] 36.9	18,865	36.9
China		16.9	12,015	23.5
Philippine Islands		[2] 11.9	6,092	11.9
British India		9.9	4,184	8.2
Australia		6.3	3,288	6.4
United States of America		4.7	778	1.5
Great Britain		1.3	641	1.3
Pig iron		100.0	42,064	100.0
United States of America		41.6	69	.2
Manchuria		22.3	14,659	34.8
British India		24.2	14,570	34.6
Soviet Union			12,528	29.8
Great Britain		1.5	220	.5
Belgium		.9		
Other iron		100.0	149,976	100.0
United States of America		59.7	78,026	52.0
Germany		5.6	12,120	8.1
Belgium		5.4	7,447	4.9
British India		4.8	7,568	5.0
Great Britain		4.0	7,100	4.7
Dutch India		[2] 2.1	3,100	2.1
Australia		[2] 2.0	3,034	2.0
Copper		100.0	32,873	100.0
United States of America		92.9	31,930	97.1
Canada		3.5	490	.1
Lead		100.0	26,873	100.0
Canada		41.4	11,779	43.8
British India		19.7	3,765	14.0
Australia		5.8	219	.8
United States of America		4.1	2,642	9.8
Tin		100.0	15,082	100.0
Straits Settlements		50.5	8,677	57.5
China and Hong Kong		25.6	5,653	37.5
Dutch India		3.2	235	1.6
Zinc		100.0	10,997	100.0
Australia		43.8	3,439	31.3
Canada		23.2	3,836	34.9
United States of America		20.4	1,999	18.2
Aluminum		100.0	13,229	100.0
Canada		67.9	8,620	65.2
Norway		22.9	759	5.7
Great Britain		6.6	44	.3
Switzerland		1.4	1,952	14.8
United States of America		.3	489	3.7
Automobile and parts		100.0	37,036	100.0
United States of America		91.2	34,929	94.3
Germany		3.5	810	2.2
Great Britain		2.2	674	1.8
Machinery and engines [3]		100.0	33,243	100.0
United States of America		48.5	14,095	42.4
Germany		25.6	8,942	26.9
Great Britain		14.7	5,917	17.8

[2] The percentages are those for 1936.

[3] All machinery combined.

Mr. POPE. I desire to call attention to the imports into Japan from various countries and the percentage thereof coming from the United States. Let us take oil. The United States ships to Japan 60.5 percent of all the oil that is purchased by Japan from all countries. The United States furnishes 41 percent of all the imports of pig iron into Japan. The United States furnishes 59.7 percent of all other kinds of iron purchased by Japan from other countries. The United States furnishes 92.9 percent of all copper that is purchased by Japan. The United States furnishes 20 percent of the zinc purchased by Japan. The United States furnishes 91.2 percent of all automobiles and automobile parts, which include trucks, used by the Japanese in their war on China. The United States furnishes 48.5 percent of all machinery of all kinds purchased by Japan and used in the war against China.

The following table is still more conclusive in its proof of the fact that America is Japan's best support in the war against China. The table shows the contribution of the nine principal countries toward the Japanese aggression.

In 1937 the United States furnished 627,238 yen toward the Japanese bill for war materials, or 54.4 percent, as I have pointed out. The British Empire furnished 17.5 percent of Japan's bill for war materials; Dutch India, 7.4 percent; and so forth, as shown in the table for the nine countries. I ask that the table be included as a part of my remarks.

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

Principal countries	1937	
	Value[1]	Share in aggregate[2]
	Thousand Yen	*Percent*
United States of America[3]	627,238	54.4
British Empire[3]	201,496	17.5
Dutch India	84,913	7.4
Germany	43,434	3.8
Belgium	23,473	2.0
China[4]	20,099	1.7
Soviet Union		
Norway	2,931	.3
Switzerland	179	.02
Total	1,003,764	87.1

[1] Values for 1937 are approximate estimates.
[2] Aggregate value of imports of 13 commodity classes: 1937, 1,152,861,000 yen; 1936, 585,015,000 yen.
[3] United States of America includes Philippine Islands; British Empire includes Great Britain, Canada, Australia, India, Malay, and British Borneo.
[4] Manchuria is excluded.

Mr. POPE. The table shows that our exports to Japan are by far the most important, supplying in 1937 54.4 percent of all the materials essential to Japan's campaign in preparation for her war and the carrying on of her aggressive war against China. The British Empire takes the second place; Dutch India, third.

On the other hand, Germany, the ally of Japan, furnishes but 3.8 percent of these war materials. The remainder comes from the democratic countries of Europe and of the Western Hemisphere.

This morning's newspaper tells of another horrible bombing of Canton. In that operation the United States furnished more than half the gasoline and oil necessary for carrying out the venture.

Another item which is absolutely essential to Japan for the continuance of the war is credit. The bulk of the credit is being furnished her by the United States.

There may be serious question as to what other course the United States ought to follow in this matter. Certainly serious consideration should be given to any other course; but the interesting fact remains that while the United States protests against the aggression of Japan in China, and while 95 to 99 percent of the American people feel keenly the invasion of China by Japan, yet the United States, by furnishing the necessary war materials to Japan, keeps her going in her war on China. I think it is clear that if it were not for the materials which the United States is furnishing Japan, this war of aggression would be seriously hampered. Whether the Japanese embargo should be supported by the Government may be a question. At any rate, the American people ought to know that while they are longing for the discontinuance of the aggressive war upon China by Japan, we are making it possible for Japan to carry on the war by the shipment of war materials to Japan.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Dieterich	King	Pittman
Andrews	Donahey	La Follette	Pope
Ashurst	Duffy	Lee	Radcliffe
Austin	Ellender	Lewis	Reames
Bailey	Frazier	Lodge	Russell
Bankhead	George	Logan	Schwartz
Barkley	Gerry	Lonergan	Schwellenbach
Berry	Gibson	Lundeen	Sheppard
Bilbo	Glass	McAdoo	Shipstead
Bone	Green	McGill	Smith
Borah	Guffey	McKellar	Thomas, Utah
Brown, Mich.	Hale	McNary	Townsend
Brown, N. H.	Harrison	Maloney	Truman
Bulkley	Hatch	Miller	Tydings
Bulow	Hayden	Milton	Vandenberg
Burke	Herring	Minton	Van Nuys
Byrd	Hill	Murray	Wagner
Byrnes	Hitchcock	Neely	Walsh
Capper	Holt	Norris	Wheeler
Caraway	Hughes	O'Mahoney	
Connally	Johnson, Calif.	Overton	
Copeland	Johnson, Colo.	Pepper	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

CLAIMS OF CHOCTAW INDIANS OF MISSISSIPPI

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1478) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

Mr. CONNALLY. I move that the Senate disagree to the amendment 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 Presiding Officer appointed Mr. WHEELER, Mr. CHAVEZ, and Mr. FRAZIER conferees on the part of the Senate.

BLUE RAPIDS GRAVEL CO.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2566) for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans., which were, on page 1, line 4, to strike out all after "money" down to and including "Corps" in line 6 and insert "in the Treasury not otherwise appropriated"; and on page 1, line 8, to strike out "Government" and insert "United States."

Mr. CAPPER. I move that the Senate concur in the House amendments.

The motion was agreed to.

EDITH JENNINGS AND LEGAL GUARDIAN OF PATSY RUTH JENNINGS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2798) for the relief of Edith Jennings and the legal guardian of Patsy Ruth Jennings which were, on page 1, line 8, after "Jennings", to insert "a minor", on page 2, line 2, after "Administration", to insert ", near Derby, Kans."; and to amend the title so as to read: "An act for the relief of Edith Jennings and Patsy Ruth Jennings, a minor."

Mr. CAPPER. I move that the Senate concur in the House amendments.

The motion was agreed to.

RIVER AND HARBOR AUTHORIZATIONS

The Senate resumed the consideration of the bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. COPELAND obtained the floor.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. I did not know any Senator had the floor.

Mr. COPELAND. I have asked that the unfinished business be laid before the Senate. I inquire if that has been done.

The PRESIDING OFFICER. The unfinished business, the river and harbor bill, is now before the Senate.

Mr. COPELAND. Then I yield to the Senator from Nebraska.

Mr. NORRIS. I do not want to interrupt the Senator from New York.

Mr. COPELAND. As I said last night, so far as the committee amendments are concerned, they have been considered, and the bill is now open to amendment from the floor.

Mr. NORRIS. That is what I want to get the floor for. I desire to offer an amendment, but I do not want to take the Senator off the floor, if he desires to speak. I am in no hurry whatever.

Mr. COPELAND. I am glad to yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I desire to make a few general remarks on the bill before I offer the amendment.

I realize that probably it will be futile to offer any amendment to the bill or that amendments very likely will be

voted down and the bill will be passed as the committee has reported it. That could not be prevented by a regiment of soldiers. Of course, I do not desire to defeat the bill, but I do not wish to be misunderstood in connection with the amendment that I intend to offer.

I am opposed to the Corps of Engineers of the United States Army being given power to fix a policy of the Government. The amendment which I am going to offer takes away a power conferred by this bill upon the Corps of Engineers to fix a governmental policy.

I am actuated, Mr. President, by no disrespect for the Corps of Engineers. I think they are men of high professional character and ability. Their viewpoint, at least on life in general and upon government in particular, is not always the same as mine, but I cannot criticize them for that. However, there is no reason, in my judgment, why we should confer the power to determine a governmental policy upon the Corps of Engineers. The pending bill, to some extent, does that. I admit it does so in a very mild way; it does not go nearly so far as does the flood-control bill, the companion bill, which is now on the calendar, and which, I understand, is to be taken up tomorrow; but it takes a step in that direction. As I see it, there is no reason why a man because of the high professional character and ability in the engineering line should therefore be empowered to fix a Government policy, even in regard to those improvements which, as an engineer, he has charge of and which he constructs.

I should like to add also that the Army has no monopoly on high professional qualifications in the engineering line. The Reclamation Bureau, a governmental bureau, has constructed some of the most important engineering works, including dams and other improvements, that are known to the world. I do not mean that they outshine everyone else, but they compare favorably with any other organization of engineers anywhere. The great Boulder Dam was constructed under the supervision of the Reclamation Bureau. As I remember, the Pathfinder Dam, which at the date of its construction, was one of the great engineering feats of the world, was constructed by the Reclamation Bureau. The great Guernsey Dam was constructed by the Reclamation Bureau. Without exception, so far as I know, the Reclamation Bureau wherever it has constructed a dam or built an improvement of any kind has done so without any professional criticism from any source.

The T. V. A. likewise, not so prominent, perhaps, so far as Government engineers are concerned, not perhaps having such a reputation as the Reclamation Bureau, has constructed some wonderful engineering improvements.

The engineers, as I understand, in the various organizations are not jealous of each other. In what little I have done to observe some of these improvements develop and grow, I have found a remarkable cooperation between, for instance, the Corps of Engineers of the Army, and the engineers of the Reclamation Bureau, and between the Reclamation Bureau and the War Department engineers and the T. V. A. engineers. So far as I know, they have cooperated without any friction, they help each other, and I am very glad to be able to say that it is to the credit of all that they unite and combine in the construction of great engineering undertakings, to make them perfect, useful, and able to last forever.

I would not, however, confer upon any of these engineering organizations the right to fix a policy of the Government for reclamation, for rivers and harbors, for power, for flood-control, or any of these things; and we have not done it in the past. They are called upon for certain professional opinions, and they give them. We usually follow their opinions when they give them to us. They are valuable. I am not complaining about that course of procedure. I agree to it. I approve it. But, Mr. President, as I see the matter, their professional ability does not enable them to fix a governmental policy as to whether, for instance, in the case of a given river, we should devote the money and the ability of governmental officials to constructing dams and flood-control reservoirs on the river from its source to its mouth as a whole, or whether we should divide up the work. That is a question of governmental policy. Often it is quite important to decide it. There is a great deal to be said regarding it; and I have often argued that when we start to develop a river, and all kinds of improvements that may come from its development, we ought to develop it as a whole. We ought to build no dams without considering the location of all other dams on the river, so that their location will not conflict. If we are developing a river for flood-control—and that probably is the greatest reason why we are building dams everywhere in the country—we ought to locate every dam with reference to every other dam, and with reference to every reservoir which God has made and placed there that will hold water.

This bill in section 1 confers upon the Corps of Engineers a policy-making power which, as I see it, is absolutely unnecessary. We have never before done it. We have had no difficulty, so far as I know, with the Government engineers in doing their work; and yet the following language appears in the bill, and my motion is to strike it out of the bill, commencing after the word "documents" in line 9, on page 1, strike out down to and including line 7 on page 2. The matter which is proposed to be stricken out reads as follows:

And that hereafter—

That is a long while. That is the word we usually use when we desire to make legislation permanent for all time.

And that hereafter Federal investigation, planning, and prosecution of improvements of rivers, harbors, and other waterways for navigation and allied purposes shall be a function of and under the jurisdiction of the Corps of Engineers of the United States Army under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation.

Mr. President, we have been working upon rivers and harbors ever since I can remember. The bulk of all the work has been done by the Corps of Engineers of the Army. We have never before attempted—not until recently, at least—to place the policy of the Government under the control and under the supervision of the Corps of Engineers. As I see the matter, it is unnecessary to do so. There is grave danger ahead if we take this step and follow it to its logical conclusion.

It seems to me, Mr. President, that the Senator from New York [Mr. COPELAND] ought to be willing to accept the amendment and to strike this language from the bill, and not try to tie our Government down to some policy. We may not now know what it is going to be—and what is the necessity of doing it? We have never before had difficulty in that respect. We have done what we wanted to do in Congress about these improvements. From time to time we have passed various laws on the subject. There never has been any complaint, so far as I know, that the Corps of Engineers lacked the proper authority to build a dam. We have mapped the policy, or we have authorized some other organization to make a study and report to us what the policy ought to be. Now we are turning it over to a body of men—high-class, professional, educated men—who in their line probably have no superior anywhere, but they are not selected by the country to fix the policy of the Government. They are given by the bill arbitrary authority to plan; and whether or not they are to go ahead and go further in the matter depends only upon the proper appropriation being made by Congress to carry out their work.

It seems to me, therefore, that this language ought to be stricken out. I have talked with the great Senator from New York, who has the bill in charge, and have tried to induce him to strike out this language and not include it in the bill. He has very courteously declined to do it, which, of course, he has a perfect right to do. The fact that the proponents of the bill are so tenaciously hanging on to this language makes me more suspicious than ever that if we start out on this plan, we shall get into trouble before we logically finish it.

Mr. President, at the present time I do not know that I have anything further to say on the amendment. This language ought to be stricken out, because it does not add to the bill, unless we want to place the policy-making power of the Government in the Corps of Engineers. If we do, then we want this language. There is no other reason, so far as I can see, why we should have it.

The PRESIDING OFFICER. Will the Senator restate his amendment?

Mr. NORRIS. The amendment has not been printed; but it is so simple, so far as the form of the amendment is concerned, that I did not suppose it was necessary to have it printed. The amendment is on page 1, line 9, after the word "documents", to strike out down to and including line 7 on page 2.

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

Mr. NORRIS. I yield to the Senator from Louisiana.

Mr. OVERTON. I desire the Senator's interpretation of the language to which he objects, and which he seeks to have stricken out of the bill. I may be wrong, but from what the Senator said, I infer that he believes that the language would vest in the Army engineers authority to proceed with the improvement of rivers and harbors and other waterways for navigation purposes without the prior sanction and authority of the Congress.

What I mean by my inquiry is, Does the Senator interpret this language to mean that the Corps of Engineers would be vested with the power to authorize any project? Does the present language of the bill take that authority out of Congress and place it in the Corps of Engineers; or is the Corps of Engineers simply authorized to plan but not to prosecute a project unless there is an act of Congress authorizing it?

Mr. NORRIS. They cannot prosecute a project unless they have an appropriation; but when the authorization is given, the appropriation will almost automatically follow.

If it is true, Mr. President, as the Senator's question rather intimates, that this language does not confer any power, then why have it in the bill? If it is not any good, let us take it out. It seems to me that ought to be a sufficient answer. If this language is not meant to give the Corps of Engineers any power or authority, then it consists of useless words which we might very well strike out.

Mr. OVERTON. I will say to the Senator that Congress might very well authorize the Corps of Engineers to investigate these different projects and make plans for them——

Mr. NORRIS. All right; we have always done that.

Mr. OVERTON. But not to undertake any of them without an act of Congress authorizing it.

Mr. NORRIS. We have always done that. We have always referred projects to the Corps of Engineers for investigation and appropriated money so that they could carry on the investigations. They report back to us, and we either reject their recommendations or accept them.

Mr. OVERTON. That has been the policy.

Mr. NORRIS. Do we want to change that policy?

Mr. OVERTON. I had nothing to do with the preparation of the proposed legislation, but I think the language in the bill is intended to give specific authority to the Corps of Engineers to make studies and investigations of our rivers and harbors with the view of submitting plans to the Congress for its approval. Then, when the Congress has approved them, the work is to be prosecuted by the Secretary of War.

Mr. NORRIS. Have we not been proceeding in that way?

Mr. OVERTON. We have been. There has been no particular authority for it, but we have been doing that.

Mr. NORRIS. No one has objected to it, and we have gotten along very well. Why not continue in that way?

Mr. OVERTON. My purpose was merely to get the view of the Senator and his interpretation with respect to the language.

Mr. NORRIS. It is my idea that that plan has been satisfactory, has worked all right. No complaint has been made about it by anyone; and if we are to continue the practice, we do not need this language. What would be accomplished by this language unless there is something beyond what appears?

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

Mr. NORRIS. I yield.

Mr. BARKLEY. The last river and harbor measure, the act approved August 26, 1937, in the first section, after providing that—

> The following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized—

Says—

> and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers.

That makes it permanent law. Whenever Congress in a measure of that sort says that "hereafter" a certain thing shall happen, that makes it permanent. Congress does not have to do it every time it passes a bill on a certain subject. But in the pending measure the language goes much further than that. In the first place, it is unnecessary to put the language into this bill at all in order for the Army engineers to go ahead as they have been going, investigating improvements of rivers and harbors. This is the language in the pending bill:

> And that hereafter Federal investigations, planning, and prosecution—

That is not in the law; it is not in the measure passed a year ago—

> of improvements of rivers, harbors, and other waterways—

Then some new language occurs—

> for navigation and allied purposes.

That never has been in the law before, never has been in any authorization for a river and harbor appropriation before. The War Department has gone on under the language which I have quoted, now in the law which was enacted a year ago; they have made the investigations with respect to improvements of rivers and harbors, but this language goes much further than the former language, and provides that they shall plan and it "shall be a function of and under the jurisdiction of the Corps of Engineers." Heretofore there has been no provision that it should be a function of the Corps of Engineers to do this. They have done it under the authority of Congress.

I wonder why the language is necessary in the pending bill, in view of the fact that the President has sent messages to the Congress with respect not only to navigation and flood control, but with respect to the utilization of power, reforestation, soil conservation, and all the things which are allied with navigation. At least some of us have now come to understand that in the planning of the navigation of our streams there are many allied subjects which go along with navigation. Flood control, possible power, soil conservation, reforestation, recreation, and all the things which go along with the improvement of our rivers are matters of policy to be planned by some Government agency—not necessarily a body of experts, but men who have a conception and vision of the needs of the whole country with respect to all the uses to which water may be put.

I am inclined, therefore, to agree with the Senator from Nebraska, in the first place, that it is not necessary to put this language into the bill in order that the Army engineers may go ahead and do what they have been doing, and the inclusion of this language means that it is an effort to forestall some other agency of the Government, including the National Resources Board, about which we had a fight here the other day in the consideration of the relief measure, and which was included and continued with an increased appropriation above that which was provided in the House bill.

I do not know whether Congress is going to authorize, for instance, the regional planning boards which were provided for in the bill introduced by the Senator from Ne-

braska, and by a bill previously introduced by the Senator from Ohio [Mr. BULKLEY] and myself jointly, which has been under consideration by the Committee on Rivers and Harbors in the House of Representatives, and upon which I believe they made a report, or at least came to a tentative agreement, after eliminating all power to proceed with respect to any plans, and limiting such boards to investigations and recommendations to the President and to Congress, leaving it up to Congress to determine whether the plans suggested should be carried out. If such a law should become effective, of course, these various regional boards would be empowered to investigate not only the matter of rivers, not only navigation, flood control, reforestation, soil conservation, recreation, parking facilities with respect to the reservoirs, and other things created, but would have power to investigate all the natural resources of a region and report to Congress what might be done with them. I do not know whether or not that will ever become a law. We cannot prophesy as to the future. But it seems to me it is a matter worthy of our serious consideration.

In my judgment, we should not, by repeating language in the pending bill merely authorizing improvement of rivers and harbors, attempt to forestall the possibility of some other existing Government agency, or some other agency which may be hereafter created, investigating the whole subject from a broad standpoint, and making its recommendations to Congress. If this language is left in the bill, I am very much afraid it will be construed as an attempt to forestall activity on the part of any other agency of the Government.

Mr. HILL. Mr. President, can the Senator from Nebraska advise the Senate whence this particular language comes?

Mr. NORRIS. I should not want to say, although I think I know.

Mr. HILL. Would it not be logical to conclude that the language is written into the bill for the very purpose of doing what the distinguished Senator from Kentucky has indicated it might do, namely, defeat any other agency of the Government in going forward with any planning?

Mr. NORRIS. I think it would have that effect.

Mr. HILL. It would have that effect, would it not?

Mr. NORRIS. I think so.

Mr. HILL. That would be one way of killing the plan which some have in mind looking to regional planning.

Mr. NORRIS. It would not necessarily kill it, in my judgment, but it would be letting the camel get its nose under the tent. It would be the first step. It leads in that direction. The logical conclusion would be to turn the whole matter over to the Corps of Engineers of the Government.

Mr. HILL. And vest in them powers which heretofore no one has ever dreamed of putting in their hands.

Mr. NORRIS. Never.

Mr. MILLER. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield.

Mr. MILLER. Personally I would be in favor of retaining the language, although I doubt very much whether there is any necessity of it. I think the Senate knows very well what I think about the National Resources Planning Board. I should be willing to do almost anything to prevent that Board from exercising any power over anything. But I have no particular quarrel with eliminating this language, because, as the Senator well knows, every authorization bill sets up the agency which is to execute the work provided for. That is done all the time, and will continue to be done.

Mr. NORRIS. That is done without this language. We do not need the language for that purpose.

Mr. MILLER. Let me call the attention of the Senator to one thought suggested by the language in lines 6 and 7 on page 2. I believe the language ought to be amended so as to contain provision that in the execution of these projects due regard should be had for wildlife conservation. I am sure the Senator will remember that in the act of June 22, 1936, as in many other laws recently enacted, such a provision was carried.

Mr. BARKLEY. Mr. President, if the Senator from Nebraska will yield, that provision is carried in the existing law.

Mr. MILLER. I know it is.

Mr. BARKLEY. It is already law, so it is not necessary to insert it again. That requirement attaches to all these investigations and improvements of rivers and harbors conducted by the Secretary of War through the Chief of Engineers.

Mr. MILLER. The thought I had was that beginning on page 1, line 10, I would simply insert the words "and that", just using those two words, "and that the prosecution of said improvements shall be with a due regard for wildlife conservation."

Mr. NORRIS. That already being the law, what is the necessity of repeating it?

Mr. MILLER. I merely want to be certain about it.

Mr. NORRIS. I have no objection to repeating it if the Senator wants it.

Mr. MILLER. As I look upon river and harbor bills and flood-control bills, every one of them is a project bill, and every one of them is more or less governed, notwithstanding its provisions may be general, by the particular provisions of the act creating the project. That was the only thought I had.

Mr. NORRIS. The language in the existing law, which was read by the Senator from Kentucky, contains the word "hereafter," which is used universally when we wish to make permanent a provision of legislation.

I should not wish to argue against the Senator's proposal. I should be willing to have the language repeated. It is harmless.

Mr. MILLER. I do not care to have it repeated if it is not necessary, but I do not want these programs to be undertaken without some regard to the legal requirements.

Mr. BARKLEY. I am heartily in sympathy with what the Senator has said. I think all these undertakings should be entered upon with the view of utilizing every possibility for enjoyment and comfort of the people.

Mr. MILLER. If the Senator from Nebraska and the Senator from Kentucky are of the opinion that it is not necessary to carry that thought forward in the pending bill, but that the present law to which the Senator from Kentucky alluded awhile ago is sufficient to carry over and attach itself to these projects, then well and good.

Mr. BARKLEY. I have not the slightest doubt about that, because the law applies with respect to all such improvements until it is repealed, and it would attach itself to these projects forever or until the law is repealed.

Mr. MILLER. That is a very long time.

Mr. BARKLEY. Yes; that is a long time.

Mr. NORRIS. Mr. President, I want to call attention to another matter. The Senator from Kentucky has read language contained in the existing law, which is now in force. The language which I seek to strike out includes that language, together with certain very important words to which the Senator from Kentucky called attention. The inclusion of certain language in the bill is an illustration of how little by little and step by step some bureau or some organization creeps into power just a little at a time, until finally its power overshadows the whole country.

The Corps of Engineers was given certain powers in existing law. Those powers were placed in the law a year ago. Now it is proposed in the pending measure to give them more powers. This bill would add to the power they already have the following:

Investigation, planning * * * allied purposes.

Mr. President, what does that mean? That language is not in existing law. Does the Senate want the Corps of Engineers to have that power? Under existing law I think

they have possibly every power they should have. What does the expression "allied purposes" mean? The bill says—

That hereafter Federal investigation, planning, and prosecution of improvements of rivers, harbors, and other waterways for navigation and allied purposes.

That language is not in existing law. The inclusion of that language illustrates how these powers gradually come into law; it illustrates how, little by little, the powers expand, one word at a time, until the power of a bureau mounts to the point where we never intended it to go.

What does the expression "allied purposes" mean? It means flood control undoubtedly, without any question whatever. It means water power. It means conservation. It means soil erosion. It means reforestation. That is the additional power which is proposed to be conferred upon the Corps of Engineers, a perfectly honorable, respectable, and highly professional body.

I do not believe we ought to have them decide what the policy shall be with respect to erosion. Do Senators realize that if they give anyone the power to control navigation, the power with respect to flood control will follow? Navigation is the constitutional peg upon which we hang legislation.

There is nothing in the Constitution which directly gives Congress control over matters relating to floods. Control over matters relating to floods involves control over navigation. There is no question whatever about that. We cannot have control of navigation on rivers unless we have control over floods. The floods will come at one time; the waters will rush into the streams and make navigation impossible. Then the dry season comes. The rivers dry up and there is not sufficient water for navigation. Flood control will make the rivers navigable the year around, because dams will be built at the mouths of big reservoirs which will hold back the floodwaters at the times when they cause damage, and the waters will be let out in the dry season when they will be a blessing instead of causing damage. Such works will make the rivers navigable when they otherwise would be dry.

The expression "allied purposes" means control over all such matters. Are we going to have the Government engineers, without any specific legislation by Congress, start out on that great program?

What about erosion? Flood control can be followed back to the little stream which is not any bigger than one's arm, which trickles down the hillside, and washes away the soil into a larger stream, and the floods then come and wash it into a still larger stream. Then finally that soil, which has been washed down, gets into the Mississippi River, we will say. The little erosion, beginning in the little hills thousands of miles away, finally results in the soil coming into the navigable stream. It fills up the stream. It changes its course. It makes the stream which previously was navigable nonnavigable. When navigation is controlled, soil erosion is controlled. So the effect goes back to the individual farms.

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

Mr. NORRIS. I yield.

Mr. POPE. Let me ask the Senator if he does not think such control would include matters relating to reclamation?

Mr. NORRIS. Yes.

Mr. POPE. Because there is usually a combination of reclamation, navigation, and flood control, and even the matter of fish ladders. So the power referred to would include all those things.

Mr. NORRIS. Yes. Mr. President, I see the Senator shakes his head. Suppose I am wrong about that and it does not include all those matters. The Senator will have to agree that the language includes most of those things.

Mr. POPE. Mr. President, I did not shake my head because I disagreed with the Senator. I shook my head at the thought of turning over to the Army engineers reclamation, the fisheries, flood control, and navigation; taking it away from the authorities who now have charge. That is why I shook my head.

Mr. NORRIS. I thank the Senator for the correction. I am very glad to have it.

Senators, there is no doubt that the language referred to includes water power. If I may be permitted to do so, I will say something that I cannot prove. I criticize no one; I impugn no one's motives; but I say that, in my opinion, if there were no such thing as water power we would not have this proposal before us.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. In the bill which is under consideration the language is that the engineers shall have charge of "planning" and so forth with respect to "navigation and allied purposes." In the flood-control bill, which carries a similar provision, it is provided that Federal investigation, planning, and so forth, with respect to flood control and allied purposes, shall be a function of and under the jurisdiction of the Corps of Engineers.

Mr. NORRIS. Yes.

Mr. BARKLEY. And I suppose if we had a separate bill dealing with water power it would say, "water power and allied purposes." So that by a series of allied purposes we include everything over which Congress has jurisdiction.

Mr. NORRIS. The Senator is correct. And, Senators, mark this, flood-control legislation is going to follow. It may follow today. Undoubtedly it will be brought up for consideration tomorrow. That is a question in which everyone is interested. There is not a Senator present who has a greater concern than have I in the matter of flood control. Yet whenever I advocate flood control it is said that I do not mean what I say; that I am simply trying to get water power. Flood control, in my judgment, is one of the greatest issues before the American people, and will so remain until the question is settled.

Mr. President, I remember the time when I first advocated on the Senate floor the building of dams near the source of our great streams, where the heavy waters flow, as a protection against floods on the Mississippi River a thousand miles away. I was then laughed at. Comments appeared in the newspapers after the bill was defeated. Remarks were made by engineers all over the country, many of them Army engineers, concerning my efforts. The Army engineers made the remarks in very respectful and courteous language. I do not complain about that. They had the right to make their criticism. As I now remember, the criticism that came from the Army engineers could not be objected to, except, of course, I thought the criticism was wrong.

But the country—as perhaps it should have done—believed the engineers and not me. My plan was said to be entirely impossible. It was not workable. In the first place, it would cost too much money. Too many dams would have to be built. There were too many headwaters.

Mr. President, I have seen the development of this activity from the time of building levees and digging out channels in order to control floods. I have seen millions of dollars spent, honestly, and with the very best of intention, but with the result of failure to meet the problem. I have seen public sentiment change, until what was once regarded as a crazy notion is now the accepted theory for the control of floods. That theory of controlling floods is now accepted by all engineers, or nearly all engineers, over the country. If we had started that way 50 years ago, we should not have the yearly calamity on the Mississippi River and the Ohio River, with the resultant destruction of hundreds of millions of dollars' worth of property and the loss of human lives. The streams would all be controlled. They would be normal practically the year around. We are coming to that condition.

However, Mr. President, I do not want to turn over to the Corps of Engineers of the Army the policy-making power. We have seen how, little by little, additional powers have crept in year after year. The next bill to follow, the flood-control bill, has in it more of such powers than the pending bill. Such powers are attached to bills which everyone favors.

Not long ago we passed a joint resolution turning over some of these powers to the Army engineers; and the President sent a message vetoing the joint resolution, on the ground that he did not want to place in the engineers the policy-making power of government. I suppose the President would not veto the pending bill, or the flood-control bill, because we are so near the end of the session, and everybody favors the other features of the bills. However, I believe that if the President follows out his veto message, which I shall read when we take up the flood-control bill, there is only one thing which would prevent a veto of either or both the present bills if they contained such provisions. That is the fact that Congress is about to adjourn, and it would be almost a calamity to have Congress adjourn without legislating upon flood control.

I appeal to Senators. We are going further and further with every session of Congress.

As I stated a while ago, the real reason behind the attitude of the engineers is that they do not want power developed by high dams. Not all the dams would develop power. Some would not develop any power. However, many would develop considerable power. When high dams are built for flood control, it would be a sin not to utilize the power generated by falling water in order that the people of the country might have the benefit of cheaper electricity in their homes and on their farms.

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

Mr. NORRIS. I yield.

Mr. HILL. No doubt the Senator recalls that if the report and recommendation of the Army engineers had been followed, not a single high dam would have been built on the Tennessee River unless that dam had been built by private power companies.

Mr. NORRIS. The Senator is absolutely correct; and I thank him for calling my attention to that bit of history. If Senators will run over the history of our country, they will observe that the Corps of Engineers have never built power dams unless they were specifically instructed to do so. In my judgment, their policy would not be in that direction.

I want to be understood as casting no reflections. I admit that there are two sides to the question, and I admit that the Army engineers have the right to their viewpoint. They have been educated in one school all their lives. To a great extent they have been associated with great projects in which almost untold wealth has been involved. Those interested in the projects wanted to make money out of power, and did not want the people to have cheap power. It is not surprising that the engineers should have a viewpoint and an attitude antagonistic to the development of power by public means.

Mr. President, if there were any reason for the language in question staying in the bill, I could see why there might be a contention over it. However, all the language, except the new language, is already law. If Senators are opposed to eliminating the language in question, they must have a reason for leaving it in. I have heard none. I should like to hear one.

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

The PRESIDING OFFICER (Mr. MILTON in the chair). The clerk will call the roll.

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

Adams	Byrd	Guffey	Lodge
Andrews	Byrnes	Hale	Logan
Ashurst	Capper	Harrison	Lonergan
Austin	Caraway	Hatch	Lundeen
Bailey	Connally	Hayden	McAdoo
Bankhead	Copeland	Herring	McGill
Barkley	Dieterich	Hill	McKellar
Berry	Donahey	Hitchcock	McNary
Bilbo	Duffy	Holt	Maloney
Bone	Ellender	Hughes	Miller
Borah	Frazier	Johnson, Calif.	Milton
Brown, Mich.	George	Johnson, Colo.	Minton
Brown, N. H.	Gerry	King	Murray
Bulkley	Gibson	La Follette	Neely
Bulow	Glass	Lee	Norris
Burke	Green	Lewis	O'Mahoney
Overton	Russell	Thomas, Utah	Wagner
Pepper	Schwartz	Townsend	Walsh
Pittman	Schwellenbach	Truman	Wheeler
Pope	Sheppard	Tydings	
Radcliffe	Shipstead	Vandenberg	
Reames	Smith	Van Nuys	

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present.

TERMS OF DISTRICT COURT AT HUTCHINSON, KANS.

The PRESIDING OFFICER (Mr. MILTON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3373) to provide for holding terms of the district court of the United States at Hutchinson, Kans., which was, to strike out all after the enacting clause and to insert:

That section 82 of the Judicial Code, as amended (U. S. C., title 28, sec. 157) is amended to read as follows:

"The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July 1910 in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgwick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the first Monday in October and the first Monday in December; and at Salina on the second Monday in May; terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September, and at Hutchinson on the second Monday in June and the first Monday in November, when suitable rooms and accommodations for holding terms of the court shall be provided at Hutchinson free of cost to the United States or until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Hutchinson, a public building containing such suitable rooms and accommodations shall be erected at such place; and for the third division at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint three deputies, one of whom shall reside and keep his office at Fort Scott, one at Wichita, and the other at Salina, and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott and the marshal shall also appoint a deputy, who shall reside and keep his office at Kansas City."

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

The motion was agreed to.

RIVER AND HARBOR AUTHORIZATIONS

The Senate resumed the consideration of the bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. COPELAND. Mr. President, for the benefit of Senators who may not have been here while the Senator from Nebraska [Mr. NORRIS] was speaking——

Mr. LOGAN. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. LOGAN. I desire to call attention to the fact that a conference report was submitted by me some time ago on House bill 2904. It has not been finally disposed of. The Senator from Utah [Mr. KING] stated that he desired to make a speech on it, which probably would take half an hour or such a matter. I was wondering if the Senator from New York would be willing to yield at this time to me in order that I might have action on the report?

Mr. COPELAND. No, Mr. President, I do not feel that I can yield now.

Mr. LOGAN. I am merely anxious to get the report out of the way.

Mr. COPELAND. I understand, but I think, if the Senator will be patient, we can conclude the consideration of the river and harbor bill within a few minutes.

Mr. LOGAN. I am the most patient man in the world, I think, but it takes much patience sometimes to wait continually.

Mr. COPELAND. If the Senator were chairman of eight conference committees he would know that much patience is required.

Mr. President, the Senator from Nebraska is distressed at the language found on the first page of the pending bill. That language reads:

> And that hereafter Federal investigation, planning, and prosecution of improvements of rivers, harbors, and other waterways for navigation and allied purposes shall be a function of and under the jurisdiction of the Corps of Engineers of the United States Army—
>
> And so forth.

Mr. President, we have done this for a hundred years. Practically the identical language is found in the acts of 1935, 1936, and 1937, and it is found, I think, in all other previous river and harbor bills.

What does this language mean? I hope that Senators who are interested will look at the bill. We outline in this bill certain projects which are authorized by reason of the passage of the bill. It is needless to say that the job of the Army engineers is not finished when we complete the authorization of these projects. There are other rivers, other projects, other problems, and, I presume, there will be to the end of time. There will probably always be projects which must be surveyed, examined, planned and considered, and ultimately presented to the Congress. Nothing can be done by the engineers on unauthorized projects except to report to committees of the Congress—the Commerce Committee of the Senate and the corresponding committee, the Committee on Rivers and Harbors, of the House of Representatives. The Army engineers are directed to go forward with authorized projects, but even in the case of those projects they cannot go forward until appropriations are made.

I again quote from the bill:

> That hereafter Federal investigation—

Investigation of what and for what? Investigation for navigation, planning for navigation, prosecution of improvements of rivers and harbors and other waterways for navigation.

Then comes the language which is regarded as being ambiguous, and possibly it is. It reads, "and allied purposes."

I think we should change that to read what it was intended to mean—namely, "and purposes allied to navigation." All these words relate to examinations and surveys for navigation, and they mean nothing else.

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

Mr. COPELAND. I yield.

Mr. BARKLEY. Is it not true that surveys are made after an authorization by Congress specifically set out in a bill authorizing surveys, the conditions of such surveys being set out also in the act that provides for them, and that these authorizations are of projects of which surveys have been previously authorized and made and reports submitted upon the survey? So that, whether it authorizes a survey or after a survey is made, authorizes the improvement itself, each one of these bills carries with it provision with respect to the activities of the Corps of Engineers, whether it is a survey or whether it is the construction of a project, and it is not necessary to tie this up perpetually with plans for all other purposes that might be considered as allied with navigation?

Mr. COPELAND. On the contrary, the committee over which I have the honor to preside, the Commerce Committee of the Senate, and the Rivers and Harbors Committee of the House may join and send a request to the Army engineers to make a survey. It is not necessary to have it passed on by the Congress. That is all this is.

I could take the laws as they have been passed from last year back, perhaps, for a century and point out the same or similar language.

> That hereafter investigations—

That is the law of 1937.

> That hereafter Federal investigations—
>
> And so forth—
>
> shall be under the Board of Army Engineers.

That is from the act of 1935.

The fear of this language is merely a straw man, and nothing else. There is no reason in the world why we should be worried about it.

I listened with great interest to what the Senator from Nebraska [Mr. NORRIS] said. I also heard what the able Senator from Arkansas [Mr. MILLER] said a little while ago. He said he was not very keen about the National Resources Board. I wish to say that only a few days ago, when the relief measure was before the Senate, I spoke for 10 or 12 minutes urging increased appropriations for the National Resources Board, because, with all my heart, I believe in it. It has to do with advance planning for our country, planning which has to do with the welfare of all our people, planning with respect to the national resources of the country, and as to how they may be preserved and conserved. I would not have anything taken away from the National Resources Board.

If I had my way, I would give it more power, not to execute projects but to do exactly what we are asking the Corps of Army Engineers here to do, to bring back to us the result of surveys, to report to the Commerce Committee of the Senate and the Rivers and Harbors Committee of the House their recommendations, saying, "This is economically justifiable; this is a wise project, and in the near future it should be given attention." That is what this provision intends; that is a power that has been reposed in the Corps of Army Engineers for, as I have said, perhaps a century, and a power which we have continued to give them.

I was not altogether pleased with some things which have been said about the Army engineers. They have great monuments. The Bonneville Dam, a tremendous structure, was built by the Army engineers. The Fort Peck Dam was also built by the Army engineers. The country is spotted here and there with great undertakings and projects which have been completed by the Corps of Army Engineers. Fourteen of the great dams in the Ohio River in the Muskingum district were recently completed by them.

Mr. MINTON. Mr. President, were not the Army engineers in those instances carrying out a policy declared by Congress and not any policy declared by the Army engineers?

Mr. COPELAND. Yes; and there is not any proposal to the contrary here.

Mr. BARKLEY. Mr. President, if the Senator will yield there, conferring authority to plan certainly presupposes the creation of a policy. Of course, it is subject to the approval by Congress, but still, in its initial stages, it must be begun by whatever the planning authority is. So when we insert in the bill a provision that the Army engineers shall have the authority not only to do what Congress authorizes them to do but to plan with respect to other things and with respect to whatever might be regarded as allied with navigation, that is a term that is impossible of misconstruction, and it is bound to presuppose, it seems to me, in advance of any action by Congress, that there will be a sort of planning by the engineers with respect to what Congress shall do.

Mr. OVERTON. Mr. President, will the Senator from New York yield there?

Mr. COPELAND. I yield.

Mr. OVERTON. Are we not in the same position with reference to the National Resources Board? They have the right to plan.

Mr. BARKLEY. Yes; that is true. If the language here is intended to give the Army engineers the same right to plan, then we have duplication; and if it does not intend to

give the Army engineers the same right to plan, then it is unnecessary, as I think.

Mr. OVERTON. Mr. President, of course, in all of this planning and in the execution of these projects with reference to navigation and flood control, we ought to have the benefit of planning and investigation and execution by a body of trained experts.

If I had to choose between the National Resources Committee and the Corps of Army Engineers for planning flood-control work and navigation work I should unhesitatingly select the Corps of Army Engineers, because the Corps of Army Engineers has been engaged in this work for 100 years and more, throughout the history of our Government; and I do not think we could find anywhere a better or more capable body of men for planning and prosecuting works of this character, or a body of men who would be freer from political influence, and who would judge projects more solely upon their merits.

Mr. COPELAND. I thank the Senator for what he has said. I endorse every word of what he has said. I hate to say that I have more confidence in the Corps of Engineers than in anyone else, because there might be an invidious thought there; but I could have no more confidence in anybody in the world than I have in the Corps of Engineers.

Now, I desire to return to what the Senator from Kentucky [Mr. BARKLEY] has said about planning. Is it not somebody's business to decide, in planning, whether the channel of a river is to be dug out and made deeper, whether levees are to be built and the banks raised up, or whether a reservoir is to be built to hold back the waters until the dry time of the year? Should it not be somebody's business to make plans, about what? About navigation. That is what we are talking about. Mr. President, bear in mind all the time that we are discussing navigation, Federal investigation for navigation, planning for navigation, prosecution of improvements of rivers and harbors, when they are authorized, for navigation; that is all.

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

Mr. COPELAND. I yield.

Mr. MINTON. Following the word "navigation", the bill says "and allied purposes". What does the Senator understand by that language?

Mr. COPELAND. I think it is ambiguous. I told the Senator from Nebraska so yesterday. That language might be misinterpreted. "Allied purposes" might mean, as he says, reclamation and various other things. I think it ought to be changed to read "and purposes allied to navigation."

Mr. BARKLEY. Does the Senator think that really changes the meaning?

Mr. COPELAND. I do not know whether it does or not.

Mr. BARKLEY. Why is not the Senator willing to leave the language of the bill as it now is in the law which I quoted awhile ago, the act of 1937. Why is it necessary to change it? That is the law now. It is in operation, and will be in operation until Congress changes it. Why is it necessary to put this other ambiguous language in the bill? If it is unnecessary, it certainly ought not to be included. Is it the purpose to include something which the Army engineers have not been doing all this time? They have been doing all they needed to do. They would have full authority to investigate all the matters that they are now investigating, because they now have that authority in the law. If that is what they want, and if it is necessary to repeat it in each act—which I do not think is the case, because it is permanent—why is it not sufficient to have the language as it is in the act which is now the law?

Mr. COPELAND. So far as I am concerned, I want to make it clear and I want the language of the bill to be clear that what we are talking about is navigation. If the Senator from Kentucky says the words "and allied purposes" are ambiguous, strike them out; I am satisfied, because I do not want the provision to mean anything but navigation.

Mr. BARKLEY. I myself do not see why there should be any change in the language which is now in the law. If it is necessary to repeat that language in this bill, I have no objection simply to inserting in the bill, instead of the language which is here, the language which is already in the act of 1937, to which nobody has made any objection.

If the Senator would agree to substitute the language of the last act, which is now the law anyhow, I do not think there would be any need for any further discussion.

Mr. COPELAND. Mr. President, I beg my leader not to press the matter. I do not want to have another conference. It would mean another conference.

Mr. BARKLEY. I should like to relieve the Senator from New York, who, I know, is burdened with conferences; but it is more important that we get this thing right than that we not have another conference.

Mr. COPELAND. Is there any mistaking the language? Let us take the first page: "Federal investigation" for navigation; "planning" for navigation; "prosecution of improvements of rivers, harbors, and other waterways for navigation." That is exactly what the language is, and I have stated what it means. So far as the other language is concerned, if there is ambiguity in it, and a possibility that there might be read into it by somebody some sinister purpose, I am perfectly willing that it should be taken out, and I do not think the House would resist that course.

Mr. BARKLEY. Mr. President, the Senator from Nebraska [Mr. NORRIS], who offered the amendment, is not on the floor at the moment. I desire to make a parliamentary inquiry. Is it permissible to perfect the language before a vote is taken on whether or not it shall be stricken out?

The PRESIDING OFFICER. It is.

Mr. BARKLEY. Then, as a substitute for the motion of the Senator from Nebraska, I move to strike out the language which he proposes to strike out and to insert in lieu thereof the language of the present law, just as it is.

Mr. NORRIS entered the Chamber.

Mr. BARKLEY. The Senator from Nebraska was absent for a short time. In order to perfect the amendment, I have offered a substitute proposing to insert, in lieu of the language the Senator seeks to strike out, the language of the present law without any change whatever.

Mr. NORRIS. I have no objection to that, although, of course, it is entirely unnecessary.

Mr. BARKLEY. It is unnecessary; but, in order that there may be no controversy about it, I offer that amendment.

Mr. COPELAND. What is the Senator's proposal?

Mr. BARKLEY. This is the language which I would substitute:

> And that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress.

Mr. COPELAND. Very well, Mr. President. So far as I am concerned, I am willing to accept the amended amendment.

Mr. NORRIS. Mr. President, I accept the suggested amendment of the Senator from Kentucky, if that is necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] as modified.

Mr. KING. Mr. President, I should like to ask the Senator from New York just what the controversial feature is, and what difference there is between the provision which the committee seeks and the provision which the Senator from Nebraska seeks, and what modification of either or both is suggested by the Senator from Kentucky.

Mr. COPELAND. The bill as it came to us from the House, at the bottom of the first page, read as follows:

> Hereafter Federal investigation, planning, and prosecution of improvements of rivers, harbors, and other waterways for navigation and allied purposes shall be a function of and under the jurisdiction of the Corps of Engineers of the United States Army.

The fear is that that might be imposing upon or granting to the Army Engineers wider and larger powers than they

have at present. I have tried to explain that as I understand the language, it means Federal investigation for navigation, planning for navigation, and prosecution of improvements for navigation; but I have said to the Senator from Kentucky and the Senator from Nebraska that I am willing to accept the amendment.

Mr. KING. Mr. President, may I ask the Senator from New York a question?

Mr. COPELAND. Certainly.

Mr. KING. Does this mean that we are committing to the War Department or its engineers the exclusive authority to determine where improvements shall be made, what rivers shall be dredged, and, generally, what work shall be done in the matter of improving our navigable waters?

Mr. NORRIS. Mr. President, if the Senator will yield, I should like to suggest to the Senator from Utah that we are substituting, no matter what we think about that, what is now the law. We cannot repeal it, and this is just a proposal to reenact the same law. As we have now agreed on the amendment, I do not think it would have any particular effect whatever. We are simply putting in this bill, as an amendment, a copy of existing law.

Mr. KING. Mr. President, if the Senator will yield, I desire to inquire of the Senator from Nebraska whether the present law contemplates that the War Department, at its own will and pleasure, may make surveys of the streams of the United States, and determine where improvements shall be made for navigation or any other purpose, regardless of the expressions or declarations of Congress by resolution or by law.

Mr. COPELAND. May I answer for the Senator from Nebraska? If he is not satisfied with my answer, he will correct me. For 100 years—ever since the Senator from Utah and I came into the Chamber [laughter]—this has been the practice——

Mr. KING. That is not true of the Senator from Nebraska.

Mr. COPELAND. No; he is much younger than that. He came in later. He came in after the Civil War. [Laughter.]

Mr. BARKLEY. Does the Senator think he is going to get anywhere with the Senator from Utah by assuming any such position as that? [Laughter.]

Mr. COPELAND. My relations with the Senator from Utah are such that he forgives me for anything I may say. If he does not like it in the RECORD, he will cut it out.

Mr. NORRIS. Mr. President, if the Senator will yield I should like to offer another amendment.

Mr. KING. The Senator from New York has not yet answered my question, notwithstanding his age and wisdom.

Mr. COPELAND. The Army engineers have a book which very appropriately is called the Blue Book. It contains a list of a billion dollars worth of projects for which surveys have been made, but probably two-thirds of them were reported back to Congress as unwise.

To answer the Senator's question categorically, the Army engineers cannot on their own initiative enter upon a survey. A survey is ordered either by an act of Congress or by request of one of the standing committees, the Commerce Committee of the Senate, or the Rivers and Harbors Committee of the House. After they have passed it back to us with a survey, when we prepare one of the big omnibus bills, someone interested in the survey will ask that his project be included, but unless it has been approved by the engineers it cannot get into the bill, and it cannot get into the bill until it has first passed the House committee and the House, and the Senate committee and the Senate. So they have no power to initiate activities.

Mr. KING. Just a few words, Mr. President, and I apologize for interrupting the proceedings.

A number of years ago, when there was before the Senate an appropriation bill for rivers and harbors calling for an enormous appropriation, I was opposing it, as was the then Senator from Iowa, Senaton Kenyon. At that time I spent a month examining every river and harbor project from the days of Washington down until that moment. There were several hundred; indeed, my recollection is that more than a thousand surveys had been made, and that more than $1,385,000,000 had been expended on so-called river and harbor improvements.

I discovered that many hundred so-called river improvements had been made when the inhabitants of a given State did not know of the existence of the little creek, bayou, swamp, or rivulet upon which thousands and tens of thousands of dollars had been expended.

I recall that when the bill was under consideration a certain little creek in the State of New Jersey, the State from which the present Presiding Officer comes (Mr. MILTON in the chair) was mentioned, and one of the Senators from New Jersey rose with considerable surprise and stated that although he had been born and reared there, he had never heard of that stream. Yet thousands of dollars had been expended upon it.

My investigations revealed the fact that many of the streams, bayous, swamps, and rivulets which had sucked out of the Treasury hundreds of millions of dollars were of no use whatever. We have squandered money in many States, squandered it without any benefit whatever being received.

I was prompted to inquire whether the War Department on its own initiative could spend money and make surveys upon rivers, and swamps, and bayous, and rivulets, as has been done in the past. I think there ought to be a different plan for the determination of the places where money shall be expended and as to the amounts which shall be expended. I have not been satisfied with the enormous appropriations which have been made for so-called river and harbor improvements, and I think that the people in the future will condemn our policy as wasteful and extravagant without any commensurate benefit.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Utah that I agree with what he has said. We are presented, however, with this predicament. The amendment as now agreed upon contains a reenactment of existing law. My contention is, and I have no doubt that I am right, that the amendment does not add a thing. I would just as soon leave it out, but some of the Senators want to insert it again, and I have no objection.

Mr. KING. Mr. President, I appreciate very much the position of the Senator from Nebraska, and I am in entire accord with his position and his views.

River and harbor bills for many years were denominated "pork barrel bills," and that term was justly applied to the measures which were passed and to the profligate expenditure of the money of the taxpayers of the United States.

Mr. COPELAND. Mr. President, I had not intended to say a word, but I must do so now. A "pork barrel" bill came about in this way; a report would come in from the committee, and then every project offered would be accepted, whether or not it had ever been studied or reported upon or approved by the Army engineers. Not since I have been chairman of the Committee on Commerce has a "pork barrel" bill been reported to the Senate. As to every project included in the bills brought in a survey was first ordered and completed with the recommendations of the Army engineers explicitly regarding the utility of the proposed improvement, and its economic justification and wisdom of completion. Not one item has gone in which has partaken of the nature of the old time "pork barrel" system.

I apologize to the Senator from Utah, but I just had to make this defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I offer another amendment. I have conferred with the Senator from New York about it, and he has no objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 14, at the end of line 22, it is proposed to insert the following:

Provided further, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act.

Mr. COPELAND. Mr. President, the Senator did not take the new bill I gave him when he indicated where the amendment was to come. It should be inserted on page 7.

Mr. NORRIS. I think it ought to go on page 14 also, where the other provisos are. It probably ought to go on page 7, too.

Mr. COPELAND. Suppose we say that it shall be inserted at the appropriate place.

Mr. NORRIS. Very well. We do not know now that this is necessary, but it is a safeguard against any possibility of error. I do not think any attempt would be made through the Secretary of War to give highways to anyone across reservations where the T. V. A. had authority. I do not anticipate he would do anything of that kind. But I have thought that out of abundance of caution this amendment should be inserted.

Mr. COPELAND. Let us insert it at both places.

Mr. NORRIS. Very well.

Mr. COPELAND. It will come on page 7, line 6, after the words "Secretary of War."

Mr. NORRIS. Mr. President, I offer the amendment where I have already offered it, and also on page 7, line 6, after the words "Secretary of War."

Mr. COPELAND. I have no objection to the amendment.

The PRESIDING OFFICER. The clerk will state the second amendment offered by the Senator from Nebraska.

The LEGISLATIVE CLERK. On page 7, line 6, after the words "Secretary of War", it is proposed to insert the following:

Provided further, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the same amendment, which has been stated, on page 14, after line 22.

The amendment was agreed to.

Mr. COPELAND. By inadvertence, a survey of Oyster Creek, Anne Arundel County, Md., was omitted. I ask unanimous consent that this item may be included.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, after line 7, it is proposed to insert the following:

Oyster Creek, Anne Arundel County, Md.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALCEO GOVONI

The PRESIDING OFFICER (Mr. MILTON in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 865) for the relief of Alceo Govoni, which were, on page 1, line 6, after the name "Govoni", to insert "of Wellesley Hills, Mass.", in line 8, to strike out "collided with" and insert "was struck by a", and in line 9, to strike out No. 214243."

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

The motion was agreed to.

BOSTON CITY HOSPITAL, DR. DONALD MUNRO, AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2413) for the relief of the Boston City Hospital, Dr. Donald Munro, and others, which were, on page 1, to strike out all after line 2, down to and including "1935", in line 9 of page 2, and insert "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury appropriated for medical care and treatment of officers, enlisted men, and civilian employees of the Army, to the Boston City Hospital of Boston, Mass., the sum of $585.67; to Dr. Donald Munro, of Boston, Mass., the sum of $401; to Evelyn Burns, nurse, of Dorchester, Mass., the sum of $130; to Kathleen A. Conroy, nurse, of Boston, Mass., the sum of $120; to Ethel Glennon, nurse, of Atlantic, Mass., the sum of $215; to Margaret D. Gaven, nurse, of Cambridge, Mass., the sum of $245; to Patricia V. Souser, nurse, of South Boston, Mass., the sum of $25; to Hazel Trott, nurse, of Brookline, Mass., the sum of $45; to Gladys Drake, nurse, of Weymouth, Mass., the sum of $85; and to Paul A. Leahy, of Marblehead, Mass., the sum of $510; in all, $2,361.67, in full settlement of all claims against the United States for hospital, medical, and nursing services rendered Lt. Paul A. Leahy, United States Army, now retired, from August 2 to December 23, 1935, on account of personal injuries sustained by him while on authorized leave of absence from his post; and in full satisfaction of the claim of Paul A. Leahy against the United States for payments made by him in connection with said services"; and to amend the title so as to read "An act for the relief of the Boston City Hospital, and others."

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

The motion was agreed to.

UNIFORM METHOD FOR EXAMINATIONS FOR PROMOTION OF WARRANT OFFICERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2474) to provide a uniform method for examinations for promotion of warrant officers, which was, in line 3, after the word "officer", to insert "of the Navy."

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

The motion was agreed to.

ELIZABETH F. QUINN AND SARAH FERGUSON

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2770) for the relief of Elizabeth F. Quinn and Sarah Ferguson, which were, on page 1, line 6, to strike out "$1,000" and insert "$750"; in line 7, to strike out "$1,000" and insert "$1,250", and in line 11, to strike out "they were" and insert "the automobile in which they were riding was."

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

The motion was agreed to.

ARTHUR T. MILLER

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3379) for the relief of Arthur T. Miller, which was on page 1, line 7, strike out all after "for" down to and including "Arkansas" in line 11, and insert "the Government indemnity on a purebred cow which was found to be a reactor, condemned, and shipped to the stockyards, where its identity was lost until after slaughter, thus preventing payment of said indemnity in accordance with the Bureau of Animal Industry's campaign to eradicate Bang's disease".

Mrs. CARAWAY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WATER-POLLUTION CONTROL—CONFERENCE REPORT

Mr. COPELAND. Mr. President, I submit a conference report and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2711) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

In the amendment of the Senate strike out subsection "c" of section 7, and strike out all of sections 8 and 9, and the Senate agree to the same.

ROYAL S. COPELAND,
HATTIE W. CARAWAY,
JOSEPH F. GUFFEY,
Managers on the part of the Senate.
J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. COPELAND. Mr. President, this is the conference report on the water pollution bill, which has been the subject of conference for 2 years, and we have finally reached a conclusion.

Mr. NORRIS. A full agreement?

Mr. COPELAND. A full agreement.

Mr. MILLER. Mr. President, was the Senate bill or the House bill adopted in the conference?

Mr. COPELAND. I think we could all take glory. It is not fully satisfactory to every group. It is a composite bill. The Senator from Connecticut [Mr. LONERGAN] is disappointed, and I think the Senator from Kentucky [Mr. BARKLEY] would have liked to have the committee go further than we have gone. But I want the Senate to know that we were sadly restricted and limited by the rules. We could not, because of the rules, make changes which would have been desirable. Finally, however, we came to a unanimous agreement.

Mr. MILLER. I am in favor of the proposed legislation, and want to see the report adopted, regardless of what it may contain within the limits of the two bills. I am very much in favor of it being made stronger than either bill made it.

Mr. COPELAND. I am also. I have made a pledge to the Senator from Connecticut [Mr. LONERGAN] that I will do all I can to help him the next time.

Mr. OVERTON. Mr. President, have the conferees agreed upon the bill?

Mr. COPELAND. Yes.

Mr. OVERTON. Does the bill require municipal corporations to install sewage-treatment plants?

Mr. COPELAND. No; it does not.

Mr. OVERTON. It does not?

Mr. COPELAND. It does not go so far as a great many persons would like to have it go. It goes just as far as we could go.

Mr. BARKLEY. I wish to say just a word with reference to the conference report. I wish to congratulate the Senator from New York and his colleagues on the conference committee for having been able to arrive at an agreement which for the first time in the history of this country recognizes as a national problem the question of stream pollution.

The bill was discussed somewhat in detail when it was before the Senate nearly 2 years ago, and also when it was before the House at the same time, as well as in hearings which were held by both the House and Senate committees. It is, manifestly, and is so recognized by all who are interested in the prevention of stream pollution, a modest beginning in the field of preserving the health and the lives of the people who are compelled to consume the waters of our streams, as well as to preserve the life of fish in the streams.

There are many communities in the United States the health of whose people has been endangered by the pollution of the streams out of which the people secure their drinking water. The communities have endeavored in a local way to cope with the situation, but they have not yet been able to install sufficient stream purification machinery in all cases to avoid the dangers of typhoid and other diseases, which I need not mention, with which the Senator from New York is more familiar than am I, which are caused by impure water.

Nearly 2 years ago a similar bill passed the House of Representatives. The bill was introduced in the House by Representative VINSON of Kentucky, and a companion bill was introduced by me in the Senate. The House passed the bill and it came to the Senate. When it came to the Senate a group of very respectable opinion felt that the bill ought to go further by providing for some sort of national enforcement of the provisions of the measure. An amendment was inserted in the bill providing that after 3 years, upon certain conditions being complied with, and upon application of the Surgeon General of the United States, and after investigation by the health departments of the various States, the Attorney General might institute legal proceedings to enforce the provisions of the Stream Pollution Act.

So far as I am concerned, I not only have no objection to that, but I rather have favored the idea. However, it was impossible to get that feature into the bill. There was serious objection to it on the part of those representing the other legislative body.

It was suggested that in event Federal enforcement were provided in the measure, it should be postponed for 5 years; so I believe it was finally thought by the conferees that we might well proceed now with this modest beginning, and if during that 5-year period of experiment it was found necessary to have Federal enforcement by the institution of criminal proceedings, or by any other method, Congress would then be in a better position, as the result of experience, to bring about Federal enforcement than it is now, when it is without any experience whatever. Therefore, as I understand, in order to bring about this necessary, needful, and urgent legislation in behalf of health and life, the conferees waived that requirement and agreed upon the conference report as it has been brought in.

As one of the authors of the bill, I desire to thank the Senator from New York and all his colleagues on the conference committee, including the Senator from Arkansas [Mrs. CARAWAY], the Senator from Pennsylvania [Mr. GUFFEY], and other Senators who were conferees.

Mr. WALSH. Mr. President, the Senator from Connecticut [Mr. LONERGAN] is very much interested in this subject. Is the report of the conferees agreeable to him? The reason I make the inquiry is that the Senator from Connecticut is not present in the Chamber at the moment.

Mr. BARKLEY. The conference report does not satisfy the Senator from Connecticut, but he has been very generous in making concessions. He has been very cooperative, very much interested, and has lent wide experience and study and observation to the consideration of this subject. While he is somewhat disappointed that we could not go further in bringing about Federal enforcement, the Senator from Connecticut is so much interested in the principle involved of obtaining stream-pollution legislation, that, from my conferences with him, I am satisfied he will continue to work in cooperation with all of us who have been interested in this subject to secure further legislation dealing with this matter in the future, if and when it is found necessary, and I want to say that, so far as I am concerned, I shall be delighted to cooperate with him in the future as I have in the last 2 years, in trying to strengthen this measure in such respects as may be needed.

Mr. WALSH. In behalf of the Senator from Connecticut, I wish to say that I am glad to have heard the statement of the Senator from Kentucky.

Mr. BARKLEY. I want to compliment the Senator from Connecticut, who is not now on the floor of the Senate,

for the patience, forbearance, and cooperative effort which he has given, not only to the study of this subject, but to its final consummation.

Mr. COPELAND. Mr. President, I wish to say a word in reply to what the Senator from Massachusetts [Mr. WALSH] has said. The spirit of the Senator from Connecticut has been perfectly splendid. He was disappointed because we could not go further than we did. He was anxious to have Federal control. The conference was more limited than I hope any other conference I shall attend may be, because of the limitations and restrictions provided by the rules of the two Houses. In certain places where we wished to make modifications in the language we found we could not make them because we were tied by the rules of the two Houses. The Senator from Connecticut [Mr. LONERGAN] has been working to the end that an ideal condition with respect to streams and water supplies may prevail universally throughout the United States. He has been working on it for years. While he was disappointed that we could not go so far as we wished, he told me yesterday that if I would wait until noon today, if I did not hear from him, he would be satisfied to have the conference report presented. I am going to help him next year to make the measure a stronger one.

I will say that no matter what may happen to other Senators next fall, I do not have to worry, because I do not go before the voters for a couple of years.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

NAMING OF SUBCONTRACTORS ON PUBLIC BUILDING PROJECTS

Mr. KING. Mr. President, I move to reconsider the vote by which House bill 146 was passed yesterday, and ask that the House be requested to return the bill to the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The House will be requested to return the bill.

ONE-HUNDREDTH ANNIVERSARY OF THE BIRTH OF JOHN HAY

The PRESIDING OFFICER laid before the Senate a concurrent resolution (H. Con. Res. 53), which was read, as follows:

Whereas the one-hundredth anniversary of the birth of the late John Hay occurs on October 8, 1938; and

Whereas the said John Hay rendered distinguished public service as secretary and biographer of President Abraham Lincoln, as Secretary of State of the United States, as negotiator of the Hay-Pauncefote Treaty, and as orator at the joint meeting of Congress commemorating the life and character of President William McKinley; and

Whereas the Washington County (Ind.) Historical Society has planned an observance of said anniversary to be held at the birthplace of the late John Hay at Salem, Ind., during the week of October 2 to 18, 1938, inclusive: Therefore be it

Resolved, etc., That a committee of two Senators and four Representatives be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, to represent the Congress of the United States at said celebration.

That the Secretary of State, the Librarian of Congress, and the Archivist of the United States are hereby requested to furnish such documents or reproductions thereof, under such regulations as they may prescribe, to the Washington County Historical Society for exhibition purposes in connection with said celebration.

That no appropriation shall be made to carry out the purposes of this resolution.

Mr. MINTON. Mr. President, from October 2 to 8 of this year, at Salem, Ind., there will be celebrated the one-hundredth anniversary of the birth of John Hay. The concurrent resolution simply authorizes the President of the Senate to appoint two Senators, and the Speaker of the House of Representatives to appoint four Members of the House to attend officially the celebration at Salem, Ind. The concurrent resolution carries no appropriation at all.

I ask for the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution (H. Con. Res. 53) was considered and agreed to.

The preamble was agreed to.

TEMPORARY NATIONAL ECONOMIC COMMITTEE

Mr. O'MAHONEY. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 300, being Calendar No. 2103.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming.

Mr. VANDENBERG. Mr. President, would the Senator object to a quorum call before that is done?

Mr. O'MAHONEY. I was about to say that I fancy it would not be the purpose of the majority leader to proceed to the disposition of the joint resolution this afternoon.

Mr. BARKLEY. I should like to proceed for a while.

Mr. O'MAHONEY. Very well.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Dieterich	King	Pittman
Andrews	Donahey	La Follette	Pope
Ashurst	Duffy	Lee	Radcliffe
Austin	Ellender	Lewis	Reames
Bailey	Frazier	Lodge	Russell
Bankhead	George	Logan	Schwartz
Barkley	Gerry	Lonergan	Schwellenbach
Berry	Gibson	Lundeen	Sheppard
Bilbo	Glass	McAdoo	Shipstead
Bone	Green	McGill	Smith
Borah	Guffey	McKellar	Thomas, Utah
Brown, Mich.	Hale	McNary	Townsend
Brown, N. H.	Harrison	Maloney	Truman
Bulkley	Hatch	Miller	Tydings
Bulow	Hayden	Milton	Vandenberg
Burke	Herring	Minton	Van Nuys
Byrd	Hill	Murray	Wagner
Byrnes	Hitchcock	Neely	Walsh
Capper	Holt	Norris	Wheeler
Caraway	Hughes	O'Mahoney	
Connally	Johnson, Calif.	Overton	
Copeland	Johnson, Colo.	Pepper	

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Wyoming [Mr. O'MAHONEY].

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. J. Res. 300) to create a temporary National Economic Committee, which had been reported from the Committee on the Judiciary, with amendments.

The PRESIDING OFFICER. The first committee amendment will be stated.

The first amendment was, in section 1, page 2, line 2, after the word "Treasury", to strike out "Department of Labor" and insert "Department of Commerce", so as to read:

Resolved, etc., That there is hereby established a temporary National Economic Committee (hereinafter referred to as the "committee"), to be composed of (1) three Members of the Senate, to be appointed by the President of the Senate; (2) three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) one representative from each of the following Departments and agencies, to be designated by the respective heads thereof: Department of Justice, Department of the Treasury, Department of Commerce, the Securities and Exchange Commission, and the Federal Trade Commission.

Mr. BARKLEY. Mr. President, instead of striking out "Department of Labor" and inserting "Department of Commerce", would the Senator from Wyoming have any objection to inserting "Department of Commerce" in addition to "Department of Labor"?

Mr. O'MAHONEY. The Judiciary Committee considered that proposal at great length. It was the opinion of the committee that the economic committee should not be enlarged in such form, because then there would be six Members from Congress and six members from the executive establishments. As the joint resolution has been reported, the committee consists of six Members of Congress—three from the Senate and three from the House—and five members from the executive establishments. It is the judgment of the Judiciary Committee that the change which the Senator suggests should not be made.

Mr. BARKLEY. I appreciate that fact. Otherwise the committee would not have amended the joint resolution in the way in which it did. I do not know to what extent the

committee considered the addition of the Department of Commerce to the Department of Labor. The reason why I make the inquiry and suggestion is that one of the objects of antitrust legislation, in addition to securing fair prices and the prosecution of those who are engaged in monopolies, is to have an indirect, if not a direct, influence on employment.

We happen to have information to the effect that, although the production of the steel industry has decreased from around 90 percent of capacity to approximately 30 percent, and the employment of men has declined proportionately, there has been no reduction in the price of steel products. While the production of steel has gone down and the employment of men in the steel industry has gone down, not only has there been no reduction in the price of steel but in some cases it has actually increased. That circumstance is directly related to the question of unemployment.

It seems to me that the Department which has as its object the consideration of questions of labor and unemployment has as much at stake in antitrust legislation as has the Department of Commerce; I should not say more, but as much.

Mr. O'MAHONEY. There can be no doubt as to the correctness of everything the Senator has stated. However, I think he is overlooking the provisions of the joint resolution.

On page 5, beginning in line 13, the Senator will find the following specific provision:

> The committee is authorized to utilize the services, information, facilities, and personnel of the Departments and agencies of the Government.

Under that language there can be no doubt that it would be within the power of the committee to utilize all the functions and all the personnel of the Department of Labor. I am sure the Senator will agree with me that a large committee may become unwieldy. I feel that the decision of the Judiciary Committee in limiting the membership to six Members of Congress and five members of the executive Departments should be sustained by the Senate.

Mr. BARKLEY. There is no doubt that the committee may utilize the agencies of the Department of Labor; but it may do the same as to all other Departments.

Mr. O'MAHONEY. That is correct. Therefore, in the interest of efficiency in the operation of the committee, I feel that the membership should stand as provided for in the joint resolution as reported by the Judiciary Committee.

Let me add that the joint resolution was considered by Chairman SUMNERS, of the Judiciary Committee of the House. I have discussed the joint resolution with representatives of the Department of Justice and representatives of the Securities and Exchange Commission, as well as of other executive Departments, and the measure is now generally satisfactory.

Mr. BARKLEY. This measure was introduced in the Senate by the Senator from Wyoming, and in the House by the chairman of the Judiciary Committee of the House, as identical joint resolutions.

Mr. O'MAHONEY. That is correct.

Mr. BARKLEY. After long consideration and deliberation, and much consultation with the executive Departments and among the members of the two Judiciary Committees, the joint resolution as introduced included the Department of Labor; and the Judiciary Committee of the Senate changed that provision so as to include the Department of Commerce instead of the Department of Labor.

Mr. O'MAHONEY. Representation was made to the committee on behalf of the Department of Commerce, particularly on behalf of the advisory committee of businessmen which has been cooperating with the Secretary of Commerce; and it was the judgment of the committee that, in the interest of promoting harmony and good feeling between Government and business, representatives of the Department of Commerce, instead of the Department of Labor, should be included in the joint resolution as a part of the committee.

Mr. BARKLEY. I do not see any fundamental objection to 12 members as compared to 11.

Mr. O'MAHONEY. Of course there is the normal objection to an even number instead of an odd number.

Mr. BARKLEY. If the Senator is going to assume that the two groups are to be antagonistic and that they will be pulling and hauling against each other, of course, he would be correct, and one side or the other should have a majority; but it is my understanding that the committee is to merge as a committee; that it is to be an integrated committee, and not simply to represent particular Departments from which the members are taken.

Mr. O'MAHONEY. The Senator is quite right.

Mr. BARKLEY. I do not think that there would be any danger of a division of six and six on the matter of procedure or as to the method of obtaining information and from what source. So it seems to me that minimizes the necessity of having a group that would be always in the majority, although it might not turn out that way. If there were controversies, it might turn out that Members of the House or Senate might side with some members from the executive Department. It is difficult to conceive that an impasse would be reached as between the six representing the Congress and the five representing the executive.

Mr. O'MAHONEY. I am interested in obtaining results.

Mr. BARKLEY. I realize that.

Mr. O'MAHONEY. And I feel that results can better be obtained by a small committee than by a large one. In the original resolution which was introduced the personnel of the committee was to be constituted of two Members of the Senate, two Members of the House, and the heads of three executive Departments, making a committee of seven. Now it has been increased by 4, making it a committee of 11, and the Senator is asking that it be increased again by 1, making it a committee of 12. I feel that the suggestion is not well made and that it should not be adopted.

Mr. BARKLEY. Will the Senator allow the amendment to go over until we have finished other committee amendments and then return to it?

Mr. O'MAHONEY. Certainly.

Mr. CONNALLY. Mr. President, may I suggest that, irrespective of whether the five Department heads would vote as a bloc, or the six representing the Senate and the House would so vote, the point about it is that there would be an odd number, and there would be a decision one way or the other, although they might break up and some vote one way and some vote the other. There would be an odd number, just as in the Interstate Commerce Commission and the Supreme Court and all bipartisan boards there is some way of obtaining a majority vote.

Mr. O'MAHONEY. Exactly; the Senator is quite right, but inasmuch as the Senator from Kentucky [Mr. BARKLEY] has requested that the amendment go over, of course, I have no objection to that being done.

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

Mr. O'MAHONEY. I yield.

Mr. LOGAN. I wish to ask the Senator if he has thought further about the suggestion which I have made from time to time and which I think would afford the only solution of the question, namely, that in adopting the resolution we provide for the appointment of three Members of the Senate and three Members of the House of Representatives, appropriate for them $100,000, and confer upon them all the powers that are contained in the resolution, and then add a section appropriating or authorizing the appropriation for the use of the President of $400,000, so that he could use such agencies of the Government as he might desire, they to make an investigation and also report to the Congress. Has the Senator considered that suggestion any further?

Mr. O'MAHONEY. Oh, Mr. President, I will say that I have considered that at length, and it seems to me to be an altogether unwise and unnecessary provision, because then we should have two investigations proceeding at the same

time. We might have witnesses chasing from the executive investigation over to the legislative investigation and witnesses from the legislative investigation chasing over to the executive and vice versa. The purpose of this resolution is to obtain—I was about to say a scientific investigation of what I conceive to be the most important question before the people of the United States, and I feel it should not be bogged down by unnecessary provisions of that kind.

Mr. LOGAN. I do not want it to bog down, but I have this idea also: I do not think, to be perfectly frank about it, that there is the slightest prospect of this integrated committee, as it has been called, ever accomplishing anything. It is impossible to mix the executive branch and the legislative branch of the Government and ever get anywhere. I can very readily see that we could create a committee of Members of the Congress and that they should sit as a court to hear and consider the evidence, and then provide that the executive branch of the Government should present the evidence to them; I can see how that could be done; but here is a resolution reaching over and picking out someone from one Department, someone from another Department, and so on. It will bring a lack of harmony and will result in disagreement. The two should be separated in some way, or else the congressional committee should sit and let the executive branch present evidence to them, to be weighed and considered by the congressional committee.

Mr. O'MAHONEY. The Senator made a very clear statement of that point of view in the Judiciary Committee. Of course, it is not the question before the Senate now, and I suggest that, as a matter of procedure, the Senator permit us to proceed with such amendments as may be agreed to, in order that we may perfect the resolution, and then, if the Senator from Kentucky desires to offer his alternative plan later on, there will be opportunity afforded.

Mr. BARKLEY. I suggest that the Senator ask unanimous consent that the committee amendments be first considered so that we may dispose of them.

Mr. O'MAHONEY. I thank the Senator for that suggestion.

Mr. LOGAN. Mr. President, before we get away from the point which has been discussed, it seems to me that after the committee amendments shall have been adopted perhaps the resolution should go over until tomorrow so that we may have time to give more thought to it. The Judiciary Committee is not at all in agreement about it. There were many different opinions in the committee, although the report was made by a majority vote, it is true.

It seems to me that, after the resolution is perfected by the adoption of such amendments as the Senate desires, at least, the resolution should go over until tomorrow, so that some of us who are interested in the matter may try to work out something whereby we may bring about an agreement.

Mr. O'MAHONEY. I have no objection to that, and, as a matter of fact, I did not believe that the resolution would be considered this evening at all. The majority leader, however, was anxious to dispose of it.

Mr. LOGAN. I am glad to cooperate with the Senator from Wyoming, because I know how interested he is.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the joint resolution be read for amendment and that committee amendments be first considered.

The PRESIDING OFFICER (Mr. HATCH in the chair). Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the order is made.

The Chair will suggest that the first amendment has been stated.

Mr. NORRIS. Mr. President, I will say to the Senator from Wyoming that I should like to discuss the joint resolution generally before the committee amendments are considered. Unless opportunity is given me to do that, I will avail myself of the opportunity afforded by the first amendment to discuss it. However, I thought, perhaps, the Senator from Wyoming was going to discuss the resolution generally, and, if he desires to do that, I concede that he should precede me.

Mr. O'MAHONEY. I had no intention of discussing the joint resolution generally at this time, because I was hopeful we could dispose of it expeditiously; but if the Senator from Nebraska desires to make a statement, I am glad to yield the floor to him.

Mr. NORRIS. Very well, that will suit me if it is agreeable to the Senator.

Mr. O'MAHONEY. It is perfectly agreeable to me.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, this resolution has to do with a subject in which we are all greatly interested. It offers the possibility of doing a great deal of good, I think, with respect to a subject the investigation of which has been, in my opinion, much neglected by the Congress.

The general investigation that is proposed by the joint resolution comes, I presume, in response to the message of the President calling attention to conditions and asking for some kind of an investigation. With all due respect to my colleagues on the committee, and to the Senator from Wyoming, who is one of the coauthors of the resolution, I think a mistake has already been made to which attention has been briefly called by the Senator from Kentucky.

This resolution provides for a committee to be composed of three Members of the Senate, three Members of the House of Representatives, and five members representing the different Departments named in the joint resolution, making, as I see it, a sort of a three-headed committee. I do not believe, Mr. President, that much good will be accomplished by a three-headed investigation of that kind. There is opportunity to do a great deal of good, and probably a great deal of good will be accomplished, but the investigation will be long drawn out. As the committee will be made up of three different elements, naturally they will be led into different directions and there will be opportunity for discussion and debate and consideration, all of it, of course, perfectly honest, but without any possibility of reaching much, if any, agreement on anything. It would be preferable, it seems to me, if we are going to confine it to an investigation by the Congress, to have the investigation conducted by a Senate committee or a House committee acting alone, with a relatively small number of men on the committee. They would have the active support, of course, of the heads of the Departments furnishing them evidence. However, we have passed beyond that, for we are going to have at least a two-headed committee composed of three Senators and three Representatives. That much we are bound to have. I presume the rest of it is water over the dam and there is no use considering it.

If we wanted an investigation by Members of Congress, there is no reason why we should not have such an investigation and not consider the heads of the Departments at all. Such a committee would be assisted, of course, by the heads of the Departments, although no Departments would be represented on the committee. A legislative committee would be responsible for the results, whatever they might be, good or bad. While an investigation made by heads of the Departments, under the supervision of the President, would be another way to make a good investigation; and if the money to make such an investigation and the power to make it were given to the President, he would be responsible. We would have a better investigation either if made alone by the heads of Departments, such as the President would select, or by a legislative committee, leaving the heads of the Departments out of it entirely. The resolution tries to combine the three. Instead of having the President select the members of the committee directly, the selection of the committee on the part of the Departments must be made from designated Departments. I presume the selections will be made by the President in every case, if the joint resolution passes, but he will be confined to those Departments.

I do not think we ought to confine the President to those Departments. Probably he would make selections from them

anyway; but if we are going to have the President designate some of them, let us give him a free hand, and let him designate whom he wants to designate. Let him be responsible for what he does. At present we draw the line, and say, "You may have one from this Department, one from that Department, and one from another Department"; and, as the joint resolution was introduced, there was to be one from the Department of Labor. The Senator from Wyoming [Mr. O'MAHONEY] says he had the matter up with the Department of Commerce and with some businessmen who were assisting the Department of Commerce, and they wanted to put in a representative from the Department of Commerce; so they took out the Department of Labor and put in the Department of Commerce. The Senator did not say that he had discussed the matter with the Department of Labor and that they had agreed to that course. They were not consulted; but the Department of Commerce wanted to be put in, and some businessmen wanted that Department in, so it was put in, and the Department of Labor was taken out.

Personally, I think that was a sad mistake, because if there is one Department of the Government which ought to be represented on an investigation of this kind, unless we except the Department of Justice, it seems to me the Department of Labor is more important than any of the others. But, if we are going to designate people from the different Departments, I have no objection to putting in the Department of Justice. The only objection to putting them both in is, we are told, that it will make too large a committee and will tie the committee. I think, as a practical proposition, it will never occur on this committee that there will be a tie vote. It would not be anything very bad if there were a tie vote; but I concede that I would rather have an odd number than an even number.

There is another provision in the joint resolution which to my mind is the most detrimental of any provision in it. On the last page of the jont resolution, subsection (b) of section 6 reads as follows:

Of the funds authorized to be appropriated under subsection (a), not to exceed $100,000 shall be immediately available for expenditure by the committee in carrying out its functions.

So far, I have no fault to find with that; but you will notice as we proceed that this is to be done by the committee. The President cannot do it. The President, who sent the message which brought about the investigation, cannot do it. The committee is going to do it, and the $100,000 is for the use of the committee. It is supposed that $100,000 will be enough. If it will not be enough, I should be in favor of increasing it. If the committee find that they need more money, I should be in favor of giving them more money. Let the committee proceed without hindrance and without limit.

Then this joint resolution says:

And not to exceed $400,000 shall be available—

If we agree to the amendments—

on application by the committee—

The money will never be available unless the committee applies for it—

for allocation by the President.

Is it not perfectly plain that not a cent of money will ever be allocated, or given to the President for allocation, unless the committee first makes application for it and gets the money? There is no other way in which to get it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. Yes; I yield.

Mr. O'MAHONEY. The Senator, of course, is aware that the Judiciary Committee, in considering the original form of the joint resolution, struck out entirely subparagraph (b) on page 7.

Mr. NORRIS. Yes; I am aware of that.

Mr. O'MAHONEY. So that the form in which the joint resolution comes before the Senate now is a compromise in the division of the appropriation, which otherwise would have been $500,000 for the committee and none for the President.

Mr. NORRIS. That is true. I am going to come to that. I do not think that makes a particle of difference. We have the joint resolution here in this form.

If I had my way—and it seems to me it would be the right way to do—if I were going to give any money to the President to allocate among the Departments, I would give him the money and not have any strings tied to it. I cannot conceive that the President of the United States, at whose instigation this whole investigation arose, should come hat in hand to the committee and say, "Gentlemen, will you not give me some money to allocate among the Departments to make this investigation?" That is what this joint resolution, as amended by the Judiciary Committee, means. I think it is a direct slap in the face of the President of the United States. I cannot conceive of Congress passing a law which would say, "Here, Mr. President, is a committee appointed with $400,000 to make the investigation of monopoly that you have been talking about. If you want any money, go to the committee, make your showing, and get it."

If we are going to confine the investigation to Members of Congress, all well and good; let us say nothing about the President. If we are going to give the President any hand in it, let us not make him come as a supplicant to a committee of Congress and ask them to let him have a little of the money. They may give him $400,000, or they may give him what they want to give him. They may question him and say, "What are you going to do with the money? How are you going to use it? How much are you going to need? We will give you $50 today, and when you use that come back, and perhaps we will give you some more if you can make a good showing as to what you did with the $50." That is the way Congress is going to treat the President of the United States if we pass the joint resolution in this amended form.

If I were President of the United States, I should not take 5 minutes to veto the joint resolution if it came to me in that form. It does not make any difference whether we agree with the President, or belong to his party, or anything of the kind; he is your President and he is my President, and it seems to me the great office which he holds ought to command more respect from Congress, at least, than the joint resolution manifests:

Four hundred thousand dollars shall be available, on application by the committee for allocation by the President among the Departments and agencies of the Government to enable them to carry out their functions under this joint resolution.

We ought to say, in fact we ought to do what this particular subsection did as the Senator from Wyoming originally drew and introduced it. It would be free from that objection if it were passed in that form.

I am not finding fault with the Senator from Wyoming. The provision was once defeated, and the whole thing struck out, because it gave to the President the right to handle the $400,000. In order to get something, the Senator from Wyoming offered this amendment, and it was agreed to by a majority of the Judiciary Committee as a compromise. So I am not finding fault with anybody. The committee have a right to do this if they want to; but I should never be a party to such a provision, no matter who was President of the United States. If I were afraid of him, if I thought he was a crook, or if I thought he was dishonest, or if I thought he would not make a fair investigation, I should prevent, if I could, giving any money to him; but I should not subject him to the humiliation of going to a committee and begging for money to carry out the functions delegated to him by the joint resolution.

Mr. President, with those two amendments I do not see any objection to the joint resolution, although I think it is a mistake to investigate in the way that we undertake to do by the joint resolution. I think it would be much better if we should make the investigation in the other ways I have indicated. But we should at least say to the President of the United States, "Here is something for you and your

Departments to do; here is a sum of money that we appropriate; use it as you see fit," and hold him responsible for its use, instead of saying, "Mr. President, here is $400,000 which you may get if you will make the right kind of a showing before a committee that we appoint." That looks to me like taking a step which we cannot take unless we are willing to say that we have no faith in the President; and if we are willing to say that, then we ought not to give him any money at all.

Mr. President, if this one amendment of the committee should be agreed to I could not under any circumstances support the joint resolution, and much as I desire to have this investigation take place, I would vote against it, even though it killed the joint resolution. I think the President would be justified, in an effort to maintain the dignity of his own office, in vetoing the joint resolution if we should pass it in its present form, and I hope he will do so if it is passed in that form.

Mr. O'MAHONEY. Mr. President, I am glad the Senator from Nebraska, in his remarks which have just been concluded, called attention to the fact that in the committee, as the sponsor of the original joint resolution, I resisted the amendment by which all of paragraph (b) of section 6 was stricken out, and that the measure in its present form, as reported by the committee, is the result of a compromise effort to accommodate the conflicting views of two factions within the committee.

One group wanted to make the entire appropriation to the committee, without any participation whatsoever by the executive agency. Another group, of which I was one, wanted the $400,000 to be subject to distribution by the President among the executive agencies.

I may say that the joint resolution in the form in which it was introduced was the result of collaboration between representatives of the President, selected by him, the chairman of the Committee on the Judiciary of the House of Representatives, and myself, and so far as I am personally concerned, I still believe that paragraph (b) as originally introduced is in the form in which it ought to be adopted; but I am now the spokesman for the Judiciary Committee, representing the joint resolution as it was reported, and when that amendment comes before the Senate for action I think the Senate will probably be able to reach a conclusion upon the matter. I wanted to set the record straight.

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

Mr. O'MAHONEY. I yield.

Mr. McGILL. Would it not meet at least some of the objections offered by the Senator from Nebraska, and at the same time accomplish the purpose of the committee, if on page 7, line 10, paragraph (b), we should strike out the words "on application by the committee," so as to leave the $400,000 in the control of the President, to be allocated by the President without any action by the committee?

Mr. O'MAHONEY. I call the attention of the Senator to the fact that all that would be necessary, if that is what the Senator desires to have accomplished, would be to reject the committee amendment, and it would then stand as it was originally introduced.

I now call for the regular order.

The PRESIDING OFFICER. The regular order is action on the first amendment of the committee.

Mr. O'MAHONEY. The first amendment of the committee was passed over at the request of the majority leader.

The PRESIDING OFFICER. Nothing has been passed over as yet.

Mr. BARKLEY. Mr. President, I made the request a while ago, and I understood it to be granted, that the first amendment be passed over temporarily.

The PRESIDING OFFICER. The first committee amendment is passed over temporarily, and the clerk will report the next amendment of the committee.

The LEGISLATIVE CLERK. On page 2, line 9, after the word "resolution" and the period, it is proposed to insert, "Any member appointed under clauses (1) and (2) may, when unable to attend a meeting of the committee, authorize another such member to act and vote for him in his absence," so as to read:

Any such alternate, while so acting, shall have the same rights, powers, and duties as are conferred and imposed upon a member of the committee by this joint resolution. Any member appointed under clauses (1) and (2) may, when unable to attend a meeting of the committee, authorize another such member to act and vote for him in his absence. A vacancy in the committee shall not affect the power of the remaining members to execute the functions of the committee and shall be filled in the same manner as the original selection.

The amendment was agreed to.

The next amendment of the committee was, on page 3, after line 10, to strike out the following:

SEC. 3. (a) The committee shall have power to appoint subcommittees to assist the committee in its work. In addition to such subcommittees as the committee may appoint, there is established a standing subcommittee composed of the five representatives of the executive departments and agencies designated as members of the committee by this resolution.

(b) Subject to the direction of the committee it shall be the duty of the standing subcommittee to cause a full and complete study and investigation to be made of the subject matter of the committee's inquiry. Each Department and agency represented on the standing subcommittee shall undertake such portion of such study and investigation as the standing subcommittee may assign to it, and in making such assignment the standing subcommittee shall, so far as possible, assign to each such Department or agency that portion of the inquiry which is within the jurisdiction of such Department or agency under existing law. Subject to the direction of the committee, it shall be the duty of the standing subcommittee, through the Departments and agencies represented thereon, to arrange for the orderly presentation of evidence by the examination of witnesses and by the introduction of documents and reports before the committee or the standing subcommittee or a person duly designated by the committee or standing subcommittee for such purpose.

And to insert:

SEC. 3. (a) The committee shall have power to appoint subcommittees to assist the committee in its work. The members of the committee shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the committee.

(b) The Department of Justice, Department of the Treasury, Department of Commerce, the Securities and Exchange Commission, and the Federal Trade Commission are directed to appear before the committee or its designee and present evidence by examination of witnesses or the introduction of documents and reports. The evidence presented by each of these agencies shall cover the subject matter of this inquiry which is within its administrative jurisdiction under existing law or which may be assigned to such agencies by the committee. Each such agency is authorized to request the committee to issue such subpenas as such agency may require for the attendance of witnesses and the production of documents and reports.

(c) The funds appropriated under the authorization contained in this joint resolution shall, with the approval of the committee, be available for expenditure by the committee and by such Departments and agencies as the committee may designate to cooperate with the committee in carrying out the provisions of this joint resolution.

So as to read:

SEC. 2. It shall be the duty of the committee—

(a) To make a full and complete study and investigation with respect to the matters referred to in the President's message of April 29, 1938, on monopoly and the concentration of economic power in and financial control over production and distribution of goods and services and to hear and receive evidence thereon, with a view to determining, but without limitation (1) the causes of such concentration and control and their effect upon competition; (2) the effect of the existing price system and the price policies of industry upon the general level of trade, upon employment, upon long-term profits, and upon consumption; and (3) the effect of existing tax, patent, and other Government policies upon competition, price levels, unemployment, profits, and consumption; and

(b) To make recommendation to Congress with respect to legislation upon the foregoing subjects, including the improvement of antitrust policy and procedure and the establishment of national standards for corporations engaged in commerce among the States and with foreign nations.

SEC. 3. (a) The committee shall have power to appoint subcommittees to assist the committee in its work. The members of the committee shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the committee.

(b) The Department of Justice, Department of the Treasury, Department of Commerce, the Securities and Exchange Commission, and the Federal Trade Commission are directed to appear before the committee or its designee and present evidence by

examination of witnesses or the introduction of documents and reports. The evidence presented by each of these agencies shall cover the subject matter of this inquiry which is within its administrative jurisdiction under existing law or which may be assigned to such agencies by the committee. Each such agency is authorized to request the committee to issue such subpenas as such agency may require for the attendance of witnesses and the production of documents and reports.

(c) The funds appropriated under the authorization contained in this joint resolution shall, with the approval of the committee, be available for expenditure by the committee and by such Departments and agencies as the committee may designate to cooperate with the committee in carrying out the provisions of this joint resolution.

Mr. O'MAHONEY. Mr. President, at the conclusion of the consideration of the joint resolution in the committee a few days ago the legislative counsel called my attention to the fact that there is an apparent conflict between paragraph (c) on page 5 and paragraph (b) on page 7, as approved. I, therefore, ask leave to perfect the committee amendment on page 5 by dropping paragraph (c).

Mr. BARKLEY. Mr. President, I should like to make an inquiry. Does the language in paragraph (a), "The committee shall have power to appoint subcommittees to assist the committee in its work," contemplate the idea of subcommittees within the committee?

Mr. O'MAHONEY. Within the committee; yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming that he may modify the amendment?

The Chair hears none, and the amendment is modified accordingly. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The Clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 5, line 21, after the words "and by", it is proposed to strike out "the standing subcommittee and"; on page 6, line 6, after the words "the committee", strike out "or the standing subcommittee", and on line 9, before the word "majority", to strike out "a", and after the word "vote", to strike out "of the members present at any meeting", so as to read:

(d) The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties. The committee is authorized to utilize the services, information, facilities, and personnel of the Departments and agencies of the Government.

SEC. 4. (a) Prior to the opening of the first session of the Seventy-sixth Congress or as soon thereafter as is practicable the committee shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, and by the Departments and agencies represented thereon, together with the findings and recommendations of the committee, and shall submit to the President and to the Congress as soon as practicable thereafter, during or prior to the termination of the Seventy-sixth Congress, further and final reports of the studies and investigations carried out pursuant to this resolution, together with the findings and recommendations of the committee.

(b) A majority of the committee shall constitute a quorum, and the powers conferred upon them by this joint resolution may be exercised by a majority vote.

(c) All authority conferred by this joint resolution shall terminate upon the expiration of the Seventy-sixth Congress.

The amendments were agreed to.

Mr. O'MAHONEY. Mr. President, I call attention to the amendment in line 11, page 5. Paragraph (c) having been stricken out, the designation "(c)" instead of "(d)" should remain on line 11, so the proposed amendment should be rejected.

The amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. In section 5, page 6, line 13, after the word "committee", it is proposed to strike out "the standing subcommittee"; and on line 24, after the word "committee", to strike out "or the standing subcommittee", so as to make the section read:

SEC. 5. For the purpose of this joint resolution, the committee and the courts of the United States shall be entitled to exercise the same jurisdiction, powers, and rights as are conferred upon the Securities and Exchange Commission and upon such courts with respect to studies and investigations conducted pursuant to the Act of August 26, 1935 (title I, ch. 687; 49 Stat. 803), and the provisions of subsections (d) and (e) of section 18 thereof (49 Stat. 831) shall be applicable to all persons summoned by subpena or otherwise to attend and testify or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records and documents, before the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 7, after the word "available", in line 9, it is proposed to insert "on application by the committee for allocation", so as to read:

SEC. 6. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, or so much thereof as may be necessary, to carry out the provisions of this joint resolution.

(b) Of the funds authorized to be appropriated under subsection (a), not to exceed $100,000 shall be immediately available for expenditure by the committee in carrying out its functions and not to exceed $400,000 shall be available, on application by the committee for allocation, etc.

Mr. BARKLEY. Mr. President, I hope this amendment of the committee will be rejected. I agree entirely with what the Senator from Nebraska has said about the matter, and I have conferred with the Senator from Wyoming and others about the amendment. I appreciate very much the sincerity of the Senator from Wyoming in his statement that, so far as he is concerned, he prefers the language as it was offered by him before the amendment of the Committee on the Judiciary was made.

I think it is extremely important that the President be left a free hand in the distribution or allocation of the $400,000 among the various executive departments. It seems to me unreasonable to expect the President to take a tin cup and go around like a blind man begging for a little change, in order that he may authorize the executive departments to do what he and we desire to have done, namely, gather information, and make investigations and research, in order that the information may be brought to the full committee.

So far as the members who will be on the committee are concerned, I imagine they will have some supervision over the information and the research to be made by the Department which they represent. They will be serving in a dual capacity. They will be members of the committee, and as members of the committee will have a share in determining the expenditure of the $100,000 which is to be available to the committee.

I do not know who will be on the committee as a representative of the Department of Justice, for instance, but let us assume that Mr. Arnold, who is the head of the anti-trust division—and it would be logical for him to be a member of the full committee—should be on the committee. Undoubtedly he would supervise the expenditure of whatever money may be allocated to the Department of Justice out of the $400,000.

We do not know whether or not the full committee will be in session all the time during the recess of Congress. We are planning to adjourn in a few days, and we will not be back until January, in all probability. Whether the full committee will be in session and at work all during the recess of Congress, nearly 6 months, I do not know. Very likely they will not be in session all the time, because the Members of the House and Senate have their own situations to attend to, which may preclude the possibility of their being in session all during the recess; but the executive departments ought to be busy all the time between now and January getting up this information.

The President should not be obliged to ask that the chairman of the committee call the committee together when Congress is not in regular session in order that he may ask for a little money to allocate to the Department of Commerce, the Department of Justice, the Securities and Exchange Commission, the Federal Trade Commission, and other departments which he may wish to enlist in the inves-

tigation in order that we may legislate when we come back for the next session of Congress.

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

Mr. BARKLEY. I yield.

Mr. LEWIS. Is it intimated that the money to be given to the President of the United States to carry out the purposes of the joint resolution is to be expended only after he shall have conferred with the members of the committee and they shall agree with his object, and they are to apportion the money when, according to their judgment, it shall be needed, in order at once to carry out the objects of the joint resolution?

Mr. BARKLEY. Precisely.

Mr. LEWIS. In other words, why give the President any money at all, if he is not to have any part or ought not to have any part in deciding how it is to be expended?

Mr. BARKLEY. The Senator will observe the language of the amendment which has been placed in the measure by the Committee on the Judiciary, which entirely changes the measure as it was when introduced by the Senator from Wyoming in the Senate and by the chairman of the Judiciary Committee in the House, the gentleman from Texas [Mr. SUMNERS]. After the representatives of the Departments had conferred with the members of the Senate and House committees and with the President of the United States, the joint resolution was introduced in its original form. After the language—

Four hundred thousand dollars shall be available—

the Committee on the Judiciary now adds the following language:

on application by the committee for allocation by—

And then follows the original language of the joint resolution—

the President among the Departments and agencies.

So the President will not be empowered to allocate one thin dime to any Department in the Government except upon the application of the committee set up in the joint resolution.

Mr. LEWIS. Let me ask a question. Suppose the Senate is in recess, and the respective members of the committee may for their welfare, political or personal, be at home. Some may have matters of a family nature which call them away from Washington. Some may be called home on holidays. The members of the committee, therefore, have been distributed very generously over the country. How could the President meet emergencies which may arise?

Mr. BARKLEY. He could not meet them until the committee should meet and adopt a resolution and take steps to authorize the President to allocate money to some Department. In other words, the President, in some way, will have to get the committee together. Then he will have to ask the committee to allow him to make allocations among the different Departments, and the committee will then have to authorize him to allocate the money among the different Departments before the money may be used for the purpose.

Mr. LEWIS. But before the committee can be summoned and the money put into use for the investigations with respect to certain matters of which the President may have knowledge, the evidence sought may be dissipated, and the opportunity to gain the information with respect to the needs of different Departments involved may have vanished.

Mr. BARKLEY. Probably.

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

Mr. BARKLEY. I yield.

Mr. BURKE. It seems to me that the majority leader and others who have expressed themselves on this point have shown their total misconception of what the Judiciary Committee had in view, and since no one appears to be stating that position, I think it should be stated.

It is not the idea in setting up the committee composed of six representatives of the legislative body and five from the executive departments that the committee shall do nothing; that each of the three Senators and three Members of the House shall immediately go to distant parts of the country without doing anything at all. If that were the purpose of the joint resolution, it should be voted down altogether.

Of course what would happen, if the joint resolution should be adopted, would be that the committee would meet before its members leave Washington. The committee would outline its work; it would confer with the members of the executive departments who are on the committee, who would indicate what they need in the way of funds to carry on the work of the Departments, and then the President would make his request to the committee for so much for the Department of Justice, and so on.

According to our understanding the entire amount, or so much of it as is necessary, will be allocated at once to the various Departments.

The only purpose of the change in the joint resolution was to make the investigation in a sense a legislative investigation rather than a wholly executive investigation.

I see no merit whatever in the point which is being raised, that the President must come on bended knee and ask the committee for $10,000, or, as someone has suggested, $50. Of course the whole work of the committee will be outlined before its members leave Washington. It will be determined how much each of the Departments should have. The request will be made, and the committee will approve it. It seems to me to be a very sensible provision.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. O'MAHONEY. I rose in order to explain that very point. The argument which is being made by the majority leader, the argument which was made by the Senator from Nebraska, and that which was just now intimated by our very distinguished and eloquent friend, the senior Senator from Illinois, is all directed to an amendment which was voted down in the committee. The amendment was offered in the committee that the $400,000 should be available on application to the committee by the President. The Judiciary Committee almost unanimously, with only one vote in the negative, rejected that amendment. If that amendment had been adopted, then it would have been possible to have argued that the Judiciary Committee had brought before the Senate a joint resolution which was making the President subservient to the committee. But that, I must say in justice to the members of the committee, was not at all their purpose, and I think it was not the effect of the language which they adopted.

Mr. BARKLEY. Then, as I understand the language, in its present form, the President cannot even request the committee to allocate any funds.

Mr. O'MAHONEY. I am merely trying to explain to the Senator and to the Senate the different situations which arose within the committee. As the report was made it was the conception of the committee, as the junior Senator from Nebraska has just now stated, that it would be a working committee, a working committee with respect to all its members, whether they were from the executive or from the legislative branches, and that the committee would begin to work immediately. It was thought that immediately upon its appointment it would meet and adopt an agenda and distribute the funds.

Mr. BARKLEY. I appreciate that. Of course, in anything I have said I have not assumed that the committee would not take its duties seriously, and would not work diligently in the performance of its duties. I do not know what Members of the Senate will be on the committee, or what Members of the House will be on the committee, or who from the Departments will be on it, but if the President can make allocations of this $400,000 only when requested by the committee, I do not see why the President is brought into it at all.

Mr. O'MAHONEY. Will the Senator allow me to interrupt him?

Mr. BARKLEY. Yes.

Mr. O'MAHONEY. There is no doubt that under the language with respect to the allocation of the $400,000 the

initiative would have to come from the committee. There is no question about that.

Mr. BARKLEY. Yes. If the committee is to make the requests for the allowances, and if the President can allot any amount to the executive departments without the request being made by the committee, it seems to me it would be a mere pro forma performance of a perfunctory duty on the part of the President simply to carry out a request of the committee.

We should also keep in mind that when the President sent his message to the Congress on that subject, he asked that $500,000 be made available to be distributed and allocated by him to the various Departments for the purpose of making the investigation. That has been modified by giving the committee $100,000, and I think that is proper. I am for that provision. I think the committee ought to have money available for its own expenditures, but I insist that the other $400,000 should be left in the hands of the President without restriction.

Mr. NORRIS. Mr. President, much has been said by my colleague and others about the idea being expressed in the Judiciary Committee that the committee would meet and allocate all this money among the Departments. I do not believe that was the idea. But suppose it was. There is language in the measure which does not mean that. It does not say that. No matter what the Judiciary Committee might have been thinking, the measure contains the language of the committee which will allocate not to exceed a certain amount. They can allocate 50 cents if they want to for a certain Department and $100 for another, and the next week they may allocate some more. The probabilities are they will not allocate all of it at once. It is impossible to tell just how much each Department would use.

Mr. BARKLEY. The probabilities are they will not allocate the whole amount at once.

Mr. NORRIS. No.

Mr. BARKLEY. Until the investigation gets under way no one can know how much any Department will need.

Mr. NORRIS. As the Senator from Illinois has said, when the committee has gone home, and a meeting of the committee cannot be had, if it is then found that the money allocated to a certain Department has been exhausted, and that Department needs some more money, the committee will have to be called together before any greater allocation can be made. In other words, such action will have to await the assembling of the committee.

Mr. BARKLEY. I imagine the committee will engage in open public hearings, but I also imagine that in addition, and propably preparatory to those hearings, it will inaugurate research and investigation, not only by the Departments named in the joint resolution, but by all the Departments, and while those researches and investigations are going on the committee itself may take a recess. That is entirely possible. That happens in connection with all committees.

If the Senator from Nebraska is correct, and it is contemplated that the $400,000 will be allocated at once to the various Departments, I do not know how that could be done in a practical way, because no one can know in advance which Department will be called on or ought to be called on for service. If the committee meets in the beginning and allocates all the money to three, or four, or five, or six Departments, it may turn out later that there are three or four other Departments which ought to be brought into the picture, and investigations made by them. So my feeling is that from time to time, as the committee's work is in progress, allocations should be made to the Departments and agencies, as the need may exist, and may be revealed from time to time, and that that is a discretion which should be left in the President, and he ought not to be powerless to make the allocations unless the committee should see fit to ask him to make them.

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

Mr. BARKLEY. I yield to the Senator.

Mr. BURKE. It would seem to me very much better practice, if the evidence were available, for the Senate to allocate $100,000 to the committee, the committee having decided that that is what it needs, $100,000 or $150,000 to the Department of Justice, and so many thousands to each of the other Departments to carry on their work. But, as the Senator from Kentucky has said, it is not possible at this moment, while we are acting on the joint resolution, to say just how many thousand dollars the Department of Justice really needs, or how much the Securities and Exchange Commission needs.

Under the provisions of the joint resolution, it is entirely possible for the committee, as soon as it is set up, to meet. The heads of the various governmental agencies will confer. Mr. Arnold, if he is the representative of the Department of Justice, may bring before the committee his statement as to whether his Department will need $50,000 or $100,000 to get under way; and so with the other Departments. The allocation may be made immediately, although possibly not in the entire amount. We hope the committee would not allocate to any Department more than it could actually use. Then the Departments could go to work.

The proposed committee is supposed to report very early in the next session. The members, who are appointed on the committee, certainly ought to contemplate sitting down in Washington and going at the task if they are to be ready to bring in a report early in January. I see no difficulty at all. If $100,000, say, were allocated within the next few weeks to the Department of Justice, and in September that fund were exhausted, and the Department of Justice needed $50,000 more, and the $400,000 had not been fully allocated, does anyone think there would be any difficulty in having the committee say to the President, "Here is $50,000 more to turn over to the Department of Justice to go through with the matter"?

Mr. BARKLEY. I agree with part of what the Senator says, but I must disagree in part.

Mr. BURKE. I am complimented if the Senator agrees with any part of my statement.

Mr. BARKLEY. It is always a pleasure for me to agree with the Senator if I can, because I have a very high regard for his sincerity, his honesty, and his ability. It always causes me regret when I disagree with him. I have to do it oftener than I like.

I wish to say that I do not yet understand, from any explanation which has been made, why the committee felt itself called upon to deny the President the right to allocate the money. The President is in closer touch with the Departments than Congress could possibly be. The President is in closer touch with the Departments than the proposed committee would be, or could be, because he is the head of the executive branch of the Government, and deals with them all the time, day by day.

I do not in any way intimate that the proposed committee would not diligently go about the service which it might be called upon to render; and I do not in any way intimate that the committee would not measure up to the full responsibility of the great work which lies ahead of it. It may be a great work for the benefit of the American people. No subject is more vital, more imminent, more necessary, or indispensable than the investigation contemplated by the joint resolution. While the committee will be busy and diligent, as I stated awhile ago, it is not expected that it will be in continuous session from the time we adjourn until the next session of Congress.

I am not satisfied with any reason which has yet been advanced why the President should be denied the control of the funds. I think he is in a better position than any committee, such as is proposed, to allocate them promptly and judiciously on his own knowledge and information, and on the information which he will receive from the various Departments as to the part they will play in this activity.

Therefore, I hope the amendment will be rejected.

The PRESIDING OFFICER (Mr. HATCH in the chair). The Chair will endeavor to clear up the parliamentary situation, in which he thinks the Senator from Vermont is interested. The Chair asks the attention of the Senator from Wyoming.

Before the previous amendment was agreed to, as the Chair understood, the Senator from Wyoming requested that all of subparagraph (c) of section 3, on page 5, be eliminated.

Mr. O'MAHONEY. I made a formal motion to that effect.

The PRESIDING OFFICER. The Chair announced that the amendment to the amendment was agreed to without objection.

Mr. O'MAHONEY. That is my understanding.

The PRESIDING OFFICER. The amendment to the amendment eliminated all of subparagraph (c) of section 3, on page 5. Then the committee amendment as amended, was agreed to. That point seemed to be bothering the Senator from Vermont. Is it clear at this time?

Mr. AUSTIN. Mr. President, it is clear as mud.

The PRESIDING OFFICER. The Chair has made the parliamentary situation as clear as he can.

Mr. AUSTIN. I accept the statement of the Chair. Of course it is so. It must be so. I made the claim that the clerk was stopped in his reading at line 4 on page 5. I was informed that the clerk had read all of that paragraph, and then I announced that I had not heard it, though I sat here listening intently.

Mr. BARKLEY. Mr. President, if the Senator will yield——

Mr. AUSTIN. I will not yield at this moment, Mr. President. I should like to finish my statement.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. AUSTIN. This is another matter with respect to which we are taken by surprise. We have done something else entirely in the face of what the Judiciary Committee agreed to. That accounts for my misunderstanding of the motion of the Senator from Wyoming [Mr. O'MAHONEY]. I supposed that the question on agreeing to the committee amendment was being put, and that we were acting upon the committee amendment. Had I understood that anything else was being done, I should have interposed an objection.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. I ask unanimous consent that the action of the Senate upon the committee amendment on page 4 be reconsidered in order that the Senator from Vermont may have an opportunity to express his views.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none; and the previous action, by which the amendment was agreed to——

Mr. NORRIS. Mr. President, what is the request?

The PRESIDING OFFICER. As the Chair understood it, the request of the Senator from Wyoming was that the action of the Senate in agreeing to his amendment to the committee amendment be reconsidered, and that the vote by which the committee amendment, as amended, was agreed to, be reconsidered, and that the Senate begin anew with the committee amendment on page 4. Is that the request of the Senator?

Mr. O'MAHONEY. The Chair has correctly stated the situation. If the Senator from Vermont will yield to me for a moment, I fear that, standing in the back row, I did not make myself heard throughout the Senate.

Let me say, for the benefit of the Senator from Vermont and for the benefit of the Senate, that when the clerk, in reading the amendment, reached line 5 on page 5, I interrupted him and said that subparagraph (c) was in apparent conflict with subparagraph (b) of section 6, on page 7, as reported by the Judiciary Committee. I regarded the two provisions as subject to the interpretation of stating conflicting purposes. Obviously that is correct, because subparagraph (c) of section 3, on page 5, provides that—

> The funds appropriated under the authorization contained in this joint resolution shall, with the approval of the committee, be available for expenditure by the committee and by such Departments and agencies as the committee may designate to cooperate with the committee in carrying out the provisions of this joint resolution.

The Senator will recall that that language was drawn before there was any provision whatsoever for an allocation of $400,000 for distribution by the President upon application by the committee. With the provisions of subparagraph (b) of section 6, on page 7, as reported by the Judiciary Committee, there was no need whatsoever for subparagraph (c) of section 3, on page 5. It was for that reason that I made the motion that the committee amendment be amended by eliminating subparagraph (c) of section 3, on page 5.

If the Senator feels that there is any conflict, of course I am perfectly willing that the matter shall be reviewed entirely and completely at length. However, I think there is no conflict.

Mr. AUSTIN. Mr. President, it will make no difference about the result whether or not we proceed in a parliamentary manner and reconsider the vote, and vote over again, because the same thing will take place which has already taken place. The Senate is acting under an influence which is apparently irresistible. It cannot stop to consider arguments pro and con.

Think of it. The language now sought to be stricken from the joint resolution by the Senator from Wyoming was his own language in his original resolution, Senate Joint Resolution 291, and was compatible with his original statement as to who should control the expenditure of the funds. Senate Joint Resolution 291, page 3, line 22, starts with the very language which the Senator now asks to have stricken from the joint resolution. Senate Joint Resolution 291, page 6, line 5, starts with his idea of who should control the appropriation, or the $500,000 authorized to be appropriated. It was all on the theory that this was a congressional investigation, and that the legislative body would take charge of it and direct the investigation and the control of funds.

It all goes together. We agreed in the committee that we would strike out paragraph (c) one sentence, namely, the first sentence contained in lines 4 to 6, solely because it was a duplication of the same words on the same page in lines 14 to 17. The committee unanimously agreed to that, and adopted the language of the Senator from Wyoming for the remainder of the paragraph, and the matter came here by the unanimous consent and agreement of the Judiciary Committee of the Senate, which had deliberately adopted that language. Now it has been slipped over here. I am willing to let it go on that kind of a deal, because I know it will not do any good to reconsider it.

I desire to say, before a vote is taken on the other matter—we apparently have arrived at page 7 of the joint resolution—that there seems to be a disposition to go back on the decision of the Judiciary Committee, as made, to amend the language in line 10 on page 7, and to disagree to the recommendation of the Judiciary Committee, and thereby to restore the joint resolution to the condition in which the President shall direct the expenditure of $400,000, four-fifths of all the money provided.

Mr. President, the joint resolution which we are considering is not the President's joint resolution. This is not the idea of the President of the United States. Some of the most important features of the pending joint resolution arose in the brain of the Senator from Wyoming [Mr. O'MAHONEY] and have been known here for months; and we have had committees studying these ideas for months. Take, for example, the standardization provisions of the joint resolution, and the establishment of national standards for corporations engaged in commerce among the States and with foreign nations. That is the backbone of the O'Mahoney-Borah bill, upon which we have spent days and days taking important testimony, upon which I hope we shall take much more testimony, and upon which subject I expect that the committee will collect valuable information and bring it to us for our further consideration of that important question in the next session of the Congress.

I have before me the President's message on this subject. That idea cannot be found in it anywhere. Indeed, the President's proposal was a wholly different proposal than that contained in the joint resolution now before us. Let us not delude ourselves with the idea that we are snatching away from the President of the United States something which he originated or initiated. His recommendation was not for a legislative investigation. This was his recommendation:

The study should be comprehensive and adequately financed. I recommend an appropriation of not less than $500,000 for the conduct of such comprehensive study by the Federal Trade Commission, the Department of Justice, the Securities and Exchange Commission, and such other agencies of government as have special experience in various phases of the inquiry.

There is no idea of a congressional investigation in that recommendation to the Congress. Moreover, if there were, let me call attention to the date of this document—April 29, 1938. Long before that, weeks before that, the idea of a congressional investigation, a legislative study, was made in the following language. I am about to read something that occurred on March 3, 1938, as shown by the CONGRESSIONAL RECORD, at page 2757:

My proposition is this: Let us create a nonpolitical, nonpartisan commission, which will have for its duties the restatement of the law relating to monopolies and trusts. The great criticism that we hear in all the different committees on which I sit is that there is no definition of monopoly. There is no clear, precise statement of what the law is. It is all in confusion. Let us define "monopoly." Let us prescribe the elements of offenses. Let us include in the law the affirmative principles that shall govern business as well as the negative ones. Let us study the relations of business—that is, of bigness, that is so much criticized. Let us study that relation to the general welfare, and to domestic and foreign trade, and let us comprehensively revise the various trade acts to give certainty to business with respect to what is lawful and what is unlawful. Let us aim at encouragement of private initiative, investment, and enterprise.

That, and much more, was stated on the floor of the Senate more than a month and a half before a suggestion of the kind made by the President came to us from him; but he did not recommend that, Mr. President. He recommended an investigation by the Departments—that was what he wanted—Departments which have a predilection; Departments which are already biased and prejudiced; Departments whose men come before us in the committees considering such bills as the O'Mahoney-Borah bill and take an extreme position, one that is well calculated to frighten business and to deter recovery. The President wanted an investigation by such men as Jackson, whose position on the stump of the country was enough to alarm anybody who had any money at all to invest in enterprise and to stimulate the Nation's business.

When we talk about departing from the President's program, I will say that this joint resolution may permit such action, such an inquisition, but that is not its objective. As the members of the Judiciary Committee considered it, in conversing with each other and in hearing it explained by its author, the object of the pending measure was a legislative investigation in which the Congress would perform its function, and it was a wholly different function from that expressed in the President's message. Therefore, it is eminently proper, and no slap at the President or anybody else, for us to make consistent the legislation we have before us. We are not trying to create an inquisitorial body to be effective through the prosecutory powers of our Government. We are trying to create an inquiry that is legislative in character and objective. Let us do it. Let us not, under the guise and the front of a legislative investigation, take four-fifths of $500,000 and turn it over to the prosecution of the aspect of the joint resolution which might be construed to be in conformity with the President's message.

There is only a small part of the pending joint resolution which is in conformity with the President's message. All I want is to see the good done and the bad stopped. That is why I think it is just too bad to mix up all this matter now, after we as a committee have done what we did to the joint resolution; to come in here on the floor of the Senate and overturn all that the committee did, in order that we may now satisfy the Chief Executive, in order that we may not do anything which could possibly be given the color of an affront to him. We do not give affront when we say to the President of the United States, "We appropriate money for you to expend on such and such and such things." We do that because the Constitution requires it of us. That is what it is our business to do. When matters have reached such a stage that a Senator cannot stand on the floor of the United States Senate and insist upon the legislative department of the Government performing its function of appropriation without his action being treated as an affront to the Chief Executive, we certainly have demeaned ourselves beneath our dignity.

Mr. HATCH. Mr. President, I do not desire to take the time of the Senate to discuss the pending amendment, but certain remarks made by the Senator from Vermont concerning the parliamentary situation which developed a moment ago compel me to make a brief statement concerning the situation and the remark made by the Senator from Vermont to which the then occupant of the Chair, I myself, took offense, and I did take offense.

Mr. AUSTIN. Mr. President, I beg the Senator's pardon.

Mr. HATCH. The remark was that something had been "slipped over." Those were the words.

Mr. AUSTIN. Mr. President, I beg the Senator's pardon, and I retract it entirely. I hope the Senator will accept my apology.

Mr. HATCH. Certainly the Senator from New Mexico accepts the apology of the Senator from Vermont, but it was unfortunate language.

Mr. AUSTIN. Yes; I acknowledge that, and I am very sorry for it.

Mr. HATCH. The Senator from New Mexico, in the chair at that time, understood the request of the Senator from Wyoming perfectly, just as he stated it.

Mr. AUSTIN. In what I said I did not mean what the Senator understood me to mean.

Mr. HATCH. I want it to be plain, and I want it understood publicly, that there was no effort on the part of the Senator from Wyoming or the occupant of the chair or anyone else to "slip anything over" the Senator from Vermont or anybody else, and I wish to say in behalf of the Senator from Wyoming that in the committee and on the floor of the Senate he has tried to handle a difficult situation, and at times a delicate situation, in a fair, square, honest manner to everyone concerned.

Mr. AUSTIN. Mr. President, I think the Senator is entirely justified in his statement, and I accept the criticism fully. I did not mean, however, just what the Senator understood.

Mr. O'MAHONEY. Mr. President, I understand the parliamentary situation to be that the question is upon my motion to perfect the amendment beginning on line 11, page 5, by striking out paragraph (c).

The PRESIDING OFFICER (Mr. MCGILL in the chair). The question is on the motion of the Senator from Wyoming to strike out paragraph (c) of section 3, on page 5.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the committee amendment as amended.

Mr. BURKE. Mr. President, this is a very important amendment, and I should not like to see it acted on without the full membership of the Senate present.

Mr. O'MAHONEY. Mr. President, I hope the Senator from Nebraska will withhold his suggestion of the absence of a quorum. He might be justified in raising the question when we come to vote on the really controversial amendment, on page 7, but I think there is no controversy about the pending amendment.

Mr. BURKE. What is the amendment now pending?

The PRESIDING OFFICER. The question is on the committee amendment, on page 4, section 3, as amended by the amendment of the Senator from Wyoming.

Mr. BURKE. The point is well taken. I thought we had passed on that already.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 7, after the word "available", on line 9, it is proposed to insert "on application by the committee for allocation."

Mr. BARKLEY. Mr. President, in view of the fact that we have already gone beyond the regular hour of adjournment, and the Senator from Nebraska is anxious for the appearance of his absent colleagues, and not desiring to inconvenience them by asking them to return at this hour, I think we will suspend at this time and let this amendment go over until tomorrow.

ATTENDANCE OF MARINE BAND AT NATIONAL ENCAMPMENT OF G. A. R.

Mr. WALSH. Mr. President, from the Committee on Naval Affairs, I report back favorably without amendment House bill 10722, and I ask for its immediate consideration. There is no controversy about it.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10722) to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 4 to 8, inclusive, 1938, which was ordered to a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. RUSSELL submitted a conference report.

(For conference report on H. R. 10238, see House proceedings, p. 8765.)

The report was agreed to.

MARTIN BRIDGES

The PRESIDING OFFICER laid before the Senate a message announcing the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1872) for the relief of Martin Bridges, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BROWN of Michigan. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER conferees on the part of the Senate.

WILLIAM J. SCHWARZE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1788) for the relief of William J. Schwarze, which were, on page 1, line 6, to strike out "his"; in line 7, to strike out all after the word "States" down to and including the word "private", in line 8, and insert "for loss of the personal"; in line 9, to strike out "was lost" and insert "a minor"; in lines 10 and 11, to strike out "his son" and insert "he"; in line 11, to strike out "(2)"; and in line 12, to strike out "him" and insert "said William J. Schwarze."

Mr. DUFFY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HAFFENREFFER & CO., INC.

The PRESIDING OFFICER laid before the Senate a message announcing the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5743) for the relief of Haffenreffer & Co., Inc., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCHWELLENBACH. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURKE, Mr. SCHWELLENBACH, and Mr. CAPPER conferees on the part of the Senate.

ANNIE MARY WILMUTH

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 546) for the relief of Annie Mary Wilmuth, which were, in line 9, after the name "Wilmuth", to insert "of Phoenix, Ariz."; in the same line, to strike out "disability" and insert "tuberculosis"; in line 10, after the word "contracted", to insert "between May 1926 and August 1927"; and in line 13, after the word "act", to insert a colon and "*Provided further*, That claim hereunder shall be filed within 6 months after approval of this act."

Mr. HAYDEN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

RELIEF OF CERTAIN OFFICERS AND SOLDIERS OF THE VOLUNTEER SERVICE

Mr. BARKLEY. Mr. President, I wish to submit a conference report on the bill (H. R. 2904) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, and to ask for its immediate consideration.

Mr. KING. Mr. President, the junior Senator from Kentucky and myself had an understanding that this was not to be taken up, since he knew that I desired to submit some comments on the matter.

Mr. BARKLEY. I ask that the matter go over until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WABASH RIVER BRIDGE, INDIANA

Mr. MINTON. Mr. President, I ask unanimous consent that the Senate consider House bill 10076, providing for a bridge across the Wabash River at or near New Harmony, Ind.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 10076) to create the White County Bridge Commission; defining the authority, power, and duties of said commision; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind., was considered, ordered to a third reading, read the third time, and passed.

DISBURSEMENT OF FUNDS FOR CARE OF EQUIPMENT, ETC., OF NATIONAL GUARD—CONFERENCE REPORT

Mr. JOHNSON of Colorado submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9721) authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

ED. C. JOHNSON,
ERNEST LUNDEEN,
H. C. LODGE, JR.,
Managers on the part of the Senate.

A. J. MAY,
R. EWING THOMASON,
DOW W. HARTER,
W. G. ANDREWS,
L. C. ARENDS,
Managers on the part of the House.

The report was agreed to.

FARM SECURITY ADMINISTRATION

Mr. BROWN of Michigan. Mr. President, yesterday the Senate passed Senate bill 3779. The day before an identical House measure, House bill 8673, had been passed in the House. I ask unanimous consent that the proceedings by which the Senate bill was passed be vacated, and that House bill 8673 be now considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the Senate bill 3779 was passed is reconsidered. Is there objection to the request of the Senator from Michigan that the Senate consider House bill 8673?

There being no objection, the bill (H. R. 8673) for the relief of certain persons at certain projects of the Farm Security Administration, United States Department of Agriculture, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3779 will be indefinitely postponed.

ALTERATIONS AND REPAIRS TO AIRPLANE CARRIERS "LEXINGTON" AND "SARATOGA"

Mr. WALSH. Mr. President, yesterday in my absence the distinguished Senator from Utah [Mr. KING] objected to certain bills on the calendar because they needed explanation, and in order that I may be given that opportunity now, I ask that the Senate first consider House bill 7560, which is Calendar No. 2053.

Mr. AUSTIN. Mr. President, I should like to know what the bill is.

Mr. WALSH. Mr. President, I think after an explanation is made there will be no objection to the bill. The bill authorizes the alteration and repairs to certain naval vessels. Under existing law the Navy can repair any vessel it chooses without further authorization, but cannot exceed $450,000 for such repair or alteration work. Therefore, when it becomes necessary to repair a major vessel it is necessary to get legislation authorizing it.

There are two large and important airplane carriers in the Navy, the *Lexington* and the *Saratoga*, which were originally made over from battle cruisers to airplane carriers. They are the best and finest airplane carriers in the world. We have since then built other airplane carriers, but they are inferior in size and in usefulness to the two I mention. The airplane carriers *Saratoga* and *Lexington* carry more planes than any other naval airplane carriers. They are in serious need of repair. If a new airplane carrier were to be built instead of the existing airplane carriers being repaired, each new carrier would cost at least $20,000,000. The two carriers in question can be repaired for $15,000,000, or about $7,500,000 apiece.

The Navy Department strongly urges the authorization of the repair work. The House has passed the bill. The Senate Committee on Naval Affairs favorably reported a similar bill last session, and again in this session. I sincerely hope favorable action will be taken, because, in my opinion, I will say to the Senator from Utah, the repairing of these vessels may save the asking of appropriations in the next naval bill for new airplane carriers.

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

Mr. WALSH. I yield.

Mr. KING. My recollection is that the *Lexington* and the *Saratoga* were constructed along in 1920 or thereabouts.

Mr. WALSH. They were battle cruisers which would have been scrapped as the result of the Washington Treaty were it not for the fact that they were made over into airplane carriers. The Washington Treaty did not deal with airplane carriers, so the battle cruisers were made over into airplane carriers.

Mr. KING. Some criticism has been brought to my attention from time to time that they were too large, and that better airplane carriers could be constructed than are the *Lexington* and *Saratoga*, and that to perpetuate them as airplane carriers is a mistake.

Mr. WALSH. I have heard that suggestion made, but I can say frankly that in the judgment of the naval authorities now, and in the judgment of the committee which has considered those factors, it is most desirable that these airplane carriers should be made over. My personal opinion is that I should much prefer to have these carriers made over than to have two new airplane carriers built.

Mr. KING. Why could not the Navy Department, out of the five hundred and fifty-odd million dollars which we have appropriated for the Navy for the next year, plus the nearly one billion for new naval construction, a total of a billion and a half dollars, find the necessary funds?

Mr. WALSH. Even if the Navy found the funds they could not use them.

Mr. KING. Why not?

Mr. WALSH. Because it is first necessary to have an authorization.

Mr. KING. Then why not authorize the Navy Department to use the amount necessary for this purpose out of the billion and one-half dollars which we have appropriated and authorized this year to the expenses of the Navy? Why could not we authorize the Navy to deduct the amount required from the vast sums which we have appropriated for it?

Mr. WALSH. When the emergency appropriation bill comes before us some such amendment could be offered, but the only function that I have, not being a member of the Appropriations Committee, is to decide whether or not it is a wise and efficient policy for the reconstruction and repair of these very important naval vessels.

Mr. KING. Is the Senator asking for a direct appropriation?

Mr. WALSH. No; I am not. I am only asking for an authorization. The money may not be appropriated so far as this operation is concerned, but the proposed action lays the foundation for an appropriation.

Mr. KING. Mr. President, I know that any effort to procure economy in military and naval expenditures and appropriations and authorizations in this time of hysteria of spending will be futile. I shall not object to the present consideration of the bill, but I should like to be recorded as voting "no" on the passage of the measure.

Mr. WALSH. I appreciate the attitude of the Senator from Utah.

The PRESIDING OFFICER (Mr. MCGILL in the chair). Is there objection to the present consideration of House bill 7560?

There being no objection, the Senate considered the bill (H. R. 7560) to authorize alterations and repairs to certain naval vessels, and for other purposes, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of modernizing the United States ships *Lexington* and *Saratoga* alterations and repairs to such vessels are hereby authorized and expenditures therefor shall not be limited by the provisions of the act approved July 18, 1935 (49 Stat. 482), but the total cost of such alterations and repairs shall not exceed $15,000,000: *Provided*, That the alterations and repairs to naval vessels authorized by this act shall be subject to the provisions of such treaty or treaties limiting naval armaments as may be in effect at the time such alterations and repairs are undertaken.

INCREASE OF PRIVATES, FIRST CLASS, IN MARINE CORPS FROM 25 TO 50 PERCENT

Mr. WALSH. Mr. President, in my absence another bill was passed over yesterday because I was unfortunately absent and unable to explain it. I ask now for the immediate consideration of Senate bill 3337, being calendar No. 2075, and I shall briefly explain the bill before it is taken up.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. LA FOLLETTE. Mr. President, let us understand what the bill is before that action is taken.

The PRESIDING OFFICER. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 3337) to amend section 2 of the act entitled "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," approved May 22, 1917, as amended, to increase the authorized percentage

of privates, first-class, in the Marine Corps from 25 to 50 percent of the whole number of privates.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

Mr. LA FOLLETTE. Mr. President, before consent is given to take up the measure I should like to hear the explanation which the Senator from Massachusetts said he would make of the bill.

Mr. WALSH. That is a very proper request.

Mr. President, the pay given to privates in the Marine Corps in the Navy is $21 a month. The pay for enlisted men in the Navy is $30 a month. The maximum pay in the Army is the same. We are not asking that that pay be changed. But a young man enlisted in the Marine Corps has an ambition to be advanced to be what is called first-class private. When, upon the recommendation of his officers he reaches that position, he receives $30 a month.

The law fixes the percentage out of the total of enlisted men in the Marine Corps who can be given opportunity to be declared to be first-class privates after 1 year at 25 percent of that total. There is no difficulty in reaching that percentage, 25 percent, and it is always complete. The number who can be promoted to that ratio is determined and fixed. We have 17,000 enlisted men in the Marine Corps, of which number only 2,946 are privates, first class.

The Navy asks to make that percentage 50 percent. The bill puts it at 40 percent, so that 40 percent of the enlisted men, after a year's service, if found by their superior officers to be entitled to be promoted from $21 to $30, will be so promoted.

Let me say in this connection that from my observation of the personnel in the Marine Corps and in the Navy and the Army, the personnel in the Marine Corps is superior, if I may be permitted to say so, and that is no reflection upon the others. Many high-school graduates, many college men are in the Marine Corps. But there is absolutely an appalling situation in the Marine Corps because there is nothing for the enlisted man in the way of promotion except this 25-percent provision.

In the Navy it is possible for an enlisted man, by going to the Navy schools, to reach a wage of $75, $100, or $125 a month by becoming a first-class mechanic. The result is that the Marine Corps is training the men, and they are moving to the Army or to the Navy, and the Marine Corps has become a constantly shifting body. The number of reenlistments is appallingly small because of this fact. The wage of $21 a month is miserable and indefensible for young men who enlist in the Marine Corps. All the bill does is to permit the number who may be promoted and raised to the rank of first-class enlisted man to be increased from 25 to 40 percent of the total. The Navy Department asked for 50 percent, but the committee made it 40 percent.

Mr. LA FOLLETTE. Mr. President, I am satisfied with the Senator's explanation. I have no objection.

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

Mr. WALSH. I yield.

Mr. KING. If the 40-percent limit is established, how many enlisted men will fall in that category?

Mr. WALSH. A total of about 17,000 is now authorized, of which number only 2,947 are privates, first class.

Mr. KING. Of course, the personnel is not static. That is to say, there may be 12,000 this year, and next year there may be 15,000 or 20,000, because undoubtedly with the militaristic spirit which prevails today, the Marine Corps will be greatly augmented. The number of 12,000 would mean an addition of $1,200,000 to the stupendous sum which we have already appropriated for the Navy. As I stated a moment ago, there is no chance in this body to stop appropriations for the Army and Navy, or for anything else, for that matter.

Mr. WALSH. Mr. President, the increase would be about $196,000 per year. I sympathize with the Senator. Let me say to the Senator that I feel that it is a painful duty to ask for money for the Navy, in view of the large appropriations which have already been made. However, we have a situation where young men are receiving only $21 a month in the finest body of defense forces in the country. I have visited the Marine barracks on the east and west coasts, and have asked the men standing in front of me to indicate, by raising their hands, how many intended to reenlist. I was shocked to find that a very large percent of the men get out of the Marine Corps without reenlisting, because they see no opportunity for advancement by continuing their service. The men we are able to hold in the Marine Corps are the men whom we advance to first class.

Let me say to the Senator from Utah [Mr. KING] that I appreciate his position, and I sympathize with it. Only a short time ago I said to the Senator from Kentucky [Mr. BARKLEY] that one of the painful duties of my committee is to ask for readjustments and other things which involve increases in naval expenses. I feel that the pending measure is meritorious and will tend to remove an injustice in pay to the worthy privates in the Marine Corps.

Mr. KING. I express my appreciation of the sympathetic utterances of my friend. I receive a great deal of sympathy in my efforts for economy, but I do not obtain votes. I see appropriations multiply and increase as the years go by. Pretty soon we shall be appropriating over $2,000,000,000—perhaps two and a half billion dollars—for the Army and Navy, with an increased appropriation each year. The taxpayers will have to pay it sooner or later. We are increasing the burdens on the taxpayers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3337) to amend section 2 of the act entitled "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," approved May 22, 1917, as amended, to increase the authorized percentage of privates, first-class, in the Marine Corps from 25 to 50 percent of the whole number of privates, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918 (40 Stat. 714; title 34 U. S. C., sec. 691c), is hereby amended by striking out the words "twenty-five" appearing in lines 6 and 7 of the said section and substituting therefor the word "forty."

Mr. McADOO. Mr. President——

The PRESIDING OFFICER. Does the Senator desire recognition on the pending bill?

Mr. McADOO. I do.

I merely wish to express my entire approval of what the Senator from Massachusetts [Mr. WALSH] has said. The existing situation is an obvious injustice, and it is harmful to the efficiency and the esprit de corps of the Marine Corps. I think it should be corrected. In my judgment, a great government such as ours should not be put in the position of doing such a grave injustice to the enlisted men in the Marine Corps.

I heartily support the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

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 amend section 2 of the act entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes,' approved July 1, 1918, to increase the authorized percentage of privates, first class, in the Marine Corps from 25 to 40 percent of the whole number of privates."

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. NEELY. Mr. President, I should like to propound an inquiry to the leader, the distinguished Senator from Kentucky [Mr. BARKLEY].

Since the 25th of April there has been on the Senate Calendar Senate bill 457, Order of Business 1715, a bill to

amend sections 1 and 6 of the Civil Service Retirement Act, approved May 29, 1930.

So far as I can ascertain, only one Senator has any objection to any provision of the bill. I believe not more than 30 minutes of the time of the Senate would be required to pass the bill.

I now inquire of my able leader if he cannot cooperate with me tomorrow in bringing this measure before the Senate and obtaining action upon it.

Mr. BARKLEY. I do not know whether or not we can do it tomorrow. I will say to the Senator that I shall be very glad to cooperate with him to have the bill considered as soon as possible. We may have a pretty full day's business tomorrow. The Senator has spoken to me about the bill. I desire to help him gain consideration of the bill, but I am unable to designate the time.

Mr. NEELY. I thank the Senator. I sincerely hope we may be able to proceed with the consideration of the bill before the end of the next legislative day.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McGILL in the chair) 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. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of Anton J. Lukaszewicz, of Wisconsin, to be United States marshal for the eastern district of Wisconsin.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of Charles E. Dierker, of Shawnee, Okla., to be United States attorney for the western district of Oklahoma, vice William C. Lewis, whose term will expire June 18, 1938.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably, without reservation, Executive F, Seventy-fifth Congress, third session, a convention between the United States of America and the Netherlands, signed at Washington on March 18, 1938, providing for the arbitration of a difference between the Governments of the two countries in regard to the sufficiency of the payment made by the Government of the United States of America to the Government of the Netherlands for certain military supplies of the Netherlands Government which were requisitioned in 1917, and submitted a report (Ex. Rept. No. 14) thereon.

The PRESIDING OFFICER. The reports will be placed on the executive calendar.

BOARD OF TAX APPEALS

Mr. HARRISON. Mr. President, from the Committee on Finance, I report certain nominations, and, after they have been read, I shall ask unanimous consent that they be confirmed this afternoon, for the reason that they represent four nominations for reappointment to the Board of Tax Appeals. The terms ended on the 1st of June and the incumbents are now serving without pay. An important meeting of the Board is scheduled for tomorrow. I have spoken to the Senator from Oregon [Mr. McNARY] and the Senator from Kentucky [Mr. BARKLEY] about the matter. It seems to me that because of the peculiar situation, these nominations should be confirmed this afternoon, and I make that request.

The PRESIDING OFFICER. The Senator from Mississippi reports certain nominations from the Committee on Finance, and asks for their immediate consideration. Is there objection?

Mr. AUSTIN. Mr. President, I have not yet heard the names.

The PRESIDING OFFICER. The clerk will state the nominations to the Board of Tax Appeals.

The legislative clerk read the nominations of Charles R. Arundell, of Oregon; John W. Kern, of Indiana; Clarence V. Opper, of New York; and John A. Tyson, of Mississippi, to be members of the Board of Tax Appeals.

Mr. HARRISON. Let me say that these four nominations were approved by the Senators from the respective States.

Mr. AUSTIN. The Senator from Oregon [Mr. McNARY] spoke to me about the matter before he was called from the Chamber. I have no objection.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. HARRISON. I ask that the President be notified.

The PRESIDING OFFICER. Without objection, the President will be notified.

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

THE JUDICIARY

The legislative clerk read the nomination of Gordon Campbell, of Carmel, Calif., to be marshal of the United States Court for China.

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

Mr. McADOO subsequently said: I ask that the President be notified of the confirmation of the nomination of Mr. Gordon Campbell as marshal of the United States Court for China.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

Mr. McKELLAR. Mr. President, about three or four hundred nominations of postmasters have been submitted to the Senators from the several States, and those Senators have approved the nominations, which are now before the Senate. I ask unanimous consent that the nominations which have been approved by the Senators be confirmed en bloc at this time, though they are not on the printed calendar.

Mr. AUSTIN. Mr. President, I am sure I do not know what the effect of that action may be.

Mr. McKELLAR. If the Senator has any doubt about it, I will withdraw the request; but it costs a good deal to print the names on the calendar.

Mr. AUSTIN. May I request that if, on tomorrow, an objection should arise to the confirmation of any of these nominations, the matter will be reconsidered?

Mr. McKELLAR. That will be done. If any Senator desires a reconsideration, it will be done.

Mr. BARKLEY. I understand that all these nominations have been reported from the committee.

Mr. McKELLAR. All of them have been reported from the committee. They were first submitted to the Senators from the several States, and were reported on by those Senators, and then were reported by the committee. If any Senator objects to any one of them tomorrow, it will be reconsidered, of course.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? Without objection, the nominations of the postmasters referred to are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 9, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate on June 8 (legislative day of June 7), 1938

PROMOTIONS IN THE NAVY

Lt. Herbert S. Duckworth to be a lieutenant commander in the Navy, to rank from the 1st day of April 1938.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 2d day of June 1938:

Harold E. Parker
William L. Freseman

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 2d day of June 1938:

Samuel P. Weller, Jr.
Edward Brumby
Edward E. Colestock
Edward N. Little

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 6th day of June 1938:

John M. Lee
James L. P. McCallum
Robert S. Burdick
Howard Z. Senif
Thomas F. Sharp
Cyrus C. Cole
Richard B. Lynch
Thomas S. Baskett
Roscoe F. Dillen, Jr.
Mason B. Freeman
William C. Abhau
Dewitt A. Harrell
William F. Petrovic
Ben W. Sarver, Jr.
Jesse B. Gay, Jr.
Ralph M. Metcalf
John N. Shaffer
Blake B. Booth
Clement E. Langlois
Edward B. Schutt
Evan T. Shepard
Anthony Talerico, Jr.
Walter A. Moore, Jr.
Grover S. Higginbotham
Noel A. M. Gayler
John R. Lewis
Kenneth L. Veth
William P. Gruner, Jr.
John W. Thomas
Clinton A. Neyman, Jr.
Donald N. Clay
John H. Maurer
John W. McCormick
J. C. Gillespie Wilson
John J. Baranowski
James R. North
Robert S. Mandelkorn
John D. Gerwick
Stephen W. Carpenter
Kenneth West
Omar N. Spain, Jr.
James M. Wolfe, Jr.
Melvin E. Radcliffe
John S. Fletcher
Keats E. Montross
David Nash
Raymond M. Parrish
Frederic W. Brooks
Chester A. Briggs
James W. Thomson
William T. Powell, Jr.
Eugene B. Fluckey
Vincent A. Sweeney
John H. Brandt
Thomas H. Henry
John S. Barleon, Jr.
Norman D. Gage
Harold J. Islev-Petersen
Frank E. Sellers, Jr.
William B. Wideman
Oliver D. Finnigan, Jr.
Eli T. Reich
Louis E. Schmidt, Jr.
John J. Foote
John J. Flachsenhar
Vincent A. Sisler, Jr.
Henry C. Tipton
Roy C. Klinker
William C. Thompson, Jr.
Sherwood H. Dodge
George E. Davis, Jr.
Edgar S. Keats
Frank McE. Smith
Ross E. Freeman
Bruce P. Ross
John O. Curtis
Christian L. Ewald
Marion F. Ramirez de Arellano
John A. Heath
Alton E. Paddock
Russell H. Smith
Samuel F. Spencer
Matthew S. Schmidling
Arthur M. Purdy
Fenelon A. Brock
Joseph H. Wesson
Jefferson D. Parker
Jack M. Seymour
Philip F. Hauck
Robert E. Riera
John F. Murdock
Elbert M. Stever
George L. Conkey
Gordon E. Schecter
Frank K. B. Wheeler
Victor M. Cadrow
Franklin G. Hess
Carleton R. Kear, Jr.
Thomas D. McGrath
Warren J. Bettens
Frank B. Herold
Frederick M. Stiesberg
Nevett B. Atkins
Walter F. Henry
Charles B. Langston
Ted A. Hilger
John H. Cotten
Ralph J. Baum
Lloyd A. Smith
Thomas D. Shriver
George A. Crawford
Robert H. Prickett
Grafton B. Campbell
Briscoe Chipman
Maurice F. Fitzgerald
Thomas R. Mackie
Arthur V. Ely
Walter J. East, Jr.
William S. Guest
Eugene A. Barham
George Philip, Jr.
Robert W. Jackson
Samuel Nixdorff
John B. Crosby
Francis M. Gambacorta
William J. Germershausen, Jr.
Alan McL. Nibbs
Dwight L. Moody
Walker A. Settle, Jr.
Marshall H. Austin
Marcus R. Peppard, Jr.
Robert A. Phillips
Harold W. McDonald
Stanley W. Lipski
Frederick R. Matthews
James H. Brown
Everett H. Steinmetz
Robert Van R. Bassett, Jr.
Henry L. Muller
Manning M. Kimmel
John T. Probasco
William H. Hazzard
George H. Cairnes
Charles L. Harris, Jr.
LeRoy T. Taylor
Wilson R. Bartlett
Mark Eslick, Jr.
Ralph L. Ramey
Stephen H. Gimber
Turner F. Caldwell, Jr.
Carter B. Jennings
Bladen D. Claggett
Harrison P. McIntire
Richard E. Babb
Edwin H. Headland, Jr.
James S. Clark
Charles W. Consolve
French Wampler, Jr.
Leonard J. Baird
Gerald L. Christie
John S. C. Gabbert
Nicholas G. Doukas
Ronald K. Irving
Wilson G. Reifenrath
Horace C. Laird, Jr.
William Swab, Jr.
Edward D. Robertson
John W. Payne, Jr.
Allan C. Edmands
Richard H. Burns
Joseph E. Dougherty
Doyen Klein
Cecil E. Blount
Girard L. McEntee, Jr.
John N. Ferguson, Jr.
James F. Fitzpatrick, Jr.
George S. Lambert
George T. Baker
Arnold H. Newcomb
John G. Downing
Richard M. Farrell
Edward W. Bridewell
Robert M. Hinckley, Jr.
William T. Samuels
Hubert B. Harden
Don W. Wulzen
Joe R. Penland
Sibley L. Ward, Jr.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 2d day of June 1938:

John G. Farrell
Elbert C. Rogers

Lt. Lowe H. Bibby to be a lieutenant commander in the Navy, to rank from the 2d day of June 1938.

Machinist Nuel E. Blythe to be a chief machinist in the Navy, to rank with but after ensign, from the 2d day of April 1938.

Pay Clerk Clark Dunn to be a chief pay clerk in the Navy, to rank with but after ensign, from the 2d day of January 1938.

Pay Clerk Joseph H. Lillis to be a chief pay clerk in the Navy, to rank with but after ensign, from the 2d day of February 1938.

POSTMASTERS

ALABAMA

Francis G. Rowland to be postmaster at Childersburg, Ala., in place of F. G. Rowland. Incumbent's commission expired March 29, 1938.

William F. Croft to be postmaster at Crossville, Ala., in place of W. F. Croft. Incumbent's commission expires June 18, 1938.

Emma E. Yarbrough to be postmaster at Monroeville, Ala., in place of E. E. Yarbrough. Incumbent's commission expired June 8, 1938.

ARIZONA

Frank A. Rhodes to be postmaster at Gila Bend, Ariz., in place of F. A. Rhodes. Incumbent's commission expired April 27, 1938.

ARKANSAS

Lyle A. Wert to be postmaster at Garfield, Ark., in place of L. A. Wert. Incumbent's commission expired April 27, 1938.

CALIFORNIA

Vesta P. Basham to be postmaster at Castella, Calif., in place of E. T. Stanford, removed.

CONNECTICUT

Edward M. Doyle to be postmaster at Bantam, Conn., in place of E. M. Doyle. Incumbent's commission expired April 27, 1938.

Harry W. Potter to be postmaster at Glastonbury, Conn., in place of H. W. Potter. Incumbent's commission expired June 6, 1938.

Willis Hodge to be postmaster at South Glastonbury, Conn., in place of Willis Hodge. Incumbent's commission expired June 6, 1938.

DELAWARE

Claborne A. Boothe to be postmaster at Frankford, Del., in place of C. A. Boothe. Incumbent's commission expired May 7, 1938.

ILLINOIS

John W. Williams to be postmaster at Benton, Ill., in place of J. W. Williams. Incumbent's commission expired April 27, 1938.

William S. Westermann to be postmaster at Carlyle, Ill., in place of W. S. Westermann. Incumbent's commission expired May 28, 1938.

Carl J. Markel to be postmaster at Carpentersville, Ill., in place of C. J. Markel. Incumbent's commission expired June 6, 1938.

Fred O. Grissom to be postmaster at Kinmundy, Ill., in place of F. D. Grissom. Incumbent's commission expired April 27, 1938.

Fern Conard to be postmaster at La Moille, Ill., in place of Fern Conard. Incumbent's commission expires June 14, 1938.

Henry C. Johnson to be postmaster at Lawrenceville, Ill., in place of H. C. Johnson. Incumbent's commission expired April 27, 1938.

Nellie Waters to be postmaster at Murrayville, Ill., in place of Nellie Waters. Incumbent's commission expired May 3, 1938.

Alfred J. Geiseman to be postmaster at Shannon, Ill., in place of A. J. Geiseman. Incumbent's commission expires June 18, 1938.

J. Vernon Lessley to be postmaster at Sparta, Ill., in place of J. V. Lessley. Incumbent's commission expired May 3, 1938.

John W. Foster to be postmaster at Toluca, Ill., in place of J. W. Foster. Incumbent's commission expired May 22, 1938.

Melvin Higgerson to be postmaster at West Frankfort, Ill., in place of Melvin Higgerson. Incumbent's commission expired May 31, 1938.

Floyd E. Madden to be postmaster at Willow Hill, Ill., in place of F. E. Madden. Incumbent's commission expired June 6, 1938.

Mary I. Quinn to be postmaster at Wilmington, Ill., in place of M. I. Quinn. Incumbent's commission expired May 12, 1938.

Elmer M. Bickford to be postmaster at Wyanet, Ill., in place of E. M. Bickford. Incumbent's commission expired June 6, 1938.

INDIANA

Asa C. Clark to be postmaster at Bedford, Ind., in place of A. C. Clark. Incumbent's commission expired February 10, 1938.

Fred M. Briggs to be postmaster at Churubusco, Ind., in place of F. M. Briggs. Incumbent's commission expired May 3, 1938.

Jacob N. Hight to be postmaster at Etna Green, Ind., in place of J. N. Hight. Incumbent's commission expires June 18, 1938.

Ralph W. Kimmerling to be postmaster at Frankton, Ind., in place of R. W. Kimmerling. Incumbent's commission expires June 18, 1938.

Hazel R. Widdows to be postmaster at Geneva, Ind., in place of H. R. Widdows. Incumbent's commission expired May 3, 1938.

Lloyd A. Rickel to be postmaster at Mentone, Ind., in place of L. A. Rickel. Incumbent's commission expires June 18, 1938.

Cora Riley to be postmaster at Oaklandon, Ind., in place of Cora Riley. Incumbent's commission expires June 9, 1938.

Merton L. Hughbanks, to be postmaster at Scottsburg, Ind., in place of M. L. Hughbanks. Incumbent's commission expires June 9, 1938.

Mamie N. Judy to be postmaster at West Lebanon, Ind., in place of M. N. Judy. Incumbent's commission expired April 27, 1938.

Marion H. Rice to be postmaster at Wolcottville, Ind., in place of M. H. Rice. Incumbent's commission expired May 3, 1938.

IOWA

Martin W. Brockman to be postmaster at Clarksville, Iowa, in place of M. W. Brockman. Incumbent's commission expired May 24, 1938.

Albert B. Mahnke to be postmaster at Greene, Iowa, in place of A. B. Mahnke. Incumbent's commission expired May 7, 1938.

John N. Day to be postmaster at Klemme, Iowa, in place of J. N. Day. Incumbent's commission expires June 18, 1938.

Russell G. Mellinger to be postmaster at Oakville, Iowa, in place of R. G. Mellinger. Incumbent's commission expired May 2, 1938.

KENTUCKY

Lois B. Cundiff to be postmaster at Cadiz, Ky., in place of L. B. Cundiff. Incumbent's commission expired May 2, 1938.

LOUISIANA

T. Lucien Ducrest to be postmaster at Broussard, La. Office became Presidential July 1, 1938.

MARYLAND

Thomas B. T. Radcliffe to be postmaster at Cambridge, Md., in place of T. B. T. Radcliffe. Incumbent's commission expired February 10, 1938.

MISSOURI

James E. Ferguson to be postmaster at Williamsville, Mo., in place of J. E. Ferguson. Incumbent's commission expired May 22, 1938.

NEBRASKA

Max C. Jensen to be postmaster at Bridgeport, Nebr., in place of M. C. Jensen. Incumbent's commission expired April 28, 1938.

Hjalmar A. Swanson to be postmaster at Clay Center, Nebr., in place of H. A. Swanson. Incumbent's commission expires June 15, 1938.

Clifford R. Frasier to be postmaster at Gothenburg, Nebr., in place of C. R. Frasier. Incumbent's commission expired April 28, 1938.

Harold C. Menck to be postmaster at Grand Island, Nebr., in place of H. C. Menck. Incumbent's commission expired May 1, 1938.

Hugo Stevens to be postmaster at Kilgore, Nebr., in place of Hugo Stevens. Incumbent's commission expires June 18, 1938.

William Vogt, Jr., to be postmaster at Oakland, Nebr., in place of E. A. Baugh, deceased.

Lula Newman to be postmaster at Wallace, Nebr., in place of Lula Newman. Incumbent's commission expires June 18, 1938.

NEVADA

Roy T. Williams to be postmaster at Minden, Nev., in place of R. T. Williams. Incumbent's commission expired May 29, 1938.

NEW JERSEY

William L. Scheuerman to be postmaster at Basking Ridge, N. J., in place of W. L. Scheuerman. Incumbent's commission expired March 7, 1938.

Philip L. Fellinger to be postmaster at East Orange, N. J., in place of P. L. Fellinger. Incumbent's commission expired June 8, 1938.

John F. Dugan to be postmaster at Garwood, N. J., in place of J. F. Dugan. Incumbent's commission expired April 27, 1938.

James A. Cleary to be postmaster at Lambertville, N. J., in place of J. A. Cleary. Incumbent's commission expired April 27, 1938.

Jane L. Garland to be postmaster at Sea Bright, N. J., in place of J. L. Garland. Incumbent's commission expired March 19, 1938.

NEW YORK

Gerald S. Sweet to be postmaster at Chazy, N. Y., in place of F. W. Junior, deceased.

NORTH CAROLINA

Preston L. Morris to be postmaster at Broadway, N. C., in place of C. B. Rosser, removed.

Jack Barfield to be postmaster at Mount Olive, N. C., in place of Jack Barfield. Incumbent's commission expired March 20, 1938.

OHIO

Thomas H. Rice to be postmaster at New Vienna, Ohio, in place of Ivan Schuler, removed.

Paul R. Clemson to be postmaster at Thornville, Ohio, in place of Stanley Lynn, removed.

OKLAHOMA

Logan E. Lentz to be postmaster at Ames, Okla. Office became Presidential July 1, 1937.

Branson N. Bills to be postmaster at Gotebo, Okla., in place of Dean Penn, removed.

Kid H. Warren to be postmaster at Shawnee, Okla., in place of K. H. Warren. Incumbent's commission expired May 29, 1938.

OREGON

Ermel H. Hosley to be postmaster at Chiloquin, Oreg., in place of J. Q. Buell, resigned.

PENNSYLVANIA

Joseph D. Plumer to be postmaster at Franklin, Pa., in place of J. L. Callan, removed.

Robert E. Spancake to be postmaster at Ringtown, Pa., in place of P. A. Schmidt, removed.

Otis C. Quinby to be postmaster at Springboro, Pa., in place of J. L. Kramer, removed.

Robert D. Fister to be postmaster at Shillington, Pa., in place of F. G. Ketner, deceased.

SOUTH CAROLINA

Lillie F. Beard to be postmaster at Langley, S. C., in place of C. N. Jones, removed.

TEXAS

Fountain Pitts Shrader to be postmaster at Frisco, Tex., in place of D. B. Shrader, deceased.

William G. Fuchs to be postmaster at Thrall, Tex., in place of John Krieg, removed.

VIRGINIA

William H. Smith, Jr., to be postmaster at Charlotte Court House, Va., in place of C. M. Hutcheson, deceased.

John W. Wright to be postmaster at Roanoke, Va., in place of M. S. Battle, resigned.

WEST VIRGINIA

Maurice L. Richmond to be postmaster at Barboursville, W. Va., in place of M. L. Richmond. Incumbent's commission expired April 6, 1938.

WISCONSIN

Edward Snoeyenbos to be postmaster at Hammond, Wis., in place of Edward Snoeyenbos. Incumbent's commission expires June 15, 1938.

Jesse Theodore Simons to be postmaster at Hixton, Wis., in place of M. N. Duxbury, deceased.

Simon Skroch to be postmaster at Independence, Wis., in place of Simon Skroch. Incumbent's commission expires June 12, 1938.

William S. Casey to be postmaster at Knapp, Wis., in place of W. S. Casey. Incumbent's commision expires June 18, 1938.

Gaylord T. Thompson to be postmaster at Mercer, Wis., in place of G. T. Thompson. Incumbent's commission expired May 30, 1938.

Oscar M. Rickard to be postmaster at Merrillan, Wis., in place of O. M. Richard. Incumbent's commission expires June 12, 1938.

Maurice A. Reeves to be postmaster at Pewaukee, Wis., in place of M. A. Reeves. Incumbent's commission expires June 12, 1938.

Gladys M. Suter to be postmaster at Plum City, Wis., in place of G. M. Suter. Incumbent's commission expired May 15, 1938.

Curtis R. Hanson to be postmaster at Scandinavia, Wis., in place of C. R. Hanson. Incumbent's commission expires June 12, 1938.

Louis G. Kaye to be postmaster at Westboro, Wis., in place of L. G. Kaye. Incumbent's commission expires June 15, 1938.

Donald M. Warner to be postmaster at Whitehall, Wis., in place of D. M. Warner. Incumbent's commission expires June 18, 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8 (legislative day of June 7), 1938

MARSHAL OF THE UNITED STATES COURT FOR CHINA

Gordon Campbell to be marshal of the United States Court for China.

BOARD OF TAX APPEALS

Charles R. Arundell to be a member of the Board of Tax Appeals.

John W. Kern to be a member of the Board of Tax Appeals.

Clarence V. Opper to be a member of the Board of Tax Appeals.

John A. Tyson to be a member of the Board of Tax Appeals.

POSTMASTERS

ALABAMA

William B. Wilder, Andalusia.
Bennett W. Pruett, Anniston.
James G. Brown, Atmore.
Elmer H. Carter, Castleberry.
Madge S. Jefferies, Citronelle.
Ernest D. Manning, Florala.
Herman Pride, Georgiana.
Mim C. Farish, Grove Hill.
Julian J. Chambliss, Hurtsboro.
S. Adeline Laster, Irondale.
William C. Stearns, Lanett.
Roy J. Ellison, Loxley.
William M. Moore, Luverne.
Benjamin F. Beesley, McKenzie.
S. Evelyn Selman, Mentone.
Jesse B. Adams, Ozark.
Herman Grimes, Pine Apple.

Lorenzo D. McCrary, Prattville.
Ernest L. Stough, Jr., Red Level.
Harry J. Wilters, Robertsdale.
Leslie D. Strother, Shawmut.
James H. Dunlap, Siluria.
Bettie T. Forster, Thomasville.
John F. Harmon, Troy.
Ferne W. Rainer, Union Springs.
Joe H. Kerr, Wedowee.
Benjamin L. Edmonds, West Blocton.
William H. McDonough, Whistler.

ARIZONA

Charles C. Stemmer, Cottonwood.
Robert E. Briscoe, Fort Defiance.
Joe H. Little, Glendale.
Waltice B. Ham, Somerton.
Charles J. Moody, Superior.

ARKANSAS

Fred W. Lemay, Alicia.
David G. Lamb, Arkadelphia.
Mary H. Morgan, Ashdown.
John E. Darr, Atkins.
Otis H. Parham, Bald Knob.
Lee Roy Jordan, Batesville.
Nannie L. Connevey, Bauxite.
Thomas B. Gatling, Bearden.
Earl T. Estes, Calico Rock.
Laura Clements, Cherry Valley.
W. Ernest King, Clarksville.
Joseph T. Whillock, Clinton.
Herbert D. Russell, Conway.
Frank B. Ortman, Cotter.
William I. Fish, Dumas.
Lucy F. Harris, Earl.
Ambrose D. McDaniel, Forrest City.
Lewis Friedman, Fort Smith.
Lillie Q. Lowe, Gillett.
John W. Paschall, Gould.
Charlie O. Sawyer, Hamburg.
J. Neil Cooper, Hoxie.
Fred M. Johnson, Huttig.
J. Dot Fortenberry, Imboden.
Harmon T. Griffin, Lake City.
Ben W. Walker, Lewisville.
Eethel L. Nall, Lockersburg.
Sue M. Brown, Luxora.
Elmer McHaney, Marmaduke.
Wyeth S. Daniel, Marshall.
Guy Stephenson, Monticello.
Claude M. Farish, Morrilton.
Jennings Bryan Lancaster, Mountain View.
Henry M. Landers, Murfreesboro.
Byron C. Pascoe, Newark.
William F. Elsken, Paris.
Paul Janes, Ravenden.
Martha Campbell, Rector.
Jesse T. Howard, Smithville.
Fred W. Knickerbocker, Sparkman.
Charles K. Coe, Tuckerman.
Theo Money, Waldron.
Charles C. Snapp, Walnut Ridge.
Simon O. Norris, Williford.

CALIFORNIA

Mary Ella Dow, Anderson.
Carl W. Brenner, Buena Park.
Paul O. Martin, Burbank.
John G. Carroll, Calexico.
Edgar G. Eckels, Chino.
Frank J. Roche, Concord.
Frank Emerson, Corona.
Norris Mellott, Costa Mesa.
Mae A. Kibler, Del Mar.
William Francis Richmond, El Centro.
Terrell L. Rush, Elsinore.
L. Belle Morgan, Encanto.
Faith I. Wyckoff, Firebaugh.
Charles H. Hood, Fresno.
Nelson C. Fowler, Kelseyville.
Howard Edwin Cooper, La Canada.
Ethel M. Strong, Lake Arrowhead.
Percy H. Millberry, Lakeport.
Thomas F. Helm, Lakeside.
Frederick N. Blanchard, Laton.
Floyd L. Turner, Lower Lake.
Anthony F. Sonka, Lemongrove.
George Edgar Archer, Maywood.
Miriam I. Paine, Mariposa.
Clarence McCord, Olive View.
Joseph A. Dinkler, Pacoima.
Edith B. Smith, Patton.
James B. Stone, Redlands.
Agnes McCausland, Ripon.
Joseph H. Allen, Riverside.
Bernice M. Ayer, San Clemente.
Michael E. Neish, San Leandro.
Thomas M. Day, San Rafael.
Michael L. Collins, Seal Beach.
Earl P. Thurston, Ukiah.
Orton P. Brady, Upland.
Roy Bucknell, Upper Lake.
Arden D. Lawhead, Vista.

COLORADO

Walter E. Rogers, Berthoud.
Percy B. Paddock, Boulder.
George M. Griffin, Brighton.
Patrick H. Kastler, Brush.
Mary E. Vogt, Burlington.
Flora G. Hier, Castle Rock.
Harold W. Riffle, Eckley.
James E. Adams, Englewood.
Agnes M. Padan, Fort Logan.
Carl E. Wagner, Fort Morgan.
Tom C. Crist, Haxtum.
William H. Rhoades, Jr., Kit Carson.
Michael F. O'Day, Lafayette.
Angeline B. Adkisson, Longmont.
Elmer M. Ivers, Loveland.
James A. Collins, Minturn.
Charles F. Horn, Pueblo.
Lewis Hollenbeck, Salida.
E. Velma Logan, Stratton.
Roxie R. Broad, Wheat Ridge.

CONNECTICUT

Michael J. Cook, Ansonia.
William M. O'Dwyer, Fairfield.
Charles F. Schaefer, Greens Farms.
Ralph W. Bull, Kent.
Joseph J. O'Loughlin, Lakeville.
Elizabeth J. Carris, Stepney Depot.
Catherine S. Barnett, Suffield.
Clarence H. Davenport, Washington.
Albert E. Lennox, Windsor.

DELAWARE

Elmer Layfield, Dagsboro.
George I. Bendler, Delaware City.
William O. Martin, Lewes.
Edwin E. Shallcross, Middletown.
John E. Mayhew, Milford.
Florence H. Carey, Milton.
Cyrus E. Rittenhouse, Newark.
Joseph C. Slack, Newport.
Joseph H. Cox, Seaford.
Edna E. Conner, Townsend.
William H. Draper, Wyoming.

FLORIDA

Katherine S. Grey, Atlantic Beach.
Marshall C. Pitts, Okeechobee.

John Justin Schumann, Vero Beach.
Jerald W. Farr, Wauchula.

GEORGIA

Cleo H. Price, Adairsville.
George B. McIntyre, Ailey.
Roy R. Powell, Arlington.
Burgess Y. Dickey, Calhoun.
Robert R. Lee, Dallas.
William M. Denton, Dalton.
Nathaniel M. Hawley, Douglasville.
Verne J. Pickren, Folkston.
L'Bertie Rushing, Glennville.
Joseph T. Buhannon, Grantville.
Herman C. Fincher, La Grange.
Olin W. Patterson, Lumpkin.
George Welby Griffith, Manchester.
W. Brantley Daniel, Millen.
Hattie C. Williams, Pinehurst.
Mary H. Campbell, Plains.
William E. Wimberly, Rome.
James S. Alsobrook, Rossville.
Charles D. Bruce, Sea Island Beach.
Ferman F. Chapman, Summerville.
Nettie H. Woolard, Sylvester.
Cecil F. Aultman, Warwick.
DeWitt P. Trulock, Whigham.

HAWAII

James D. Lewis, Jr., Kaunakakai.
Kenichi Tomita, Puunene.

IDAHO

Thomas B. Hargis, Ashton.
Angus G. David, Bovill.
Joseph W. Tyler, Emmett.
Lowell H. Merriam, Grace.
Benjamin F. Shaw, Grangeville.
Edward T. Gilroy, Kooskia.
Fred Kling, Lewiston.
John B. Cato, Meridian.
Glenn H. Sanders, Moscow.
Clellan W. Bentley, Mullan.
Ambrose H. McGuire, Pocatello.
Henry G. Reiniger, Rathdrum.
Daisy P. Moody, Sandpoint.
Rose J. Hamacher, Spirit Lake.
Charles H. Hoag, Worley.

ILLINOIS

Gilbert C. Jones, Albion.
Joseph L. Lampert, Alton.
Harry C. Stephens, Ashley.
Samuel J. Schuman, Astoria.
George A. McFarland, Avon.
Emma J. Zinschlag, Beckemeyer.
Louise Rump, Beecher.
Louie E. Dixon, Biggsville.
Luella C. Biggs, Blandinsville.
Thomas Bernard Meehan, Bluffs.
Leslie O. Cain, Bowen.
Alice Dillon, Braidwood.
Erwin J. Mahlandt, Breese.
Ruth M. McElvain, Broughton.
Marvin G. Diveley, Brownstown.
Charles A. Etherton, Carbondale.
Clyde P. Stone, Carmi.
Joseph I. Kvidera, Cary.
Harvey F. Doerge, Chester.
Martin M. Dalrymple, Chrisman.
Dwight C. Bacon, Christopher.
Clason W. Black, Clay City.
John R. Reynolds, Colchester.
Charles J. Schneider, Columbia.
Harry O. Given, Crossville.
Vera E. Burrell, Cuba.
Budd L. Kellogg, Downers Grove.
Andrew J. Paul, Dupo.
Lee C. Vinyard, East Alton.
Eugene P. Kline, East St. Louis.
Fred A. McCarty, Edinburg.
Grover C. Norris, Effingham.
Joseph Kreeger, Elgin.
Edmund J. Coveny, Elizabeth.
Charles R. Bowers, Elmwood.
John J. McGuire, El Paso.
Eulalie E. Mase, Forreston.
George E. Brown, Franklin.
Edwin J. Heiligenstein, Freeburg.
Lawrence J. Kiernan, Genoa.
Ernest R. Lightbody, Glasford.
Roy R. Pattison, Godfrey.
Charles G. Sowell, Granite City.
William I. Tyler, Granville.
Arthur M. Hetherington, Harrisburg.
Melvin R. Begun, Hebron.
Orville W. Lyerla, Herrin.
Arthur H. Bartlett, Hillsboro.
Lyle O. Kistler, Joy.
Robert J. Wilson, Kewanee.
Richard L. Lauwerens, Kincaid.
Charles W. Farley, La Grange.
George H. Wales, Lanark.
Mary Reardon, La Salle.
Joseph E. Fitzgerald, Lockport.
John W. Hines, Lovington.
George K. Brenner, Madison.
Daisy Lindsey, Mahomet.
Nicholas A. Schilling, Mascoutah.
John A. Peters, Mason City.
Clyde E. Wilson, Melvin.
Hazel E. Davis, Minier.
Margaret M. Maue, Mokena.
Emil J. Johnson, Moline.
Lawrence E. Hodges, Mount Prospect.
Walter D. Wacaser, Mount Pulaski.
William Raymond Grigg, Mount Vernon.
Thomas J. Studley, Neponset.
John L. Mead, New Boston.
Paul B. Laugel, Newton.
Henry B. Shroyer, New Windsor.
George G. Martin, Noble.
William P. Carlton, Oblong.
Ralph Van Matre, Olney.
William Kehe, Jr., Palatine.
Walter Hill, Pana.
Michael E. Sullivan, Park Ridge.
Paul R. Smoot, Petersburg.
Martin J. Naylon, Polo.
Marguerite A. Lamb, Port Byron.
Harlow B. Brown, Princeton.
Homer J. Swope, Quincy.
Mary Convery, Raymond.
Ben W. Sharp, Reynolds.
Lorenz M. Lies, Riverside.
Floyd J. Tilton, Rochelle.
Robert E. Harper, Rock Falls.
Joseph L. Molidor, Round Lake.
Margaret Hawley, Sandoval.
Helen G. McCarthy, St. Charles.
Charles C. Wheeler, Sandwich.
Joseph M. Ward, Sterling.
Marie E. Holquist, Stillman Valley.
Marcus M. Wilber, Sorento.
James Wheeler Davis, Troy.
Grove Harrison, Viola.
Armand Rossi, Wilsonville.
Zeno G. Stoecklin, Wood River.
Croy Howard, Xenia.
Frances T. Johnson, Yates City.
Mervin N. Beecher, Yorkville.

INDIANA

Neil D. Thompson, Argos.
J. Russell Byrd, Bloomfield.
Richard A. Conn, Brook.
Edward M. Cripe, Camden.
Lowell B. Pontius, Claypool.
Grover C. Rainbolt, Corydon.
Oscar J. Sauerman, Crown Point.
Fletcher T. Strang, Culver.
Joseph J. Hartman, Earl Park.
Frank S. Dubczak, East Chicago.
James E. Freeman, Ellettsville.
Henry M. Mayer, Evansville.
Chester Wagoner, Flora.
Leo McGrath, Fowler.
Orace O. Welden, Francesville.
Charles H. Apple, French Lick.
William J. O'Donnell, Gary.
Orville Martin, Grand View.
Pearl E. Barnes, Hamlet.
John Victor Gidley, Hebron.
Joseph E. Mellon, Hobart.
Ivan Conder, Jasonville.
Carroll W. Cannon, Knox.
Ira J. Dye, Kouts.
Thomas S. Stephenson, Leavenworth.
Paul E. Byrum, Milltown.
Frank Chastain, Mitchell.
John H. Smith, Monon.
Charles A. Good, Monterey.
Galen Benjamin, Monticello.
George H. Clarkson, Morocco.
Albert M. Leis, Mount Saint Francis.
William S. Darneal, New Albany.
Charles A. Webster, North Vernon.
Harold C. Atkinson, Oxford.
John F. Boyle, San Pierre.
Harry E. Patterson, Thorntown.
James C. Talbott, Veterans' Administration Hospital.
Henry Backes, Washington.
Oscar M. Shively, Yorktown.

KANSAS

George E. Broadie, Ashland.
Sophia Kesselring, Atwood.
Irvin T. Hocker, Baxter Springs.
Charles Ward Smull, Bird City.
Orville E. Heath, Chetopa.
John J. Menard, Clyde.
Carl G. Eddy, Colby.
Eyman Phebus, Coldwater.
Nell C. Graves, Columbus.
Page Manley, Elk City.
Charles F. Mellenbruch, Fairview.
Elbert Holcomb, Fredonia.
Max Y. Sawyer, Galena.
Homer I. Shaw, Galesburg.
Charles H. Ryan, Girard.
Henry A. Mason, Gypsum.
Joseph B. Basgall, Hays.
David E. Walsh, Herndon.
William A. B. Murray, Holyrood.
William A. Harris, Le Roy.
Francis G. Burford, Longton.
Elizabeth Mansfield, Lucas.
Pearl W. Smith, Meade.
Robert E. Deveney, Meriden.
Grace E. Wilson, Milford.
Eunice E. Buche, Miltonvale.
Charles H. Wilson, Moline.
Mary M. Browne, Norton.
Charles Huffman, Norwich.
Noah D. Zeigler, Oakley.
John C. Carpenter, Oswego.
Edison Brack, Otis.
Ralph L. Hinnen, Potwin.
Vie Peacock, Protection.
Robert R. Morgan, Rexford.
Leigh D. Dowling, St. Francis.
Walter S. English, Scandia.
Esta S. Riseley, Stockton.
Margaret A. Schafer, Vermillion.
Paul L. Turgeon, Wilson.
James L. Morrissey, Woodston.

LOUISIANA

Winnie H. Arras, Gramercy.
Maurice Primeaux, Kaplan.
Oliver Dufour, Marrero.
Mary H. David, Pineville.
Isidore A. Currault, Westwego.
Robert E. Loudon, Zachary.

MAINE

Nelson A. Harnden, Belgrade Lakes.
Lloyd V. Cookson, Hartland.
Cyril Cyr, Jackman Station.
James A. McDonald, Machias.
Lillian L. Guptill, Newcastle.
Mary E. Donnelly, North Vassalboro.
Milton Edes, Sangerville.
Frank R. Madden, Skowhegan.

MARYLAND

William A. Strohm, Annapolis.
William B. Usilton, Chestertown.
Robert Conroy, Forest Glen.
Charles A. Bechtold, Fort George G. Meade.
Lillie M. Pierce, Glyndon.
Elizabeth H. S. Boss, Laurel.
Henry J. Paul, Linthicum Heights.
William F. Keys, Mount Rainier.
John E. Morris, Princess Anne.
Joseph Wilmer Baker, Union Bridge.

MASSACHUSETTS

George F. Cramer, Amherst.
Lauri O. Kauppinen, Baldwinsville.
John E. Mansfield, Bedford.
Henry J. Cottrell, Beverly.
Frances A. Rogers, Billerica.
Arthur A. Hendrick, Brockton.
John R. McManus, Concord.
Raymond W. Comiskey, Dover.
John J. Quinn, Jr., East Douglas.
Ellen M. O'Connor, East Taunton.
Edward C. Pelissier, Hadley.
Thomas V. Sweeney, Harding.
Mary E. Sheehan, Hatfield.
Josephine R. McLaughlin, Hathorne.
Catherine A. McCasland, Hinsdale.
Charles A. Cronin, Lawrence.
Thomas A. Wilkinson, Lynn.
Gladys V. Crane, Merrimac.
James F. McClusky, Middleboro.
James Sheehan, Millis.
William T. Martin, Monterey.
William F. Leonard, Nantasket Beach.
Ephrem J. Dion, Northbridge.
John E. Harrington, North Chelmsford.
Lawrence D. Quinlan, Northfield.
James B. Logan, North Wilbraham.
Alexander John MacQuade, Osterville.
Elizabeth C. Hall, Point Independence.
James G. Cassidy, Sheffield.
Charles A. McCarthy, Shirley.
George M. Lynch, Somerset.
William F. O'Toole, South Barre.
Alice C. Redlon, South Duxbury.
William J. Farley, South Hanson.
John F. Malone, Southwick.
Harvey E. Lenon, Swansea.

Arthur J. Fairgrieve, Tewksbury.
John J. Kent, Jr., West Bridgewater.
Margaret E. Coughlin, West Concord.
John H. Fletcher, Westford.
Raymond F. Gurney, Wilbraham.
Thaddeus F. Webber, Winchendon.
Philip J. Gallagher, Woburn.

MINNESOTA

Dean M. Alderman, Grey Eagle.
Arthur S. Peterson, Houston.
Lee L. Champlin, Mankato.
Chester J. Gay, Moose Lake.
Henry A. C. Saggau, Ceylon.
Gilbert P. Finnegan, Eveleth.
Catherine C. Burns, Glenwood.
Alphonse F. Scheibel, Mountain Lake.
Hjalmer A. Johnson, Soudan.
Teresa L. Wolf, Staples.
Paul J. Arndt, Stillwater.
Daniel M. Coughlin, Waseca.
Ernest F. Schroeder, Wells.

MISSISSIPPI

Lewis F. Henry, Carthage.
Grace B. McIntosh, Collins.
Ida F. Thompson, Dlo.
Brooksie J. Holt, Duncan.
Emma D. Trim, Hermanville.
Ida E. Ormond, Forest.
Frances G. Wimberly, Jonestown.
Florence Churchwell, Leakesville.
William M. Alexander, Moss Point.
Clemmie A. McCoy, New Augusta.
William C. Mabry, Newton.
Carson Hughes, Oakland.
Lewis M. McClure, Ocean Springs.
Robert A. Dean, Okolona.
Viva H. McInnis, Rosedale.
James F. Howry, Sardis.
Hermine D. Lamar, Senatobia.
Ossie J. Page, Sumrall.
Alfis F. Holcomb, Waynesboro.
Beall A. Brock, West.
Buren Broadus, Wiggins.

MISSOURI

Sadie G. Morehead, Milan.

NEVADA

Anne M. Holcomb, Battle Mountain.
Pauline Hjul Hurley, Eureka.
Lem S. Allen, Fallon.
Frank F. Garside, Las Vegas.

NORTH CAROLINA

John F. Lynch, Erwin.
William S. Harris, Mebane.
John A. Williams, Oxford.
Basil D. Barr, West Jefferson.
Thomas D. Boswell, Yanceyville.

NORTH DAKOTA

William E. Ravely, Edgeley.
George W. McIntyre, Jr., Grafton.
Max A. Wipperman, Hankinson.
Richard J. Leahy, McHenry.
Wesley P. Josewski, Maxbass.
Anthony Hentges, Michigan.
Caroline Lipinski, Minto.
Louis J. Allmaras, New Rockford.
Charles K. Otto, Valley City.
Arthur W. Hendrickson, Walcott.
Coral R. Campion, Willow City.
Andrew D. Cochrane, York.

SOUTH DAKOTA

John Evans, Agar.
George E. Hagen, Armour.
Mary A. Hornstra, Avon.
George B. Brown, Clark.
Edward P. Amundson, Colton.
Harm P. Temple, Davis.
Lulu A. Turner, Ethan.
Edward L. Fisher, Eureka.
Mary A. Ralph, Henry.
Harold L. Fetherhuff, Herreid.
Edwin H. Bruemmer, Huron.
Clarence W. Richards, Kimball.
Ella M. Ottum, Mellette.
Josephine C. Eggerling, Orient.
George L. Egan, Parker.
Cleveland F. Brooks, Platte.
Ena C. Erling, Raymond.
Fae Thompson, St. Lawrence.
Philip A. McMahon, Salem.
James Gaynor, Springfield.
William P. Smith, Stickney.
Orville U. Melby, Summit.
Joseph S. Petrik, Tabor.
Oscar I. Ohman, Toronto.
Kathryn M. McCoy, Tulare.
Matt McCormick, Tyndall.

TENNESSEE

Mabel W. Hughes, Arlington.
Cyril W. Jones, Athens.
Donald B. Todd, Etowah.
Etoile Johnson, Doyle.
Pearl A. Russell, Ducktown.
Vola W. Mansfield, Dunlap.
LeRoy J. Eldredge, Hixson.
Albert A. Trusler, Jonesboro.
Thomas D. Walker, Kerrville.
Burleigh L. Day, Pressmen's Home.
Irene M. Cheairs, Spring Hill.
Ocie C. Hawkins, Stanton.
Clarence E. Kilgore, Tracy City.

TEXAS

Marguerite A. Mullen, Alice.
Charles Y. Shultz, Alvarado.
Andrew J. McDonald, Alvord.
Winnette D. DeGrassi, Amarillo.
Nat Shick, Big Spring.
Lee Brown, Blanco.
Paul V. Bryant, Canadian.
James R. Eanes, Comanche.
John M. O. Littlefield, Crosbyton.
Alva Spencer, Crowell.
Opal Farris, Daisetta.
Jack M. Wade, Dalhart.
Willie N. Cargill, Eddy.
A. Warren Dunn, Fort Stockton.
Sant M. Perry, Frankston.
Stephen S. Perry, Freeport.
Robert A. Lyons, Jr., Galveston.
John M. Sharpe, Georgetown.
William E. Porter, Glen Rose.
Tom S. Kent, Jr., Grapeland.
Allen A. Collet, Handley.
Leonard B. Baldwin, Huntsville.
Charles R. Conley, Iredell.
Henry W. Hoffer, Kaufman.
Charles D. Grady, Keene.
Gober L. Gibson, Kerrville.
Clyde E. Perkins, Kirkland.
George T. Elliott, Kress.
Russell B. Cope, Loraine.
Edward I. Pruett, Marfa.
Perry Hartgraves, Menard.
Glad C. Campbell, Mertzon.
Myrtle M. Hatch, Mission.
Oland A. Walls, Naples.
Effie Rasmussen, Needville.

William W. Spear, Nixon.
William A. Gillespie, Overton.
Benjamin F. Hobson, Paducah.
John W. Waide, Paint Rock.
Morris W. Collie, Pecos.
Mamie Milam, Prairie View.
Charles G. Conley, Quanah.
Otis T. Kellam, Robstown.
Claude F. Norman, Rule.
Ora L. Griggs, Sanatorium.
Ferdinand L. Hersik, Schulenburg.
Susie A. Cannon, Shelbyville.
Clarence Carter, Somerville.
Willie R. Goodwin, Stinnett.
Hugh D. Burleson, Streetman.
Charles H. Grounds, Talpa.
Thomas A. Bynum, Texas City.
Emory S. Sell, Texline.
Madeline G. McClellan, Waller.
Bobbie Avary, Wickett.
Mollie S. Berryman, Willis.
Paul E. Jette, Wink.
Lou A. Sloma, Yorktown.
Emilie K. Dew, Ysleta.

VERMONT

Ward L. Lyons, Bennington.
Earle J. Rogers, Cabot.
Hollis S. Johnson, Castleton.
Rutherford D. Pfenning, Forest Dale.
Frank J. Donahue, Middlebury.
Patrick J. Candon, Pittsford.
Mary F. Brown, Readsboro.
Herbert B. Butler, St. Albans.
Rosa M. Stewart, Tunbridge.
Timothy J. Murphy, Windsor.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 8, 1938

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

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

Have mercy upon us, O God; accord unto us Thy loving kindness. According to the multitude of Thy tender mercies, blot out our transgressions. Create in us all clean hearts and renew within us a right spirit. Be with any who may be of a troubled heart or necessitous, or whose better natures tremble and are afraid. Let Thy arms be unto us as our earthly parents', sustaining and helping us as we walk the crowded ways of life. In our varied experiences, O Lord, with their breaking wonders and disappointments, may we labor steadily on in the fields of faith, bringing forth fruit that shall honor our generation. In our country's ebb and flow, may it always disclose the things that shall live and never die. In the name of our Redeemer. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 146. An act to require contractors on public-building projects to name their subcontractors, material men, and supply men, and for other purposes;

H. R. 1252. An act for the relief of Ellen Kline;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchey;

H. R. 1737. An act for the relief of Marie Frantzen McDonald;

H. R. 1744. An act for the relief of Grant H. Pearson, G. W. Pearson, John C. Rumohr, and Wallace Anderson;

H. R. 2347. An act for the relief of Drs. M. H. DePass and John E. Maines, Jr., and the Alachua County Hospital;

H. R. 3313. An act for the relief of William A. Fleek;

H. R. 4033. An act for the relief of Antonio Masci;

H. R. 4232. An act for the relief of Barber-Hoppen Corporation;

H. R. 4304. An act for the relief of Hugh O'Farrell and the estate of Thomas Gaffney;

H. R. 4668. An act for the relief of James Shimkunas;

H. R. 5166. An act to relinquish the title or interest of the United States in certain lands in Houston (formerly Dale) County, Ala., in favor of Jesse G. Whitfield or other lawful owners thereof;

H. R. 5592. An act to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414);

H. R. 5904. An act for the relief of L. P. McGown;

H. R. 5957. An act for the relief of LeRoy W Henry;

H. R. 6243. An act to authorize a survey of the old Indian trail and the highway known as "Oglethorpe Trail" with a view of constructing a national roadway on this route to be known as "The Oglethorpe National Trail and Parkway";

H. R. 6404. An act for the relief of Martin Bevilacque;

H. R. 6508. An act for the relief of Gladys Legrow.

H. R. 6646 An act for the relief of Dr. A. J. Cottrell;

H. R. 6689. An act for the relief of George Rendell, Alice Rendell, and Mabel Rendell;

H. R. 6847. An act for the relief of the Berkeley County Hospital and Dr J. N. Walsh;

H. R. 6936. An act for the relief of Joseph McDonnell;

H. R. 6950. An act for the relief of Andrew J. McGarraghy;

H. R. 7040. An act for the relief of Forest Lykins;

H. R. 7421. An act for the relief of E. D. Frye;

H. R. 7548. An act for the relief of J. Lafe Davis and the estate of Mrs. J. Lafe Davis;

H. R. 7590. An act to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 7639. An act for the relief of Al D. Romine and Ann Romine;

H. R. 7734. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claim of A. L. Eldridge;

H. R. 7761. An act for the relief of Sibbald Smith;

H. R. 7817. An act for the relief of C. G. Bretting Manufacturing Co.;

H. R. 7834. An act to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes";

H. R. 7855. An act for the relief of Frieda White;

H. R. 7880. An act to amend the Veterans Regulation No. 10 pertaining to "line of duty" for peacetime veterans, their widows, and dependents, and for other purposes;

H. R. 7933. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the San Bernardino and Cleveland National Forests in Riverside County, Calif.;

H. R. 7998. An act for the relief of the First National Bank & Trust Co. of Kalamazoo, Kalamazoo, Mich.;

H. R. 8134. An act to quiet title and possession to certain lands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 8192. An act for the relief of Herbert Joseph Dawson;

H. R. 8193. An act for the relief of the Long Bell Lumber Co.;

H. R. 8252. An act to quiet title and possession to a certain island in the Tennessee River in the county of Lauderdale, Ala.;

H. R. 8376. An act for the relief of James D. Larry, Sr.;

H. R. 8543. An act for the relief of Earl J. Lipscomb;

H. R. 8565. An act defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes;

H. R. 8665. An act to amend section 3336 of the Revised Statutes, as amended, pertaining to brewers' bonds, and for other purposes;

H. R. 8729. An act granting pensions and increases of pensions to needy war veterans;

H. R. 8773. An act to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes;

H. R. 8794. An act to provide for holding terms of the District Court of the United States for the Eastern District of Virginia at Newport News, Va.;

H. R. 8835. An act for the relief of Fred H. Kocor;

H. R. 8916. An act for the relief of N. W. Ludowese;

H. R. 9200. An act for the relief of Filomeno Jiminez and Felicitas Dominguez;

H. R. 9201. An act for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby;

H. R. 9203. An act for the relief of certain postmasters and certain contract employees who conducted postal stations;

H. R. 9214. An act for the relief of C. O. Hall;

H. R. 9227. An act to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes";

H. R. 9287. An act to authorize the Cairo Bridge Commission, or the successors of said commission, to acquire by purchase, and to improve, maintain, and operate a toll bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 9371. An act authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor;

H. R. 9374. An act for the relief of the Robert E. Lee Hotel;

H. R. 9404. An act to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail;

H. R. 9417. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 9468. An act to amend the act of May 13, 1936, providing for terms of the United States district court at Wilkes-Barre, Pa.;

H. R. 9475. An act to create a commission to procure a design for a flag for the District of Columbia, and for other purposes;

H. R. 9523. An act to add certain lands to the Ochoco National Forest, Oreg.;

H. R. 9557. An act to authorize the Secretary of Commerce to dispose of material of the Bureau of Lighthouses to the sea scout department of the Boy Scouts of America;

H. R. 9611. An act to permit sales of surplus scrap materials of the Navy to certain institutions of learning;

H. R. 9683. An act to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes;

H. R. 9707. An act to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.;

H. R. 9848. An act to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture;

H. R. 9933. An act to authorize the United States Golden Gate International Exposition Commission to produce and sell certain articles, and for other purposes;

H. R. 9975. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex.;

H. R. 9983. An act authorizing the city of Greenville, Miss., and Washington County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the city of Greenville, Washington County, Miss., to a point at or near Lake Village, Chicot County, Ark.;

H. R. 10075. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 10154. An act to authorize the Secretary of War to lend War Department equipment for use at the 1938 National Encampment of Veterans of Foreign Wars of the United States to be held in Columbus, Ohio, from August 21 to August 26, 1938;

H. R. 10155. An act to permit articles imported from foreign countries for the purpose of exhibition at the Seventh World's Poultry Congress and Exposition, Cleveland, Ohio, 1939, to be admitted without payment of tariff, and for other purposes;

H. R. 10275. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.;

H. R. 10297. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10312. An act to amend section 3 of the act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of minimum wages for such workers and for other purposes", approved September 19, 1918 (40 Stat. 960, 65th Cong.);

H. R. 10455. An act to authorize the Secretary of War to proceed with the construction of certain public works in connection with the War Department in the District of Columbia;

H. R. 10462. An act to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers", approved February 25, 1929, as amended;

H. R. 10488. An act to provide for allowing to the Gem Irrigation District and Ontario-Nyssa Irrigation District of the Owyhee project terms and payment dates for charges deferred under the Reclamation Moratorium Acts similar to those applicable to the deferred construction charges of other projects under said acts, and for other purposes;

H. R. 10530. An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on land bank commissioner's loans until July 1, 1940.

H. R. 10611. An act to extend the times for commencing and completing the construction of a bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 10643. An act to amend the act of August 9, 1935 (Public, No. 259, 74th Cong., 1st sess.);

H. R. 10652. An act to provide for the ratification of all joint resolutions of the Legislature of Puerto Rico and of the former legislative assembly;

H. R. 10673. An act to exempt the property of the Young Women's Christian Association in the District of Columbia from national and municipal taxation;

H. R. 10737. An act to authorize the Secretary of War to grant rights-of-way for highway purposes and necessary storm sewer and drainage ditches incident thereto upon and across Kelly Feld, a military reservation in the State of Texas; to authorize an appropriation for construction of the road, storm sewer, drainage ditches, and necessary fence lines;

H. J. Res. 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia;

H. J. Res. 631. Joint resolution to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg;

H. J. Res. 655. Joint resolution amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended;

H. J. Res. 658. Joint resolution for the designation of a street or avenue to be known as "Maine Avenue"; and

H. J. Res. 672. Joint resolution for the designation of a street to be known as "Oregon Avenue", and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 738. An act for the relief of Asa C. Ketcham;

H. R. 1543. An act to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes;

H. R. 3610. An act to adjust the salaries of rural letter carriers;

H. R. 4258. An act for the relief of Barbara Jean Matthews, a minor;

H. R. 4285. An act to increase the salaries of letter carriers in the Village Delivery Service;

H. R. 5685. An act to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California;

H. R. 5690. An act to amend the Longshoremen's and Harbor Workers' Compensation Act;

H. R. 6246. An act to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character;

H. R. 6586. An act to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes;

H. R. 7759. An act for the relief of Susan Lawrence Davis;

H. R. 9610. An act to amend the National Firearms Act;

H. R. 9844. An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes;

H. R. 10261. An act authorizing the town of Friar Point, Miss., and Coahoma County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the town of Friar Point, Coahoma County, Miss., to a point at or near Helena, Phillips County, Ark.;

H. R. 10459. An act to amend certain provisions of law relative to the production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions; to facilitate the collection of internal-revenue taxes thereupon; and to provide abatement of certain taxes upon wines, brandy, and fruit spirits where lost or evaporated while in the custody and under the control of the Government without any fault of the owner; and

H. R. 10650. An act to provide for a 5-year building program for the United States Bureau of Fisheries.

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

S. 1542. An act to change the designations of the Abraham Lincoln National Park, in the State of Kentucky, and the Fort McHenry National Park, in the State of Maryland;

S. 2056. An act to increase the limitation of cost upon the construction of buildings in national parks;

S. 2412. An act for the relief of A. Pritzker & Sons, Inc.;

S. 2624. An act for the relief of Emmett Lee Payne;

S. 2651. An act to name the bridge to be erected over the Anacostia River in the District of Columbia after the late "March King," John Philip Sousa, composer of the Stars and Stripes Forever;

S. 2702. An act for the relief of James A. Ellsworth;

S. 2750. An act to amend the Packers and Stockyards Act, 1921;

S. 2792. An act to authorize the withdrawal of national-forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes;

S. 2811. An act to amend the Judicial Code by adding thereto a new section, to be numbered 659 (1), relating to the certification, authentication, and use in evidence of documents of record or on file in public offices in the State of Vatican City;

S. 2844. An act relating to the disposition of certain funds held by the State of Mississippi on behalf of veterans of the Spanish-American War;

S. 2854. An act conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Prairie Band or Tribe of Pottawatomie Indians of Kansas and Wisconsin against the United States;

S. 2927. An act to regulate the times and places of holding court in Oklahoma;

S. 3048. An act authorizing the Secretary of Commerce to convey a certain tract of land to the State of Oregon for use as a public park and recreational site;

S. 3062. An act for the relief of Thomas H. Eckfeldt;

S. 3132. An act granting to certain needy persons the right to obtain fuel from lands of the agricultural experiment station near Miles City, Mont.;

S. 3157. An act to empower the President of the United States to create new national forest units and make additions to existing national forests in the State of Montana;

S. 3203. An act to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes;

S. 3225. An act for the relief of Otto C. Asplund;

S. 3230. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

S. 3251. An act for the relief of Alice Minnick;

S. 3265. An act for the relief of the officers of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the war with Germany;

S. 3283. An act to authorize the Secretary of the Interior to place certain records of Indian tribes of Nebraska with the Nebraska State Historical Society, at Lincoln, Nebr., under rules and regulations to be prescribel by him;

S. 3286. An act to authorize the addition of certain lands to the Wenatchee National Forest;

S. 3292. An act to afford an opportunity of selection and promotion to certain officers of the United States Naval Academy, class of 1909;

S. 3318. An act to authorize certain payments to the American War Mothers, Inc., and others;

S. 3346. An act authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath Business Committee, and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe;

S. 3405. An act conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith;

S. 3426. An act to authorize an appropriation for repayment to Middle Rio Grande Conservancy District, a subdivision of the State of New Mexico, of the share of the said district's construction and operation and maintenance costs applicable to certain properties owned by the United States, situate in Bernalillo County, N. Mex., within the exterior boundaries of the district; to authorize the Secretary of the Interior to contract with said district for future operation and maintenance charges against said lands; to authorize appropriation for extra construction work performed by said district for the special benefit of certain Pueblo Indian lands and to authorize appropriation for construction expenditures benefiting certain acquired lands of Pueblo Indians of the State of New Mexico;

S. 3493. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3503. An act to liberalize the laws providing pensions for veterans and the dependents of veterans of the Regular Establishment for disabilities or deaths incurred or aggravated in line of duty other than in wartime;

S. 3513. An act to authorize the Chief of Engineers of the Army to enter into agreements with local governments adjacent to the District of Columbia for the use of water for purposes of fire fighting only;

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public employment officers affiliated with the United States Employment Service;

S. 3517. An act for the relief of David B. Monroe;

S. 3548. An act to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended;

S. 3682. An act for the relief of Lofts & Son;

S. 3694. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Sigfried Speyer;

S. 3706. An act to establish and promote the use of standard methods of grading cottonseed, to provide for the collection and dissemination of information on prices and grades of cottonseed and cottonseed products, and for other purposes.

S. 3708. An act for the relief of Jack Lecel Haas;

S. 3745. An act to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indian tribe on the Standing Rock Reservation located in the States of North and South Dakota;

S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia;

S. 3763. An act to increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the act of February 22, 1889, as amended;

S. 3787. An act awarding a Navy Cross to Hector Mercado;

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937;

S. 3805. An act to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy;

S. 3817. An act for the relief of John Haslam;

S. 3830. An act for the relief of William C. Willahan;

S. 3846. An act relating to the levying and collecting of taxes and assessments, and for other purposes;

S. 3886. An act for the relief of Otis M. Culver, Samuel E. Abbey, Robert E. Patterson, and Joseph Reger;

S. 3891. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost in a fire at the naval air station, Hampton Roads, Va., May 15, 1936;

S. 3908. An act to authorize certain officers of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;

S. 3916. An act for the relief of George Francis Burke;

S. 3921. An act for the relief of Remijio Ortiz;

S. 3929. An act to authorize the Legislature of Puerto Rico to create public corporate authorities to undertake slum clearance and projects, to provide dwelling accommodations for families of low income, and to issue bonds therefor; to authorize the legislature to provide for financial assistance to such authorities by the government of Puerto Rico and its municipalities, and for other purposes;

S. 3938. An act to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the military reservation known as the Morehead City Target Range, N. C., for the construction of improvements thereon, and for other purposes;

S. 3969. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 3986. An act to amend subsection (d) of section 202 of the Agricultural Adjustment Act of 1938, as amended;

S. 3989. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 3990. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 4000. An act to authorize appropriations for construction and rehabilitation at military posts, and for other purposes;

S. 4005. An act for the relief of Ida May Swartz;

S. 4007. An act authorizing the county of Lawrence, Ky., to construct, maintain, and operate a free highway bridge across the Big Sandy River at or near Louisa, Ky.;

S. 4011. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, St. Louis, Mo.;

S. 4024. An act authorizing advancements from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes;

S. 4027. An act providing that excess-land provisions of Federal reclamation laws shall not apply to certain lands that will receive a supplemental water supply from the Colorado-Big Thompson project;

S. 4041. An act granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River;

S. 4048. An act to amend section 4197 of the Revised Statutes, as amended (46 U. S. C. 91), and section 4200 of the Revised Statutes (46 U. S. C. 92), and for other purposes;

S. 4050. An act to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania;

S. 4057. An act to amend the act entitled "An act authorizing an appropriation to effect a settlement of the remainder due on Pershing Hall, a memorial already erected in Paris, France, to the commander in chief, officers, and men of the Expeditionary Forces, and for other purposes," approved June 28, 1935;

S. 4069. An act to authorize the Secretary of War to lend certain property to the reunion committee of the United Confederate Veterans, to be used at their annual encampment to be held at Columbia, S. C., from August 30 to September 2, 1938;

S. 4070. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1938 reunion, at Columbia, S. C., from August 30 to September 2, 1938, both dates inclusive;

S. 4076. An act to amend the Federal Crop Insurance Act;

S. 4090. An act to provide for the care and treatment of juvenile delinquents;

S. 4096. An act to authorize the erection within the Canal Zone of a suitable memorial to the builders of the Panama Canal and others whose distinguished services merit recognition by the Congress;

S. 4126. An act to amend the act authorizing the construction of a bridge at South Sioux City, Nebr.;

S. 4132. An act limiting the hours of labor of certain officers and seamen on certain vessels navigating the Great Lakes and adjacent waters;

S. 4144. An act to amend section 1 of an act entitled "An act granting the consent of Congress to the county of Pierce, a legal subdivision of the State of Washington, to construct, maintain, and operate a toll bridge across Puget Sound, State of Washington at or near a point commonly known as The Narrows, and to extend the times for commencing and completing the construction of such bridge; and

S. J. Res. 212. Joint resolution to investigate the claims against the United States of certain members of the Wisconsin Band of Pottawatomie Indians.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 593. An act for the relief of the estate of W. K. Hyer;

S. 988. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927, as amended;

S. 1274. An act for the relief of John H. Owens;

S. 1878. An act for the relief of Mary Way;

S. 2009. An act to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission;

S. 2051. An act for the relief of John F. Fitzgerald;

S. 2208. An act for the relief of Bruce G. Cox and Harris A. Alister;

S. 2417. An act for the relief of Samuel L. Dwyer;

S. 2553. An act for the relief of E. E. Tillett;

S. 2566. An act for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans.;

S. 2643. An act for the relief of Mr. and Mrs. James Crawford;

S. 2798. An act for the relief of Edith Jennings and Patsy Ruth Jennings, a minor;

S. 2802. An act for the relief of Carl Orr, a minor;

S. 3002. An act for the relief of the holders of the unpaid notes and warrants of the Verde River Irrigation and Power District, Arizona;

S. 3056. An act for the relief of Dorothy Anne Walker, a minor;

S. 3102. An act for the relief of the estate of Raquel Franco;

S. 3111. An act for the relief of the estate of Lillie Liston and Mr. and Mrs. B. W. Trent;

S. 3147. An act for the relief of Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy;

S. 3215. An act for the relief of Griffith L. Owens;

S. 3300. An act for the relief of Pearl Bundy; and

S. 3836. An act relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7158) entitled "An act to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1478) entitled "An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. CHAVEZ, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 146) to require contractors on public-building projects to name their subcontractors, materialmen, and supply men, and for other purposes.

LEAVE OF ABSENCE

Mr. ROBINSON of Utah. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. MURDOCK, on account of sickness. He was operated on last night for appendicitis.

The SPEAKER. Is there objection?

There was no objection.

WYOMING CHEESE

Mr. GREEVER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEVER. Mr. Speaker, I take the floor for this brief period to make an announcement.

In the State of Wyoming, among many other beautiful places, there is situated on the western slope of the Rocky Mountains, at the extreme western edge of the State, a beautiful valley commonly referred to as the Star Valley and referred to quite often as the Switzerland of America. This latter appellation arises not only from the marvelous scenery which exists in this valley which is 50 miles long and entirely surrounded by mountains, but also from the fact that it is one of the great cheese-making centers in the United States. The valley is populated by a high class of thrifty citizens and the rich valley furnishes the grasses and feed which makes this industry possible. From this valley residents have sent to the Wyoming Congressional delegation an enormous Swiss cheese weighing 250 pounds. I have asked the House of Representatives dining room to serve this cheese to the Members at luncheon this noon. I see on the floor of this House Members who come from other dairying and cheese-making centers in the United States. Out in Wyoming we feel that the cheese made in this valley is the finest cheese made anywhere in the world and I cordially invite you all today to partake with me of this delicious product of our State. [Applause.]

EXTENSION OF REMARKS

Mr. ZIMMERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement made by the late Speaker, Mr. Champ Clark.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO SIT DURING SESSIONS OF HOUSE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent that the various subcommittees of the Committee on Interstate and Foreign Commerce may sit during the session of the House today.

The SPEAKER. Is there objection?

Mr. CHURCH. Mr. Speaker, I object.

SECOND DEFICIENCY APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10851, with Mr. MCREYNOLDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THOMAS JEFFERSON MEMORIAL COMMISSION

For the purposes authorized under the provisions of the act entitled "An act to authorize the execution of plans for a permanent memorial to Thomas Jefferson," approved June 3, 1936 (49 Stat. 1397), including commencement of construction of such memorial, $500,000, to remain available until expended.

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 7, line 7, strike out all of lines 7, 8, 9, 10, 11, 12, and 13.

Mr. SCOTT. Mr. Chairman, this is the amendment to strike out the recommendation of $500,000 for starting a memorial to Thomas Jefferson in the District of Columbia, the memorial to take the form, as was suggested by the architect, Mr. Pope, which would create another Hadrian's Tomb in the District of Columbia. The committee will, of course, understand the $500,000 is the initial appropriation. It is contemplated that the expenditure will run at least to $3,000,000 for this memorial. Nobody can say for sure that it will not be more than $3,000,000. Personally, I cannot recall any instance where an appropriation of this kind did not run into more than the amount that was contemplated.

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

Mr. SCOTT. In a moment. When the work starts, something invariably happens to increase the expenditure, to increase the cost, of a thing of this kind. Even so, if the expenditure could be limited to $3,000,000, I do not believe that this is the proper time to call for an expenditure of $3,000,000 for a pile of marble. I yield to the gentleman from New York.

Mr. CULKIN. Mr. Chairman, the gentleman is making an unfair inference here and doing it very skillfully. The fact is that it will not cost to exceed $3,000,000, and the Commission's figures definitely assure us on that point. I know the gentleman wants to be fair.

Mr. SCOTT. I hope that I am being fair about it, but is there anyone right now who can give definite assurance to the House, to this Committee, that the memorial will not cost more than $3,000,000?

Mr. CULKIN. The Commission does give that assurance.

Mr. SCOTT. In what way?

Mr. CULKIN. And I say that the alternative plan will cost $14,000,000.

Mr. SCOTT. I have no alternative plan to suggest. I simply say that this is not the proper time to appropriate the beginning of $3,000,000 or more to build a memorial out of marble to Thomas Jefferson in the District of Columbia.

Mr. CULKIN. The gentleman has a right to take that position, but he is making an unfair inference when he suggests in a veiled way that it will cost more than $3,000,000, because I can assure him now that the Commission has approached this question carefully, and it will not cost $3,000,000.

Mr. SCOTT. Oh, I have heard statements of that kind before many times—"If you give this we won't ever ask for any more," and then next year, "This happened and we have to have some more."

Mr. CRAWFORD. Can the gentleman from California tell us about the date these estimated costs were prepared?

Mr. SCOTT. When was the Commission established?

Mr. CULKIN. Nineteen hundred and thirty-five; established by this Congress and given authority to go ahead.

Mr. CRAWFORD. This $3,000,000 cost, then, was calculated at that time by the architects and the contractors.

Mr. SCOTT. That is my understanding.

Mr. CULKIN. I do not like to take the gentleman's time, but——

Mr. SCOTT. That is all right; the question can be argued. When was the estimate of $3,000,000 made?

Mr. CULKIN. The figures are very recent, within 4 months, I may say to the gentleman.

Mr. CRAWFORD. I do not know what the gentleman has in mind. As a matter of fact, on this subject I am just about as ignorant as a white man could be, but I do know that when it comes to preparing estimates for buildings—I am now drawing from experience—an estimate made now that would purport to guarantee that this job would not cost over $3,000,000, would not be worth 3 cents, because we are doing everything possible to increase prices not only of labor but also of material, the cost of which is made up largely of labor.

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

Mr. SCOTT. I yield.

Mr. RICH. Does not the gentleman feel strongly that a memorial to Thomas Jefferson in the form of an auditorium or some other worth-while thing would be more appropriate?

Mr. SCOTT. I think so.

Mr. Chairman, I ask that the amendment be adopted.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, Congress created this Commission headed by our loyal colleague, the gentleman from New York [Mr. BOYLAN]. I do not think that the Members of the House know that under the provisions creating this Commission it could have gone ahead and contracted for this monument and so tied the hands of Congress that we would have had to appropriate the money for it. These honest and honorable gentlemen did not do that. They come to Congress asking for the appropriation before they tie this up with a contract.

There has been a squabble for a number of years between the real-estate people in this city and the newspapers concerning the Thomas Jefferson memorial. Mr. Chairman, if there is one character in American history and among American statesmen who should have a monument built at this time it is Thomas Jefferson.

I just want to call your attention to the completion of the cross, which would be accomplished by the building of this monument. We have the Capitol at one end—the base—and two-thirds of the way down the Mall we have the Washington Monument, and another third of the way down the Mall we have the Lincoln Memorial. On the right arm of the cross is the White House. To complete the cross and furnish a left arm we would build the Jefferson memorial. Can you think of any memorial to a great institution—I will call Thomas Jefferson an institution—which would cost as little as $3,000,000?

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

Mr. SNYDER of Pennsylvania. I yield.

Mr. CULKIN. The publicity on this matter has been for the purpose of compelling this Congress to build an auditorium for the benefit of the city of Washington.

Mr. SNYDER of Pennsylvania. That is right.

Mr. CULKIN. They are not concerned about the memorial to Jefferson, but they are concerned about getting an auditorium for nothing; and that is the crux of this whole thing. I hope that Congress will not be deceived, because that is the real issue.

Mr. SNYDER of Pennsylvania. That is true. I may also say that I personally think it would be a noble thing to stand by our colleague, the gentleman from New York [Mr. BOYLAN] and the other Members of Congress on this Commission and put this thing across at this opportune time.

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

Mr. Chairman, there has been so much fog, so many smoke screens, and so much misunderstanding thrown into this memorial situation that some of the members of the Commission—and I am one of those unfortunate persons—have remained more or less silent up to this time. As I said in the House yesterday, this monument, this site, the selection of the architect, and every phase of this proposition to memorialize so far as possible by mere marble the memory of Jefferson, has had back of it the best Jeffersonian students of America. Do not be misled by patter and loose discussion on this point.

Stewart McGibbony, the man who rescued Monticello from destruction, is a member of this Commission. Fiske Kimball, one of the outstanding architects of America, a close student of Jefferson's architecture, who wrote a splendid book on Jefferson in architecture, has been at all times present at these proceedings. Mr. Kimball has given unselfishly of his time and great talents to this problem. It has been a great pleasure to be associated with him and Mr. McGibbony. All the proprieties have been served. The Fine Arts Commission, week in and week out for 2 years,

attended our meetings. No steps were taken without its full concurrence. The man who now protests, the present Chairman of the Fine Arts Commission, sat in our meetings on several occasions and never raised a word of protest. He has now yielded to the limelight that surrounds this question.

Mr. Chairman, the issue is simply whether Congress will now honor this great American, the greatest exponent of popular rights in the history of free government, the man who gave the territory west of the Mississippi to the United States. I say that at this stage in our national career in these crucial times, a monument to Jefferson is timely. The money might better be spent in this way than in pouring sand down political ratholes or erecting marble pounds for dogs. The question is up to the House. The Commission brings this proposition back and presents it to you squarely. It represents the completed judgment of the best in Jeffersonia, the best in architecture. The Commission, I may say as a member of the Commission, and I have been fairly diligent in attending meetings, is content to leave this matter to the decision of the Congress. [Applause.]

Mr. WOODRUM. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: Page 7, line 12, after the word "Memorial", insert "under a design and on a site to be approved by the President of the United States."

Mr. WOODRUM. Mr. Chairman, whatever may be the decision of the Congress as to whether or not this Commission should be permitted to go ahead with this project, I believe it would be in the interest of expediting the proposition and of perhaps bringing a more orderly understanding out of this conflict, if the matter should be finally submitted to the President for his approval.

The amendment which I have offered is my own individual amendment, not a committee amendment. I have not had an opportunity to discuss the matter with the members of the committee after the thought occurred to me. Personally, I know there is a wide difference of opinion as to whether it ought to be this type or that type of memorial, but I believe the members of the Commission will not object to having the President approve its plans. I hope they will so indicate that they do not object.

Personally, and speaking entirely for myself, I do not like the design that has been adopted. One other design has been considered by the Commission and tentatively approved by the Fine Arts Commission that I think would be very much better than the one selected.

Mr. CULKIN. Will the gentleman yield?

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

Mr. CULKIN. I may say to the gentleman on behalf of the chairman of the Commission that we have been in complete collaboration with the President at every stage of this matter and the gentleman's amendment is not only approved but is welcome. I may say to the gentleman further, that the memorial suggested as an alternate, to which the gentleman just referred, will cost, with its approaches, $14,000,000, I am advised.

Mr. WOODRUM. Not the revised one. Several designs were submitted. I am under the impression that if the authority to construct the memorial is given, and my amendment is agreed to, an agreement would be reached between the Fine Arts Commission and the Thomas Jefferson Memorial Commission. It is with that thought in mind that I offer the amendment.

Mr. BOYLAN of New York. Will the gentleman yield?

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

Mr. BOYLAN of New York. I may say as chairman of the Thomas Jefferson Memorial Commission that the amendment is acceptable to the Commission.

Mr. WOODRUM. That is all I care to say.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

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

Mr. JOHNSON of Oklahoma. Would the gentleman have any objection to having included also approval by the Fine Arts Commission?

Mr. WOODRUM. Yes; I would. If the gentleman will read the hearings he will see that there is much reason for the Commission saying that the Fine Arts Commission has approved it. The purpose of my amendment is to bring these two groups together. I may say to the Committee that I have discussed the matter with the President and I am confident, with this amendment in there, if the Congress should decide to let this proposition proceed, there will be an agreement between the Fine Arts Commission and the Memorial Commission.

Mr. JOHNSON of Oklahoma. Is it not a fact it was stated in committee that the chairman of the Fine Arts Commission was bitterly opposed to this plan and so stated to the committee?

Mr. WOODRUM. I understand the present chairman of the Fine Arts Commission is opposed to this design.

Mr. CULKIN. The gentleman heard my statement a moment ago that the present chairman of the Fine Arts Commission sat in our hearings on several occasions with Dr. Moore and never raised a voice in protest?

Mr. WOODRUM. That is shown in the hearings.

Mr. JOHNSON of Oklahoma. But it is the committee that is spending the money.

Mr. MAVERICK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia [Mr. WOODRUM].

WHY PUT ALL RESPONSIBILITY ON THE PRESIDENT?

Mr. Chairman, I believe the amendment offered by the gentleman from Virginia [Mr. WOODRUM] should be defeated for a very good reason. When we get into a jam around here somebody says, "Now, let us leave this up to the President," then we have no responsibility and we can wash our hands.

The Republicans can then feel vindictive because they can put the responsibility on the President, so they can abuse him.

We Democrats then feel self-righteous because we can bask in the self-glow of Presidential light, but nevertheless we have given up our responsibility.

Oh, this continuous idea, every time we get into a jam, of weeping on the shoulder of the President and passing the buck to him is wrong. The amendment should be defeated, and not only that, but I think the entire appropriation should be stricken.

Mr. SCOTT. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from California.

Mr. SCOTT. The amendment offered by the gentleman from Virginia [Mr. WOODRUM] has no effect on the question whether the memorial should be started by the appropriation of this $500,000?

JEFFERSON OUR GREATEST POLITICAL AND MORAL PHILOSOPHER

Mr. MAVERICK. Yes.

Mr. Chairman, I have a particular sentimental interest in Thomas Jefferson. One of my own ancesters, the Reverend James Maury, was his teacher. My grandfather, Jesse Maury, knew Thomas Jefferson. My people came from within 4 or 5 miles of Monticello. My mother was born there, and I spent many of my boyhood days there. I have read the writings of Thomas Jefferson and I love Thomas Jefferson. I believe Thomas Jefferson is the greatest American that ever lived and our greatest political philosopher and the greatest moral philosopher. He won by conscience and thought, by a love of liberty, and by blood and force.

I believe Thomas Jefferson ought to have an appropriate monument. I am interested in this matter, but I have never been able to get adequate information about it. I have never been able to understand this situation.

I have asked people to give me the details, to give me the plans, and to give me the pictures of this proposed memorial. It is all in the lap of the gods, and now we turn it over to Frankie.

TUBERCULOSIS, SYPHILIS, DWELLINGS, OUTRAGE OUR CAPITAL

What are we doing here? We have in this city the highest rate of tuberculosis of any city in the world except one. We have syphilis rampant in this town.

We have poverty here, and we have dwellings here that are an outrage to the capital of a civilized Nation. Despite that, we go ahead and spend money like this without plan, purpose.

Remember, when Jackson—I am not talking about Jefferson now—was about to die, some man got a Roman sarcophagus and sent it to him, saying, "We want to bury you in such a way that people will remember you."

Jackson sent back this word: "I do not want it. I want to be buried as the rest of the Americans are buried, in a pine coffin."

This memorial is nothing but a marble sarcophagus. It is cold marble. It does not show the warmth that was Jefferson's. It does not symbolize his soul.

But from a practical viewpoint it is something about which we know practically nothing, which ought to be enough to defeat it.

Now I yield to the gentleman from New York.

Mr. CULKIN. The gentleman is a deep student of Jefferson.

Mr. MAVERICK. I do not claim to be a deep student, but I read all I can.

Mr. CULKIN. On this Commission we had two men of the blood of Thomas Jefferson, Thomas Jefferson Coolidge and Hollins Randolph, and they are in favor of this monument.

Mr. MAVERICK. You can just forget from whom they are descended and from whom I am descended and say that this is not a practical proposition. There are hardly four men in the House who know anything about it.

Mr. CULKIN. It is their own fault.

Mr. MAVERICK. No; it is not. I have asked for information, and you men have been sitting around here dreaming.

Mr. CULKIN. The gentleman does not even read the RECORD.

Mr. MAVERICK. Nobody on earth reads it all, nor can. But the information on this monument has never been adequately presented.

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

Mr. MAVERICK. I yield to the gentleman from Arkansas.

Mr. TERRY. Does not the gentleman believe that in place of building a cold marble monument of this kind to Jefferson, it would be better to build a living memorial such as a hospital or something of that sort, as, for instance, endowing a course in government in some of the universities of this country like the University of Virginia, or George Washington University?

Mr. MAVERICK. Of course, we ought to do that. Jefferson was unpretentious, scholarly, shy—a lover of humanity and a believer in science. He wanted science to be developed—for humanity. So the suggestion of the gentleman is good.

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

Mr. Chairman, the gentleman from Virginia has offered an amendment to the section relating to the Jefferson Memorial.

This amendment seeks to turn over the selection of the site of the memorial to the President of the United States. Congress has appointed a Commission to select and have charge of the construction of this memorial. This Commission has presented its plans to you, and here on the blackboard are the designs. I am going to talk about them in just a moment.

To my mind, it is up to Congress to say whether or not it wishes to build the memorial after the Commission has selected the site. For my own part, I am against this memorial, but I do not believe we ought to turn over the selection of the site to someone else after we have turned this problem over to a commission. I will tell you why I am against this memorial. The center section, as shown on the design before me, is just like the center section of the Mellon Art Gallery. There is a square center. On one side there is a circular dome, with columns and circles. The two designs do not go together. They are different types of architecture. The entire design is one I would not want to have, and I would not dare go into it.

The selected site is to be down on the Tidal Basin, on the south side of the Tidal Basin, over near the Fourteenth Street bridge. I would not be surprised if that were a good site if the foundations were good, but I do not believe at this time we ought to go into the construction of a memorial with two different kinds of architecture in it and at a time when conditions in the country are the way they are now.

I hope the Congress will vote down the Woodrum amendment and they will vote for the amendment to strike out the paragraph.

Mr. SMITH of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Chairman, would it be proper at this time to have a vote on the Woodrum amendment and then return to a discussion of the Scott amendment?

The CHAIRMAN. The Chair will state that a vote on the Woodrum amendment will come first, of course, but the Chair will recognize gentlemen for further discussion.

Mr. SMITH of Virginia. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. After the Woodrum amendment is voted on, can there be further debate on the Scott amendment?

The CHAIRMAN. There can be.

Mr. SMITH of Virginia. I would like the Chair to recognize me.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on the so-called Woodrum amendment do now close.

Mr. HOFFMAN. Mr. Chairman, I desire recognition on the Woodrum amendment.

Mr. WOODRUM. I withdraw the request, Mr. Chairman.

Mr. HOFFMAN. Mr. Chairman, I rise in opposition to the Woodrum amendment and move to strike out the last word.

Mr. Chairman, the gentleman from Texas [Mr. MAVERICK] not long ago on the floor here said that the House had become a door mat and that we should, if possible, make some effort to regain our self-respect. With that statement I fully agree and call the attention of the House to the fact that we never can regain our self-respect, regain the confidence of the people who sent us here, if we continue to shirk our duty and to give to the President, so that he may give to subordinates selected by him—not elected by the people—the authority to do the things which we are elected to do.

Again comes the gentleman from Virginia [Mr. WOODRUM] and offers an amendment which, if I understand it correctly, would leave it to the President to designate the site of this monument.

Mr. WOODRUM. No; merely to approve it.

Mr. HOFFMAN. They must put it where he wants them to put it?

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

Mr. HOFFMAN. Or maybe that was not accurately stated—they cannot put it where he does not want it.

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

Mr. HOFFMAN. No; I have not time.

Mr. MAVERICK. Say it nicely.

Mr. HOFFMAN. Oh, I did not know it was the distinguished gentleman from Texas. Certainly, I yield to the gentleman.

Mr. MAVERICK. I want to say the amendment means it will be wholly up to the President with respect to location, art, and everything else.

Mr. HOFFMAN. And you still think we ought to make some effort to regain our self-respect?

Mr. MAVERICK. I think it would be a good idea.

Mr. HOFFMAN. If we continue on the course that appears to be advocated by the gentleman from Virginia, where are we going to stop?

Are we to continue, every time something is to be done by Congress, to throw that duty upon the shoulders of the President and have him pass it along down the line until someone without responsibility to anyone, without authority from anyone except from some executive superior, is charged with the performance of the duties which are properly ours?

Has it come to such a pass that Congress can no longer act for itself? So accustomed have we become to the domination of the executive department that soon we will be unable to eat, drink, or sleep without asking the President's opinion.

What about going down to the House Restaurant to get lunch? Are we going to leave it up to the President to say whether we shall go or not? Suppose we want to get a haircut or get our shoes shined out in this little room, back of the lobby, are we going to leave it to the President whether we get them shined in this little room upstairs or downstairs?

Have we come to such a pass that we cannot do anything, even put up a monument or a memorial in Washington, without leaving it to the gentleman in the White House to tell us where it should be erected? We do not leave it to him. No one contends we do; that is, no one who has a knowledge of the facts. We vote this money or this authority, and we say it is at the disposal of the President, but it is not. Harry Hopkins and Ickes, when he gets home, will tell where the money is to be spent and how it is to be spent, and the President may ask some friend where the memorial is to be built.

Regain our self-respect! How are we going to do it? We cannot do it unless we make a beginning, show some signs of initiative, some evidence of responsibility.

As I said, you do not give this authority to the President, you give it to the President to give to Harry and Tommy and all of the rest of the boys down there to spend the money to elect fellows who approve of the New Deal policies.

I know the gentleman from Virginia [Mr. WOODRUM] wants to practice economy. I suppose that because he believes people should be cared for, he will vote for this bill, and I am wondering now, I really am, whether or not the gentleman realizes that after this money has been placed at the disposal of the President and he has parceled it out to Hopkins and the rest of the crew, the day will come when the gentleman from Virginia and others on that side of the Chamber having opinions of their own will have the courage to vote them, as I am sure they will, and when that day comes, you will find the President or Hopkins or Ickes or someone else using the rope you are placing in their hands to hang you politically. That is what will happen.

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

Mr. HOFFMAN. Yes.

Mr. WOODRUM. The gentleman is making the speech that he made on the relief bill. This is not a relief bill.

Mr. HOFFMAN. Oh, this is a speech on the attempt of the gentleman from Texas [Mr. MAVERICK] to gain his self-respect.

In my judgment, we should all longer refuse to be a part of the door mat and, as Mr. MAVERICK so well said, to make an effort to regain our self-respect, to reestablish ourselves as being worthy of the confidence of those who sent us here, by exercising and voicing our independent judgment.

Mr. Chairman, I will now proceed to make a few remarks on the so-called relief bill, and may repeat the warning just uttered.

There are four main objections to the relief bill as it now stands.

First, and foremost, is the fact that it grants unnecessary power to the President, to be by him in turn given to subordinates;

Second, it permits the use of relief funds for political purposes;

Third, it places aliens unlawfully in the country on the relief rolls, in competition with our own citizens, to be supported by citizen workers; and

Fourth, it continues the policy of unnecessarily burdening the workers by granting to an ever-increasing number of those unable to obtain work or unwilling to work funds which enable many of them to enjoy a higher standard of living than do those who support them.

Everyone is willing to vote whatever funds may be necessary to assist those who are in need and to aid in restoring prosperity.

Each of us, if he lacks the courage to oppose the President in his wild, wasteful, corrupt spending, which, according to his own prophecy, will lead inevitably to national bankruptcy through continuing deficits and, as we all know, to the lowering of the moral standards of our people, should have sense enough to refuse to give the President a blank check to purchase the rope which he will use to hang us politically.

The President, time and time again, with the plea that an emergency existed, that we were confronted by a crisis, that our country could only be saved by granting him unlimited authority to spend billions of dollars, has fooled Congress into believing that it was aiding the unemployed, the unfortunate, by giving him a blank check.

Many of us have known for the last 2 or 3 years that the inner circle of the President's advisers were seeking, as Bainbridge Colby said way back in 1934, to prolong the depression, which—

> Will produce a better psychological background for the prosecution of their revolutionary designs.
>
> The overturn of our institutions, including the Constitution, is their avowed goal.

Today, the underground, treasonable activities of those ambitious individuals who have seized control of political power and would establish themselves as the rulers in our Nation, who, using the powers which, in 34 months, the President has said were returned to Washington, would "provide shackles for the liberties of the people," stand revealed in all their hideous nakedness.

That thing which the President said should not be—"playing politics with human misery"—is practiced by his advisers, his supporters, and his spokesmen.

No longer do they corrupt the voters secretly. Openly and brazenly they are using the funds which we here vote for relief to elect to office the candidates selected by them.

Doubtless every Congressman received that photostat showing the paper bag in which relief supplies were distributed, containing this endorsement:

> Paper bags
> Donated by ———, friend of
> Senator ALBEN W. BARKLEY

A bold, brazen, corrupt attempt to bribe the voters of Kentucky.

Note these two statements from personal friends of the President, New Dealers, both, in Monday's Washington News, a New Deal paper:

Raymond Clapper wrote:

> The fight against it (the Hatch amendment to the relief bill) was led by Senator BARKLEY, the administration's floor leader. The administration opposed even a gesture in the direction of keeping W. P. A. out of politics and voted it (the Hatch amendment) down in three separate roll calls. * * * Thus the New Deal leader of the Senate, the official floor spokesman for this administration, lays bare as cynical a picture of democracy as Hitler could paint, and makes a mockery out of 5 years of fireside chats. It was a disturbing speech, and those who will be most disturbed are the real friends of Roosevelt.

General Hugh Johnson wrote:

> No such ghoulish thing as this was ever before proposed. The cynical indifference of the benzine board (Cohen, Hopkins and company) to public protest springs from confidence that they can make it work. That reveals a ruthless political immorality on about the levels of the most carnal political purges and pogroms of Europe. It suggests that if they thought they could get away with it with machine guns rather than political poison, they would do that, too. That is just another way of playing politics with human misery and regardless of human rights.

The President stands convicted before the bar of public opinion, on the testimony given by his friends, of corruptly permitting the use of the money which belongs to the needy, to that one-third which he said was ill-housed, ill-clad, and ill-nourished, to oil and grease his political machine.

Let us vote relief funds, all that are needed, but retain control of the expenditure of those funds and see to it that they are expended for the purpose for which they are appropriated; provide for the protection of those funds from the greedy, grasping hands of the corrupt politicians. Apparently we lack the courage to do this.

Lacking the courage to protect our country, we should at least be farsighted and selfish enough to protect ourselves.

Long have public funds been used to defeat Republicans. For sometime under cover—now openly—the Public Treasury is being raided to defeat members of the President's own political party. No longer is the use of those funds confined to bringing about the political execution of Republicans.

Today the President is doublecrossing the members of his own party—those who nominated and elected him; those who through the years have given him loyal support.

The gentleman from Virginia [Mr. WOODRUM], who has been a loyal administration supporter in this House; the gentleman from Massachusetts [Mr. MCCORMACK], a Democrat tried and true; the gentleman from Virginia [Mr. BLAND]; the gentleman from Tennessee [Mr. MCREYNOLDS]—yes; a dozen others who might be named, the majority leader, the Speaker of the House—each and every one will find—and I make this prediction—that the moment they oppose the will of the President and publicly, no matter how conscientiously they may act, no matter how sound their judgment may be, act in defiance of his orders, or, worse yet, the orders of a Cohen, that their defeat will be decreed by Prince Jimmie, General Cohen, Harry Hopkins, Harold Ickes, or someone of those satellites, drunk with power, who thinks the world revolves around his activities.

I hope the day will never come—but I fear it is coming—when those whom I have named and dozens of others in like position will find the very funds which they are now voting to give the President to spend at his discretion, or other funds voted in like manner, being used to bring about their political funerals.

If we lack the courage to protect the people who sent us here by seeing to it that the funds voted for relief are used for that purpose instead of being used to bring political security to this little group of willful men who now rule in Washington, let us at least be interested in self-preservation to the extent of refusing to aid those who would destroy us.

I may be dumb, but, to paraphrase Harry Hopkins, I am not so "damned dumb" as to vote the money to buy the rope which will hang me.

The principal thought behind all spending should be the welfare of American citizens who, through no fault of their own, are unable to secure employment of the character which will enable them to maintain themselves on a self-respecting basis.

We would be disloyal to our trust were we to include as beneficiaries of this money the aliens in our midst.

We must not condemn those who are in America by lawful and honorable means, but we must be wary of extending benefits to those whose applications for citizenship have come only as a means to getting onto the W. P. A. or P. W. A. pay rolls.

That there is now in America an organized effort to aid those aliens is probably not well known. There has recently come into being an organization known as the American Committee for Protection of Foreign Born, with headquarters at 100 Fifth Avenue, New York City.

This committee sponsored a conference at the Hotel Pennsylvania in New York on January 9, 1938. At the conference were represented delegates from several trade-unions, including the radical Workers Alliance; delegates from organizations, including the International Labor Defense, the Friends of the Soviet Union, the Workers' Defense League, and in addition there were representatives of the Communist and Socialist Parties.

The meeting at New York was dedicated, according to Bernhard J. Stone:

> To the preservation of the democratic rights of the vast majority of the American people.

Surely Mr. Stone must have had someone else in mind, for this gathering had very little to do with, or say about, democratic rights of Americans, but it was expressly concerned with the rights, democratic and otherwise, of aliens in America.

Now, what right ought an alien have in America?

What rights have an American in alien lands?

Let us be fair and broad-minded in an examination of the record.

There are, it is said, more than 6,000,000 aliens now in the United States. Many have been here for more than 15 years and have not completed the process of becoming citizens.

In Los Angeles County, Calif., a survey made last September revealed that 5,091 alien families were on relief. Of this number, but 444 wished to return to their homeland; yet only 41 percent wished to become American citizens.

Is it fair to the taxpayers of America to ask them to shoulder this burden of supporting these aliens?

On August 27, last, Harry H. Halloran, W. P. A. director for the city of Philadelphia, announced the dismissal of 800 aliens from the W. P. A. rolls of that city. Halloran announced that those removed from the W. P. A. rolls would be aided by direct relief. In Philadelphia at that time, according to Saya L. Schwartz, chief statistician of the Philadelphia County Relief Board, there were 9,500 foreign-born families on the local relief rolls. Of this number probably 1,000 families are mixed—one of the family having been born in America.

No statistics are presently available as to the number of aliens on the public relief rolls or on the W. P. A. rolls.

There have been numerous surveys and statistical projects, both by W. P. A. and the Department of Labor, yet the alien and the problems he presents have been carefully avoided by this administration. Why?

The answer may be found in part, I believe, in the records of the conference at New York last January.

In opposing the bills introduced by Senator REYNOLDS and Representative STARNES, Dwight C. Morgan, secretary of the conference, objected to the provisions of the bill which would make it a deportable offense for an alien to be found carrying arms, or convicted of crime, or of picketing during a strike.

Now you can imagine what would happen to an American citizen caught carrying arms or inciting to labor troubles by appearing in a picket line in England, France, Germany, or Italy. Yet these things are condoned by the Committee for the Protection of the Foreign Born, especially the aliens, for the secretary says—

> You can understand how dangerous these provisions are to trade unions in Florida, California, and New Mexico, not to mention New Jersey and even New York City.

Is this an admission that certain labor unions are made up of aliens, or is it an admission that alien members of certain trade unions are agitators and gunmen?

This Committee for the Protection of the Foreign Born appears to be really organized for the protection of the aliens in America. Witness the following:

> Most of the 4,000,000 foreign-born in America came at a different time and under different immigration laws than those we have today. Many of them came before the literacy test in the immigration law of 1917 and have been unable to obtain sufficient education to pass the literacy test.

Twenty years in America should be long enough for a man to learn the rudiments of the American system of government and to read and write. It is easily understandable that there are thousands of "Chris Popoffs" in America today—men who have become labor agitators and strike leaders.

The alien in America is organizing to demand his rights, but he has no right to wreck our industries, live in idleness, and be supported by our taxpayers.

Now what course has an American except to protect his home, his country, and his customs against the corrosive contact of alien ideals which seek to end our democracy?

What right has an alien in America that is greater than the rights of an American citizen? What claim has an alien on our Nation except a claim upon our sympathy?

While I do not condemn those who are in our country by honorable means, I cannot sit quietly by without a word of protest against the indifference and inactivity of our Naturalization Bureau in the situation.

I am for fingerprinting, registering, and deporting all aliens who do not measure up to the requirements of America and American ideals.

I am of the opinion we should quickly purge our Nation of its undesirable alien element to provide opportunity for our own citizens.

No sane person would knowingly invite those with contagious diseases into their homes to live in intimate contact with the family.

Shall we knowingly allow those with corrosive alien ideas to come to and remain indefinitely in America where they may bore from within to undermine our social life, our society, and our political structure?

I am against all "isms" except Americanism. I am against anything and everything which is contrary to the principles of government laid down by our forefathers.

I am against appropriating money to provide relief for aliens who are unlawfully in this country, who do not believe in our form of government, who do not obey our laws, no matter who they are or where they may come from.

Another situation which arises in connection with the organization of relief clients and the demand for bigger W. P. A. checks has caused me to make some interesting comparisons of the wages paid in a number of industries as compared to the average cost of maintaining a "worker" on a so-called writers' or actors' project.

Quoting from page 253 of the hearings on this bill, I find the following:

> The present man-year cost for the Federal art projects which are known collectively as Federal project No. 1 is approximately $1,200, an absolute minimum figure below which, in the opinion of the administrators of these projects, it may become impossible to continue them.
>
> The recommendations made in the Byrnes committee report on unemployment to limit other than labor costs to $5 per month per man for each project is equally unreasonable.

Keeping in mind that writers and actors on relief projects are getting about $1,200 per year, let me give you some statistics compiled from reports of the Department of Commerce, showing the average annual wage of employees in over 25 lines of business and industry.

These statistics are compiled from the reports of more than 80,000 business concerns employing over 2,000,000 wage earners.

Industry	Number of employers reporting	Yearly average number wage earners	Average annual wage (cents omitted)
Artificial leather, oilcloth	33	3,648	$1,157
Blackings, stains, and dressings	167	1,498	979
Bread and other bakery products	19,068	218,423	1,137
Butter, cheese, condensed and evaporated milk	6,498	31,236	953
Cement	153	20,698	1,014
Cereal preparations	110	7,891	1,080
Food and kindred products	48,681	797,448	1,003
Electrical machinery and apparatus	1,303	179,641	1,102
Glass and glassware	213	67,138	1,064
Leather gloves and mittens	224	9,810	867
Ice cream	2,447	17,308	1,103
Machine tools	259	28,186	1,321
Machine tool accessories	731	23,135	1,487
Manufactured ice	3,595	19,043	1,084
Motor vehicles	121	146,961	1,476
Nonalcoholic beverages	3,175	16,778	1,033
Perfumes, costmetics, etc	557	9,649	889
Radio apparatus and phonographs	195	44,792	957
Refrigerating apparatus, etc	273	37,146	1,090
Shoes and other footwear	1,024	202,113	847
Steel works, etc	396	359,546	1,222
Toys, games, and children's vehicles	439	20,293	812

Welfare workers on Federal project No. 1, paid average wage per year of about $1,200.

From the foregoing compilation it will be seen that the actors and the writers on Federal project No. 1 are drawing a higher yearly average wage than are the workers in 18 of the 22 industries referred to above.

As the workers who are employed in the foregoing industries must of necessity contribute toward the payment of these actors and writers, the injustice of such a procedure comes naturally to mind.

Should men who are working, many of them skilled, be required to contribute out of their earnings toward a fund used to pay a wage higher than that which the contributors themselves receive?

What justice is there in taking from the worker a part of the sum which he earns, and which is necessary for his own support and the maintenance of his family, to create jobs for the unemployed at a higher rate of compensation than that which the working contributor himself receives?

This brings me back to the question which I have asked so often. How long can this Government continue to assess and take from those who are working an ever-increasing amount to create work for, or bring relief to, an ever greater number of persons?

Surely we must realize that this process cannot continue indefinitely; that shortly we shall reach the point where the amount demanded for relief exceeds the amount which the workers may retain; where the number of the unemployed and those on relief and made work, will begin to approximate the number of workers.

The answer is that there must be an end to the system; that, while those in need must be cared for, waste must be avoided and those receiving relief must contribute to the extent of their ability toward their own maintenance by engaging in some occupation or some work which, through production, adds to the material wealth of the people as a whole.

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

Mr. RICH. Mr. Chairman, I move to strike out the last word. At this time I am very much in sympathy with the statement made by the gentleman from Texas [Mr. MAVERICK] in reference to placing the authority for the design and location of this monument in the hands of the President. I believe that is the function of Congress. Why turn everything over to the President—that is rubber-stamping it. We have appointed a Commission, and if we have any faith in the Commission, then let us leave it to them. That is their responsibility and their duty and they ought to do the job just as well as the President or any member of the Department. It is necessary for them to have the approval of the Fine Arts Commission on anything they locate in the city of Washington, and I believe that the Members of Congress will not permit the location of this memorial at a place that will not be satisfactory to the city and to the Members of Congress. That is the first thing.

The second thing is in reference to the amendment to strike out the appropriation. We should do that. I quite agree with what has been said about Thomas Jefferson. I think he was one of the greatest Americans that ever lived. He was a constitutional Democrat. I do not say that he is the greatest of Americans, but he was one of them; but I say that he had a part in our national life that no other man did have, and he stood for all of those things that has made America what it is in the 150 years that it has existed, and with Lincoln and Washington, Jefferson stands out as one of the three greatest Americans. He certainly was not a new dealer. He believed in the Constitution and what it stood for.

Let us look at the memorial that is proposed. It is quite similar to the design commemorating Abraham Lincoln. I do not think we should build a monument similar to this design because it resembles too much Lincoln's monument. Under the conditions that exist I think we should construct something here that will stand for all of the high things

that Jefferson stood for. I think we should find something similar to the auditorium that has been suggested and make it a beautiful structure, and let it cost, if it will, $30,000,000.

Mr. SABATH. Where would the gentleman get the money?

Mr. RICH. I do not know where you are going to get the money; but you can get $30,000,000 for something that is useful a whole lot more easily than you can spend $3,000,000 for something that will only be a lot of cold marble which will not mean a great deal; and you should build something for that great man, Thomas Jefferson, that will stand out in the lives of every man, woman, and child that comes to Washington and signify to the people in the future what a great man Jefferson was. To do that a great memorial should be constructed.

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

Mr. RICH. Yes.

Mr. WOODRUM. Does not the gentleman think it would help if he would go down there in that area and have the Rural Electrification put a lot of lights there and illuminate it and make it very beautiful?

Mr. RICH. Oh, the gentleman has brought Rural Electrification up a number of times, but I say that the money for Rural Electrification is something to be loaned, eventually to be paid back, and if the gentleman, who stood for economy a year ago, would have the intestinal fortitude and the backbone to stand up for it today and try to save some money, he would be a more valuable man in Congress, but if he is going to spend as he has been doing and asks to have everything spent, then his days of usefulness will not be as great as they have been. Mr. WOODRUM is one of the finest men in Congress and could help save the Nation from bankruptcy. Will he and other Members of Congress do their duty? Let us spend and build wisely and judiciously for the benefit of ourselves and posterity.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired on this amendment. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. WOODRUM].

The question was taken, and the amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. First, I think we ought to speak of the suitability of the location as recommended by the Commission. Congress, at its last session, voted down the recommendations of the Commission that this memorial should be located in the Tidal Basin. Now the Commission has seen fit to move the location a few hundred feet—two or three hundred feet—but it is practically in the same location that Congress voted down at the last session. At that time it was shown that to secure a suitable foundation for the structure would cost more than double the appropriation authorized by Congress of $3,000,000, and evidence has been submitted to the House that the situation has not changed a particle so far as the location that the Commission now recommends. This appropriation of $500,000 does not start the foundations in the place selected by the Commission.

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

Mr. TREADWAY. Yes.

Mr. MAVERICK. Does the gentleman know how much money it is going to take in the end? Has that been settled?

Mr. TREADWAY. There is no evidence before the committee as to that situation. Last year very definite evidence was presented to the Library Committee that the cost of the location in the Tidal Basin would be perfectly enormous.

Mr. WOODRUM. Of course the gentleman knows there is a definite limit placed in the authorization act of $3,000,000.

Mr. TREADWAY. Certainly I do, but it is evident to all persons of the House that it would never be completed on that site for anything like that price.

Mr. BOYLAN of New York. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BOYLAN of New York. If the gentleman would take the time to read the hearings he would find that estimates only 2 or 3 weeks old show that the entire memorial, together with the approaches necessary, could be built for $100,000 less than the authorization.

Mr. TREADWAY. I attended the hearings before the Committee on the Library last year. The expense of the foundation alone was excessive.

Mr. SNYDER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I have not much time but, of course, I yield.

Mr. SNYDER of Pennsylvania. The site was moved from the place considered last year.

Mr. TREADWAY. Moved a very short distance. It is on the same general character of land and would take the same general type of foundation, which would require going down 50 to 75 feet.

Mr. SNYDER of Pennsylvania. If the gentleman will read the testimony given before our committee he will find that the committee was given an estimate showing that the foundation work will not cost nearly as much as it would to put it where they had originally intended.

Mr. TREADWAY. I hope not. It would have nearly exhausted the Treasury to have placed it in the other location. Most certainly it cannot cost as much as the other one if they are going to complete the memorial within $3,000,000.

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

Mr. TREADWAY. I yield.

Mr. CRAWFORD. Would we not be faced with the same type of foundation trouble that was met in the case of the Washington Monument where they had to go down into the bowels of the earth and pour steel, masonry, concrete, and everything else there? This is on the same general type of land.

Mr. TREADWAY. This is made land where the Commission recommends to locate the memorial. Why do they not find a location where it will not be necessary to spend a fortune to provide a proper foundation? There are other locations and there are other ways of providing a suitable memorial to Thomas Jefferson. I have a bill before the House. I know it will not receive favorable consideration at this time, but it provides for rechristening the Library of Congress. The nucleus of the great collection of books in the great Congressional Library was the books bought from Thomas Jefferson. Certainly there could be no finer memorial to Thomas Jefferson than to name the Congressional Library the Jefferson Memorial Library.

There are other locations, there are other architects, there are other styles of construction. I thought this matter was settled yesterday. Let me read you what the gentleman from Virginia said yesterday. You will find this on page 8396. The gentleman from New York [Mr. SNELL] asked the gentleman from Virginia [Mr. WOODRUM] to yield, and the gentleman from Virginia yielded. The gentleman from New York [Mr. SNELL] asked:

> Does the gentleman himself, considering the economic condition of the country at the present time, think that Congress should borrow $500,000 to start the construction of this memorial or a memorial for any man, no matter how great he was?

I call attention particularly to the answer of the gentleman from Virginia. He said:

> The gentleman has asked me a very embarrassing question, but I will answer frankly, I think the Government should not do it.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. CULKIN. Mr. Chairman, I object.

Mr. TREADWAY. I have been liberal and yielded a great deal of my time. Will not the gentleman withdraw his objection?

Mr. CULKIN. Mr. Chairman, I object.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. CULKIN. Mr. Chairman, I object.

Mr. TREADWAY. That is very courteous of the gentleman. I thank the gentleman very much, indeed.

Mr. CULKIN. The gentleman is welcome. His Committee on the Library has been in this thing too much.

Mr. TREADWAY. The Committee on the Library has a right to be in it.

Mr. MAVERICK. Mr. Chairman, a point of order. Cannot the Chair make the few Republicans that are left in the United States get along with each other?

Mr. TREADWAY. Not under these circumstances, so far as I am concerned.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. We have had 45 minutes' debate on the subject already.

Mr. MICHENER. Mr. Chairman, reserving the right to object, I would like 5 minutes.

The CHAIRMAN. Under such a limitation, the Chairman cannot allow 5 minutes to each of the Members who have indicated a desire to speak on this paragraph. On other occasions, when time for debate has been limited, it has been divided into 3-minute intervals or even 2-minute intervals.

Mr. WOODRUM. Mr. Chairman, I modify my request and ask unanimous consent that the time be limited to 25 minutes.

The CHAIRMAN. Eight Members have indicated a desire to be heard on this paragraph. If agreeable, the Chair will divide the time equally, but the Chair will state that it would seem that a member of the Commission ought to have 5 minutes.

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

Mr. BOILEAU. Mr. Chairman, reserving the right to object, are we operating under the 3-minute rule or the 5-minute rule?

The CHAIRMAN. Time has been divided this way before. The Chair hears no objection.

Mr. MICHENER. Mr. Chairman, reserving the right to object, will not the gentleman from Virginia modify his request and make the time 30 minutes?

The CHAIRMAN. Time has already been agreed upon. There was no objection to the request that debate be limited to 25 minutes.

Mr. MICHENER. Mr. Chairman, I reserved the right to object. If the Chair made an announcement, no one heard it.

The CHAIRMAN. The Chair will put the request again.

Mr. WOODRUM. Mr. Chairman, I modify the request, and ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I am a member of the Jefferson Memorial Commission, and I do not usually consume any time of the House in the discussion of matters.

This Commission has been in existence for 4 years. We have held innumerable meetings and hearings, the minutes of which are available to show of what the hearings consisted. I heard some of the debate yesterday on this matter, and I never saw so much misinformation gathered together under one head in so short a time in my life. The full information is available to anyone who wants it.

We all recognize that there are some folks who do not want to build a memorial to Thomas Jefferson. Regardless of what you do about it, somebody will always have a reason why some other kind of a memorial should be built or why it should be put at some other place. However, a final determination of the question had to be made.

This Congress authorized the creation of a Commission for this purpose and the members of that Commission were appointed. You may recall that when we first selected the site and started to do something, a great furor was raised about the cherry trees. That was simply a smoke screen. Some folks just did not want this memorial. Recently the cherry trees have not been as popular as they were awhile ago; therefore, that has been abandoned. Now it is a question of the nature of the memorial.

The truth about a lot of this controversy is there were some architects around here who wanted the opportunity to compete for the construction of this memorial. Your Commission thought that we were created for the purpose of getting the best architect we could find in the United States and that we were not appointed for the purpose of conducting an architectural contest between various and sundry architects in the country. We exercised this discretion and got Mr. John Russell Pope, who was considered one of the best architects in the United States.

The statement has been made here that no one knows what this memorial will cost, but that statement is completely without foundation. We have the estimates and I want to read to the committee today the action of the Library Committee that was referred to by the gentleman from Massachusetts, when he mentioned the hearings before the Library Committee.

Here is what the Congress itself has done about the memorial. In the first place, it acted by authorizing the appointment of a Commission, which Commission was appointed, and it acted. The Commission got together on the plans and on the site and agreed upon everything unanimously. We then came back to the Congress with our estimate and asked for an authorization of $3,000,000 for the purpose of building the memorial. That resolution went to the Library Committee and I have before me the report of the Library Committee, which is a standing committee of the House, in which it recommends the passage of the resolution authorizing this Commission to build the memorial. The report states:

> The stage of the work has so far proceeded the Commission is now ready to award contracts for the construction of the memorial. The lowest estimate was that of $3,000,000, for which sum authorization is requested.

Pursuant to that report Congress adopted the resolution authorizing the appropriation and authorizing the Commission to proceed.

Mr. Chairman, there is no doubt about the location. It has been agreed to by the whole Commission and has not been objected to by the Fine Arts Commission. It has been approved by the National Capital Park and Planning Commission. The only possible controversy about the matter now is in connection with the Fine Arts Commission, and I want to say something about that.

Mr. CULKIN. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. CULKIN. The President has been consulted on this matter and it has his approval, both as to site and the form of the monument?

Mr. SMITH of Virginia. The President has been consulted on innumerable occasions. I have been there myself when consultation was had with him, on two occasions.

The Fine Arts Commission for many years has been represented by Mr. Charles Moore, who was Chairman of that Commission, I think, for 25 years. The first act of our Commission was to take him into our confidence and we had him sit down at the table with our Commission. We worked with him as long as he was Chairman of the Commission and I never heard any complaint as to the type of memorial from Mr. Moore or from the Fine Arts Commission. We had his approval at every stage of the proceedings.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, if there is to be this type of memorial to the memory of Thomas Jefferson, I believe sincerely that this great Commission and its collaborators,

the Fine Arts Commission and the Park and Planning Board, have done a splendid job.

To my mind the most beautiful spot on earth, late at night, is that between the Lincoln Memorial and the Washington Monument overlooking the reflecting pool. Many a night after a hectic day, I take refuge in that solace. I stop there a while on my way home to drink in the beauty of that scene. I love to look into the face of Lincoln as he sits there majestically in his marble shrine, and while I regale myself with that surrounding beauty, I imbibe not only the peace which comes with quietude, but also the quiet strength that comes from meditation upon the power of that great personality. But I always feel the incongruity of that magnificent memorial.

Lincoln, like Jefferson, was a man of the common people. They were from different strata of humanity, it is true, but both had their hearts attuned to the mute cry of the downtrodden, and both loved their fellow men.

The architecture of the proposed memorial seems to me both beautiful and appropriate. But we should not be satisfied with useless beauty. My quarrel is with the concept, not with the architecture. Both Lincoln and Jefferson were architects and builders of temples of thought. They were the prophets of the unknown or forgotten man. They were dreamers of marvelous dreams, but they were doers as well, and labored practically and successfully to make their dreams reality. Each loathed pomp and panoply. Both believed passionately in combining beauty with utility. So, as splendid a beginning as this distinguished Commission has made, I beg of them that they expand their vision and broaden the scope of the memorial to make it harmonize with the mind and heart and life of Jefferson—the practical idealist.

Yesterday on this floor I offered the suggestion of a West Point, or Annapolis, for the civil service. I believe you can preserve the beauty of this memorial and combine it with the idea incorporated in WESLEY DISNEY'S bill for the creation of an academy to prepare choice youth for service in our Government at home and abroad—to supply the greatest need of our Nation, adequate leadership for a better government.

As I stated yesterday, we have two academies for Mars, why not one for Jupiter? I pray that this Commission may consider this suggestion and make this memorial living, not dead; serving, not served; an institution to take up Jefferson's work, not a monument to it as though it were finished. If Jefferson could speak to us today on this floor, he would make the plea of which mine is but a faint echo. But he is speaking. His life, his works, his words are still heard. Let those who have ears to hear, hear and heed. We all know that his three major emphases were freedom, representative democratic government, and education. Those were his grand passions. Why not preserve and revitalize them, and let his glorious spirit go marching on forever, serving this Government which he in large part created, and bettering for our generation, for our children, and for our children's children, the priceless heritage from him?

I bespeak of this Commission that consideration which they have been so glad to accord in all their 4 years of deliberation. The United States of America has a rendezvous with destiny. The world moves forward on the feet of youth. They cannot be trained too well. Let us widen the horizon of our thinking and prepare wisely to meet the challenge of the future, to the leadership of a wistful world. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I yield to none in my respect and admiration for Thomas Jefferson, the citizen, the philosopher, the patriot, and the farseeing statesman. We can say or do nothing here today that will add to or subtract one jot or tittle from the memory of this illustrious man. In our early history there was a division of thought as to whether the strong centralized government philosophy of Alexander Hamilton or the local community responsibility and States' rights philosophy of Thomas Jefferson was more important in our system of government. Time has convinced all of us that both were right. We have the strong centralized Government envisioned by Hamilton. I am sure that for the time being at least the philosophy of Hamilton is being realized to the *n*th degree, and there was never greater need for practical application of the Thomas Jefferson theory of government than confronts us today. The experiences of the last 5 years must convince any of us of the truth of this assertion.

If Jefferson never contributed anything more to this Government than the part he played in having included in our Constitution the Bill of Rights, then a grateful country should not hesitate to be lavish, indeed, in the erecting of an eternal monument to his memory. The value of the guaranty in the Bill of Rights cannot be measured in dollars or by other physical yardsticks. The grandeur of the memorial, whether it be a pile of marble, an auditorium, a hospital, an endowed institution of learning, or any of the several things suggested in this debate, cannot be too impressive to do justice.

Almost all of this debate is aimed at the type of memorial and the location of the memorial to be erected. To me these two factors are beside the question because the main proposition is, Should the Congress appropriate money for the erection of any kind of a memorial at this particular time? Feeling as I do about the matter, it seems to me that we should not quibble about the amount of money, the kind of a foundation, whether or not the cherry trees will be injured, but should meet the issue squarely as to whether we can afford any kind of a memorial just now.

I am, therefore, fundamentally opposed to the part of this deficiency appropriation bill which provides for an appropriation of $500,000 at this time for the erection of a memorial to Thomas Jefferson or anyone else.

Mr. MAVERICK. If the gentleman will yield, aside from the fact that this is the wrong time, does the gentleman thoroughly understand how much money is going to be spent?

Mr. MICHENER. I have not got to that.

Mr. MAVERICK. That is the point.

Mr. MICHENER. As I understand, it is contemplated that the completed memorial is to cost not to exceed $3,000,000. Of course, no one here believes that this memorial, as outlined by the Commission in the location designated, can be completed for that amount of money. After the $3,000,000 is spent, of course the work will have to be completed and the Congress will be asked to appropriate the necessary amount to finish it. As I stated a moment ago, the amount is beside the question. The real issue is, can we afford this thing at this time?

The other day when a bill was brought up authorizing the painting of a picture by Howard Chandler Christy at a cost of $35,000, to hang on the wall of the Capitol, I made a speech in opposition to that measure and it expressed my views as to all unnecessary appropriations at this time, and what I said then holds good as to this memorial.

Time will prevent further discussion, but it seems to me that when we return to our homes at the close of this session, and are confronted with the awful and distressing conditions that we all realize exist in our respective districts, it will be very difficult for Members to explain an affirmative vote for this appropriation. Again I say, that which we all know and admit, if we do appropriate this $500,000, then we must borrow that $500,000, which means we must allow $500,000 less for necessary relief. Are we going to do this? For one, I am not. If this memorial could be submitted to a referendum vote of the people in any congressional district in the United States now, there would not be enough votes for it to count. If I am correct in this conclusion, why then should the Congress, directly representing the taxpayers and the people who are demanding relief, deal so lightly with such an important matter? There is no politics in this question. If any trifling with human misery is involved, it is

due to the fact that a listless and a reckless Congress votes money for luxuries and memorials that is required to prevent starvation and suffering.

It has been whispered about that the President wants this bill passed at this session. The House has just voted down an amendment offered by the gentleman from Virginia [Mr. WOODRUM], delegating to the President the right to approve the plans for the memorial and, in fact, select the site; that is, if that amendment had passed, no memorial and no site not acceptable to the President could be utilized. The House has just shown it does not desire to confer any such additional authority on the President, and may I hope that in the same spirit the House will adopt the amendment offered by the gentleman from California [Mr. SCOTT], and strike from this bill this unnecessary appropriation.

This is a deficiency bill. Certainly this item has nothing to do with any deficency. It is a new item authorizing the beginning of a new project. As stated by the gentleman from Oklahoma [Mr. JOHNSON], a member of the Appropriations Committee giving consideration to this matter, there is no contention that the erection of this memorial at this time will have any particular value so far as work relief is concerned. Why then the hurry?

In conclusion let me leave one thought. Assuming that Thomas Jefferson, the friend of the masses as we are wont to call him, were on earth and in this House today, and the Speaker of the House were to ask him whether he wanted the country to borrow $500,000 to begin the erection of a $3,000,000 marble statue to his memory, or whether he preferred to have this money appropriated to relieve the suffering of the unemployed, what do you think his answer would be?

All I ask of the Members before voting is that each decide for himself what the answer of Thomas Jefferson would be, and then vote as his conscience dictates. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Chairman, I trust the Members on the Democratic side will not be influenced by the opposition, which comes chiefly from the Republican minority side. In my time I voted for many a monument to a distinguished Republican.

I have never felt the Jefferson Memorial ever got a square deal. I have felt there were a lot of selfish motives in the opposition to it. The opposition has come principally from the District of Columbia, which wants to dictate to Congress what we shall do within our own functions.

The opposition first took the form of saying the building of this memorial would destroy the cherry blossoms. I thought that was a deliberately manufactured emotional appeal. The businessmen of Washington alone profit by the cherry blossoms being there, yet they never contribute one penny toward their planting or their maintenance.

Then, when the tearful question of the sacred cherry blossoms was settled, the question of the design came up. Again opposition arose in the District of Columbia—ulterior as far as I could discern. In all the statements, editorially and otherwise, I have smelled an ulterior purpose.

Some in opposition to this project want an auditorium. If the District wants an auditorium, let it build one. The District will use it to take conventions away from all the other cities in the country. Some Members who are now arguing for the erection of an auditorium in Washington would probably be back here later opposing an auditorium at the behest of your own city organizations who want conventions to occur in their own city. The businessmen of Washington alone would profit by having an auditorium. They do not want a monument to Jefferson; they want an auditorium which they can rent out with its hot-dog stands, and so forth. They intend to attract conventions here for their own financial interest, but they have never made one suggestion of contributing anything toward the development of the National Capital by auditorium or otherwise.

When the question of design came up that was again objectionable to the artistic-minded residents of this paradise, although the design was created by an architect who has achieved an unequaled great name in our time. It is undisputably recognized that no greater architect has lived, in our time at least, than John Russell Pope.

Now, there has been talk here about building a monument and spending $500,000 on it now. Why, the building of a monument puts just as many men to work as the building of a business building or a post office. If you will trace back the sources of the materials, you will hire or employ just as many men as on any other building, and practically the entire cost, in the last analysis, goes in wages. This project will furnish employment just as much as a post office or a courthouse in the district of the gentleman from Michigan [Mr. MICHENER], who has been so patriotically opposed to this project.

To my mind, the real test here today is whether the Congress, through its representative, the distinguished Commission which has studied this matter for years, will insist on having something to say about what we shall do with our public buildings, paid for out of the Federal Treasury, or whether we must submit to those down here in this town to tell Congress what we shall do.

I hope this provision for the starting of the Thomas Jefferson Memorial will remain in the bill, so that we may start this great national project just as soon as possible. [Applause.]

Mr. REES of Kansas. Mr. Chairman, I must take issue with the gentleman from New York [Mr. O'CONNOR], who just left the floor and who had just stated that the opposition to this particular expenditure comes from this side of the House. If he has in mind that this is a political issue, I want to suggest to him that, so far as I am concerned, he is mistaken. This is not a partisan matter in any sense of the word.

It is time that opposition to at least part of these expenditures comes from somewhere. A great deal has been said on the floor about Thomas Jefferson. We are all in agreement that he was one of the greatest men this country ever produced. There is no doubt about that. Let me suggest to the Members on the other side of the aisle who have exalted him so greatly this afternoon that, in my judgment, if we would return in the direction of the policies and principles which were laid down by Thomas Jefferson, this country would get along a whole lot better. Certainly Thomas Jefferson was a truly great man.

That is not the question under discussion. The question is whether or not this Congress this afternoon wants to expend at least $3,000,000 for this memorial. Three million dollars that we do not have. Three million dollars that we will have to borrow. Five hundred thousand dollars of it is to be spent immediately. All this in face of the fact that our Nation is almost $40,000,000,000 in debt and with a Budget that is out of balance.

If this Congress has the reverence for Thomas Jefferson that it appears to have, it would follow the advice that Jefferson would give us this afternoon. We would not be spending $3,000,000 to build a monument for anyone. I believe it would be right and proper sometime in the future, when we have the money, to erect such a great monument for one of the greatest of all men, but at a time when we have more than 12,000,000 men out of employment, and a time when we have millions of people on relief, it does not seem logical that we should ask the overburdened taxpayers of this country to go further into debt for this purpose.

Furthermore, most of the discussion that has taken place is with reference to the kind of a monument that should be built, and the place where it should be located. Even those questions have not been determined. We do not know right now the location or kind of memorial which may be erected. We do not know that it can be built for $3,000,000. We know it will cost at least that amount. It might cost more.

Congress would do well to strike this appropriation from the bill. Let this appropriation go over for another year, or even 5 years, when, we hope, the country will be in better financial condition than it is today. More than 100 years have passed before consideration was given to the building of

a monument in honor of this great man who took a leading part in the laying of a foundation for this great democracy and whose contribution to the welfare of this Nation is priceless.

In the face of this, it is not the time now to make this appropriation. I ask you this afternoon to vote to save the taxpayers of this country a further expenditure of $3,000,000. This is a lot of money. We have to begin to save money somewhere. This is a good place to start. This is a place where no one will be injured and where some little assistance will be rendered to an already overtaxed public. [Applause.]

Mr. MAY. Mr. Chairman, as I travel around the streets of Washington I have often wondered why it was we find so many statues to the great soldiers and statesmen of our country and find none erected to Jefferson. I have been so impressed with this situation that I finally made up my mind that undoubtedly Jefferson had written his own memorial and that the world knew it.

I do not care to enter into any controversy with the gentlemen on the other side of the House about this matter so far as finances are concerned. I will answer all of their objections by saying that if the Congress of the United States today went out and borrowed and spent $25,000,000, not $3,000,000, on a memorial to Jefferson, it would be a good investment, as an inspiration to the youth of generations to come; but we can erect here in Washington to the memory of Thomas Jefferson a statue of marble and granite and we can allow it to stand here through the centuries, in defiance of the corroding touch of time, and yet it will be a feeble effort toward perpetuating the memory of Jefferson. Jefferson perpetuated his own memory in the hearts and minds not only of the people of this country but of the people of every country upon the face of the earth, and his three great monumental achievements that fell from a pen inspired by the heart and mind of the greatest genius of all time were the writing of the Virginia statutes of religious freedom, the writing of the Declaration of Independence, wherein he proclaimed the doctrine that all men are by nature created free and equal and have certain inherent and inalienable rights, among which is the right to life, liberty, and the pursuit of happiness, and the founding of the great Univerity of Virginia for the fashioning of culture and character in the youth of this country.

Jefferson stood out as the great leader of thought and was in his day not merely a crusader for some cause but he came upon the national stage at that vital time in our history when a great liberalist was most needed. When Jefferson emerged as statesman, scholar, diplomat, and world leader, we had just began to develop the spirit of liberty in the hearts and minds of the American colonists to the point where they were ready to follow their leader on to higher planes of independence. The people had for decades suffered deprivation of religious liberty, freedom of speech as the result of star-chamber proceedings of the British Crown. The great orator and patriot, Patrick Henry, had sounded the war cry in the Virginia Assembly, and Jefferson stood ready to enunciate the great slogan of liberty in the form of a written Declaration of Independence. Thus he demonstrated the great truth that the "pen is mightier than the sword." Author of the statutes of religious freedom, the Declaration of Independence, and founder of the University of Virginia. Those three achievements of Jefferson will stand out throughout the centuries to teach men for all time to come, but I want to see this memorial erected so that it may stand here as an inspiration to the youth of this country—that they may pass by it for generations and centuries and receive that inspiration. It will be an evidence of the fact that the greatest government on earth, virtually founded by Jefferson, recognizes his greatness and merit by establishing in the Nation's Capital a memorial appropriate and fitting to his great character.

Mr. PHILLIPS. Mr. Chairman, it was my privilege to speak for about a minute on this subject about 6:30 last night, and because so few Members were present at that time I now take the liberty of repeating in effect my remarks then delivered. I am in favor of a memorial to Jefferson, but I respectfully raise this question: Why do we not put up something of practical value and at the same time inspirational instead of just another pile of marble or stone? Specifically, I respectfully suggest to the Committee that we put up a planetarium, because it has been said that as long as men endure their interest in the stars and their courses will remain. Why can we not have here in Washington a beautiful building, a planetarium, erected to the memory of Thomas Jefferson?

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

Mr. PHILLIPS. Yes.

Mr. CULKIN. Would it not be a highly commendable thing for the District of Columbia or some rich citizen who has been enriched by the buying power granted by Congress to donate one of these planetariums to the District of Columbia?

Mr. PHILLIPS. Perhaps the gentleman can suggest somebody.

Mr. CULKIN. Would not that be a commendable thing?

Mr. PHILLIPS. It has not been offered, so let us face the facts. I hope the Committee will consider a planetarium where young people can go and see over their heads the stars projected, as it were, in their courses, and receive information and education from this spectacle. I respectfully suggest that we erect such a Thomas Jefferson memorial planetarium.

Mr. PATRICK. Why not just adopt the stars as a memorial to Thomas Jefferson?

Mr. PHILLIPS. If we could be assured that the stars would be out every night and would pursue their courses at our command, that might be a good thing.

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

Mr. SABATH. Mr. Chairman, I recognize that I have not the ability to eulogize the greatness of Thomas Jefferson, but I know that he would not have agreed with the gentleman who preceded me, because his interest was in the people on this earth and not anything away above us.

Mr. Chairman, I had the honor of being a Member of the House when the Lincoln Memorial was being considered. At that time the same objections were raised as to the foundation, because the place selected was a deep swamp or lake, and I recollect it very well because I lost a hat there one time during a storm. I regret exceedingly that the gentlemen on the left, the Republicans, who have so much to say about the Constitution whenever anything is being contemplated by the Democrats to bring home to the American people the teachings of Thomas Jefferson, continue to find fault and object. Unlike the gentleman from Texas [Mr. MAVERICK], my forefathers did not teach—they were not the teachers of Jefferson—but just like the gentleman from Texas, I have read and studied the great work of Jefferson.

I think the building of a monument to this great man has been delayed altogether too long. It is manifestly unfair on the part of any man to justify his excuse by saying that we will have to borrow the money. Gentlemen on the Republican side do not object to borrowing money to build armories or post offices in their districts, or help their farmers, but when we are trying to authorize the small sum of half a million dollars to begin a memorial to the greatest American, we find them jumping all over themselves with all kind of frivolous, cheap political arguments against the proposition. I hope that this appropriation will be agreed to and I hope that no honest Democrat or even an honest Republican, if there is any, will register his vote against it. I feel that Jefferson, Washington, Jackson, Lincoln, and within a few years when history is written, Wilson, and Franklin D. Roosevelt will be generally acclaimed the six greatest Presidents and Americans. [Applause.]

Mr. BOYLAN of New York. Mr. Chairman, of course, we expect differences of opinion in any great national undertaking. I find no fault with those who differ with me, but when they proceed upon erroneous information and make no

effort to correct previous statements, after the facts have been made known, it is quite irritating.

In the days when the location of the White House was under discussion there was a violent row in Washington as to where it should be placed. At the time of the location of the Smithsonian Institution there was a great difference of opinion as to the site and the design. In the location and building of the Washington Monument there was the same dispute, and in the matter of the beautiful Lincoln Memorial, Uncle Joe Cannon "raised the roof" in this Chamber in opposition to it. Yet who would say that a mistake was made? That beautiful monument to Abraham Lincoln is standing there as an inspiration to the manhood and womanhood of America.

The Thomas Jefferson Memorial Commission has tried to iron out every objection raised to the design and to the site. Last year there was a great hullabaloo raised over the charge that we were going to destroy the Japanese cherry trees. When that died down it was alleged that we were going to change the contour of the basin. We obviated that by moving the memorial back 450 feet to firm land, but now, lo and behold, a new issue is raised, the matter of a vista, a view. We looked into the "vista" and found only a railroad bridge. Thus the whole fabric of the opposition to our course was torn to shreds—exposed as shoddy material, unworthy of the attention of fair-minded people. The hope nearest my heart is that this session of Congress will not fail to approve this appropriation and thereby earn for it everlasting glory by enabling our Commission to begin the erection of this already too long deferred memorial to the memory of one of our country's greatest statesmen—Thomas Jefferson.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from New York has expired; all time has expired.

The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 67, noes 121.

So the amendment was rejected.

The Clerk read as follows:

Miscellaneous court expenses: For an additional amount for such miscellaneous expenses as may be authorized by the Attorney General for the District Court of the United States for the District of Columbia and its officers, including the same objects specified under this head in the District of Columbia Appropriation Act, fiscal year 1938, $25,650.

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

Mr. Chairman, 14 States are interested in the little matter which I expect to address you about. On page 78 of this bill is an appropriation of $50,000,000 for the refund of processing taxes under the tobacco, cotton, and other bills. A short time ago, as some Members will remember, in this Well I made a speech on an amendment to refund tobacco-processing taxes. At that time it was held that the amendment was not germane. The amendment I shall offer today is germane.

The chairman of the Committee on Agriculture said that some arrangements had been made about this refund, that $15,000,000 had been set aside for this purpose, and I called his attention to the fact that the tobacco people had not gotten any of the money. I have a statement from Mr. Hutchinson to the effect that only $35,000 out of that $15,000,000 has gone to the tobacco people.

You who are not attorneys, are well acquainted with the steps taken in the matter of seeking refunds of processing taxes. Whether he is a miller or whoever he is, he files suit in court and every man's case has to stand alone. He has to show that he did not pass that processing tax on to another to avail himself under this $50,000,000 fund; but there is a class of people about whose case there is no dispute, that they paid the money and did not pass it on: The tobacco grower who hauls his tobacco to the warehouse. The warehouse took the 25 percent out of his check and gave him the remainder. He had no chance whatever to pass it on to the other man. That is indisputable.

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

Mr. CREAL. I yield.

Mr. MURDOCK of Arizona. Does not that also apply to some of the other farm products such as cotton?

Mr. CREAL. Cotton is included in this.

Mr. MURDOCK of Arizona. I am sure it is.

Mr. CREAL. Cotton and tobacco are both included. I called your attention on a former occasion to how we could save money to these people and at the same time do them a favor—and there are approximately 75,000 people affected. The average claim is $60. What are they doing now? They are going into the State courts and filing in the State courts, filing in the county courts, in the circuit courts, in any court—which they have the right to do on payment of a $5 filing fee. They have to pay something to some attorney also. The United States attorney then moves to take these cases to the Federal court. By the time you take 20 percent attorney fee plus the $5 filing fee, you have taken about $20 out of the man's $60. What I prcpose to do is this: Not that we pay this $50,000,000 out to the big boys in chunks of the $5,000 or $10,000 each, but to do the greatest good for the greatest number. This would be to pay these 75,000 people, these 75,000 families—many of these people were taxed not because they were unwilling to sign up, but there are the cases of the men who had just bought a farm, who did not have any allotment, who could not raise 1 pound of tobacco without being taxed. A large part of these people are very poor people, some working for the W. P. A.; and, in my State, many of them are tenant farmers, share-croppers, and they have it coming to them on the 50–50 crop. I do not know of anything that could be done that would bring more happiness or more sunshine to so many homes—75,000 people would be affected—as the payment of these small amounts so indisputably due them, instead of forcing them to go to court.

The sum of $35,000 is all that has been paid. Let $4,400,000 out of the fifty million be set aside and earmarked and provide that it shall be paid to the tobacco growers. That will be my amendment when we reach the proper place.

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute so that I may ask him a question.

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

There was no objection.

Mr. STEFAN. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Nebraska.

Mr. STEFAN. Under this processing-tax provision, will it be possible for hog farmers, many of whom have paid a processing tax illegally, to collect?

Mr. CREAL. That is a question of litigation in every case.

Mr. STEFAN. Will they be permitted to come into court and file a claim under the law?

Mr. CREAL. This bill specifically mentions the Cotton and Tobacco Acts and other related taxes. The provisions of the bill are such that if they can show to the Treasurer that they did not pass the tax on to another, they can come in.

Mr. STEFAN. Then the farmer who thinks he paid $2.20 a hundred on hogs as a processing tax would, if he could show he paid that tax, come under this bill?

Mr. CREAL. Yes; if he could show that.

Mr. STEFAN. There is a possibility he may take advantage of this provision?

It applies to any who have paid taxes afterward declared illegal, if he can show that he bore it himself and that he did not pass it on to another.

The Clerk read as follows:

PUBLIC WELFARE

Receiving home for children: For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the house of detention

for the reception and detention of children under 17 years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine, and medicinal supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses, including not to exceed $9,560 for personal services, fiscal year 1939 (January 1 to June 30, 1939, both dates inclusive), $19,000.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 14, line 2, strike out lines 2 to 15, inclusive, and insert the following:

"Board of Public Welfare: For an additional amount for personal services, including the same objects and under the same conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act for the fiscal year 1939, $1,800.

"Board and care of children: For an additional amount for board and care of all children committed to the guardianship of said Board by the courts of the District, and for temporary care of children pending investigation, or while being transferred from place to place, including the same objects and under the same limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1939, $6,000.

"Repairs and alterations, Receiving Home building: For repairs and alterations to premises 816 Potomac Avenue SE., to restore the premises to the same condition existing at the time of original leasing thereof by the District of Columbia for use as a receiving home for children, as provided by the lease, fiscal year 1939, $8,500."

Mr. COLLINS. Mr. Chairman, the amendment that has just been read is a verbatim copy of the estimate of the Budget Bureau to the Committee on Appropriations. In other words, the amendment I have offered is the Budget estimate in language and figures as it came to the Appropriations Committee.

The Receiving Home with which the amendment deals is a glorified jail where persons under 17 years of age are deposited when arrested for crime or picked up as witnesses and some of the real young ones are lost children. Any child under 17 years old that is picked up by the police is deposited in this jail, called a receiving home. They should be kept there on an average of about 12 hours, or until disposition is made of them. Many of these children go to institutions in the District of Columbia, such as the Industrial Training Schools for Girls and Boys. Others are placed in foster homes. If they are lost children they are taken as soon as possible to their parents. If they are witnesses they are held until they testify in court, then released. Pending all of this they are deposited in this jail for children, or Receiving Home.

The Subcommittee on the District of Columbia has given this institution and its disposition most careful consideration. The committee visited it and looked it over carefully from top to bottom. We found in it children from 17 years old down to 4 years old. We found children, old and young. We found some with social diseases and others free of them. We found them white and colored all intermingling in the same play rooms. We found a toilet in the front end of the play room that was to be used by those who were suffering from social diseases. In the rear end of the hall or corridor we found another toilet to be used by those who were without social diseases. A young tot would invariably, in our opinion, use the forward toilet because it was handier for use.

We are of the opinion that this place is a veritable disgrace and we undertook to close it. Of course, we had the opposition of Mr. Elwood Street, Director of Public Welfare, and some of his propagandists, who wanted to keep about 20 persons in jobs. We ignored their protests, as right-thinking persons should in this case; so we closed it, or thought we did. This subcommittee came along and now proposes to reopen it.

I think it is an outrage to decency to do it. Mr. CALDWELL, Mr. STARNES, Mr. ENGEL, and I, all members of the District of Columbia Subcommittee on Appropriations, visited it and proposed its closing and we thought it was closed. The Budget, acting upon its better judgment, sent the recommendation to this subcommittee the amendment I have offered to you today for your consideration.

The question will be asked, What are you going to do with these children if this jail is closed? Remember, they are kept in this jail now for a few hours, then the courts take action in the case of criminals, after which time they are sent to institutions where they are kept till their terms expire. They are not kept in this institution.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. COLLINS. Mr. Chairman, under the proposal I have offered, they are to be deposited by the police in foster homes, if they are real young children. The District already has contracts with many of them now and hundreds of children are in them. If they are 16 or 17 years old and are of the criminal type, they can be sent to the Woman's Bureau. Upon arrest they can be sent originally to these homes and institutions pending court action, and it is better to do this than to intermingle them in one institution—the good with the bad.

In your own city the police pick up children on the street. The police do not deposit them in a glorified jail, as is done here. It is infinitely better for the children to be sent to foster homes and institutions where they can be temporarily kept than to congregate them, the diseased with the nondiseased, the old and the young, the whites and blacks as they are intermingling in the institution called here the Receiving Home.

I plead with you to carry out the wishes of the Subcommittee on the District of Columbia. This subcommittee went into this case carefully and painstakingly and spent much time in investigation. I appeal to you to vote for the Budget estimate and Budget language. That is the amendment I have offered.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. WOODRUM. Mr. Chairman, this item would not be in a deficiency bill, it has no place in a deficiency bill, and the deficiency subcommittee would not be called upon to deal with it except for the very unusual circumstances surrounding the situation in which it was left by the regular 1939 District appropriation bill.

May I say I appreciate the interest the gentleman from Mississippi [Mr. COLLINS] has in these matters. He is chairman of the Subcommittee on the District of Columbia Approporiations. He has a hard job, and he works diligently at it. He is interested in it. I thoroughly respect his sincerity and his industry, but in this instance I do not agree with his judgment.

This receiving home for delinquent children in the regular 1939 District of Columbia appropriation bill was provided enough funds to run it until December 31, 1938, and there it is left hanging in the air, with Congress not in session at that time and no provision whatever made in the regular appropriation bill to take care of these delinquent children after that time. A storm of protests arose from the Board of Public Welfare and civic associations to the effect that these children are left with absolutely no provision made for their care when they are taken into custody.

The Budget proposal presented for this deficiency bill was to provide for a social worker and to board these children in homes. It is the same as the amendment offered by the gentleman from Mississippi. The larger proportion of these children cannot immediately be put in boarding homes.

Many of them are held by the police after arrest for violation of the laws of the District. Many homes would not take some of the children that are picked up and held.

Let us see what the situation is today. We checked on it. There are 38 children down there today, all under 17 years of age. Nineteen of them are held for investigation by the police. You cannot send those children out and board them in homes. What home is going to take a child like that, who is held for investigation by the police?

Eight of them are held for placement in foster homes, and perhaps those eight can be boarded out, but they have to be held somewhere until a home is found. Six of them are held for the juvenile court for further hearing. Two of them are held as witnesses in the United States court. Three are held as dependent children, being taken from broken homes. None of the 38 shows a positive test for a social disease. However, the majority are delinquent children. The average period of detention in the receiving home is 4 days, and the maximum under the law is 1 week.

What the subcommittee has done is what it had to do. It merely extends the present arrangement by 6 months—from December 31, 1938, to June 30, 1939—in order that we may find some solution—whatever that solution may be—and bring it to the Congress to pass upon it.

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

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

Mr. BOILEAU. The gentleman from Mississippi disclosed rather bad sanitary and other conditions there. This does not seem to me, however, to justify discontinuing the institution, but it seems to me it should justify additional appropriations to make the place sanitary and put it in proper condition.

Mr. WOODRUM. There is no intermingling of white and colored except at play. The white and colored eat at separate tables; they have separate toilets, separate waiting rooms, and separate sleeping rooms. It is unquestionably true the conditions are not ideal down there, but you cannot leave the matter hanging in the air, I submit to the gentleman. You have to do something. The committee has done all that could be done to carry it on until the gentleman from Mississippi and his subcommittee can find the proper solution and bring it here in the regular bill.

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

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. COLLINS. The gentleman from Michigan [Mr. ENGEL], the gentleman from Florida [Mr. CALDWELL], and other members of the subcommittee went down to this home and inspected it. We found whites and colored, diseased and nondiseased, old and young, intermingled. We asked about the toilets, and they pointed out the front toilet as the one that was used by those who were suffering with social diseases and the one to the rear as the one to be used by those free of such diseases. The gentleman from Michigan and the gentleman from Florida are on the floor, and they can substantiate this statement.

Mr. WOODRUM. Why did not the gentleman's committee make some arrangements to remedy the situation?

Mr. COLLINS. We did. We closed the home.

Mr. WOODRUM. Is that an answer? If this condition is not satisfactory, you close it?

Mr. COLLINS. We gave them $6,000 and arranged for the children to be taken care of in foster homes.

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

Mr. WOODRUM. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not a fact that the action which the committee now recommends is in accord with the almost unanimous belief and request of those from the District who came before us, both officials and representatives of civic groups?

Mr. WOODRUM. Yes; the Board of Public Welfare and the leading citizens who are interested in social conditions in the District.

Mr. Chairman, I hope very much the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 10, noes 25.

So the amendment was rejected.

The Clerk read as follows:

National Training School for Girls: For personal services; groceries, provisions, light, fuel, clothing, shoes; forage and farm supplies; medicine and medical service (including not to exceed $2,000 for medical care and not to exceed $600 for dental care); transportation; maintenance of non-passenger-carrying vehicles; equipment, fixtures, books, magazines, and other educational supplies; recreational equipment and supplies including rental of motion-picture films; stationery; postage; repairs; and other necessary items including expenses incident to securing suitable homes for paroled or discharged girls, fiscal year 1939, $50,000, of which sum not to exceed $33,000 may be expended for personal services including not to exceed $1,500 for additional services and labor on a per diem basis.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Strike out lines 16 to 25, inclusive, and on page 15, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"Board of Public Welfare, salaries, District of Columbia: For an additional amount for personal services, including the same objects and under the same limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1939, $5,400: *Provided*, That, notwithstanding any other provision of law, the juvenile court of the District of Columbia is hereby authorized to recommit to the care of the Board of Public Welfare such children as may be inmates of or parolees of the National Training School for Girls on June 30, 1938, $5,400.

"Industrial Home School for Colored Children, new construction, District of Columbia: For construction of a vocational building for girls, such work to be performed by day labor or otherwise in the discretion of the Commissioners, $15,000.

"Division of Child Welfare, board and care of children, District of Columbia: For an additional amount for board and care of all children committed to the guardianship of said Board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, including the same objects and under the same limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1939, $21,000."

Mr. WOODRUM. Mr. Chairman, I make a point of order against the amendment in that it changes existing law in providing a different method of commitment of delinquent children, as well as in other respects, although I could not follow the reading of the amendment closely.

Mr. COLLINS. Mr. Chairman, the proviso is, perhaps, subject to a point of order, but not the other part of the amendment, and I shall reoffer it.

Mr. WOODRUM. Mr. Chairman, I made the point of order against the whole amendment.

The CHAIRMAN. The Chair will rule on the amendment as offered, and the gentleman can offer a further amendment if he so desires.

The Chair is of the opinion that the amendment does change existing law, and the point of order is therefore sustained.

Mr. COLLINS. Mr. Chairman, I now offer the amendment with the elimination of the proviso in the former amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 14, strike out lines 16 to 25, inclusive, and on page 15, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"Board of Public Welfare, salaries, District of Columbia: For an additional amount for personal services, including the same objects and under the same limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1939, $5,400.

"Industrial Home School for Colored Children, new construction, District of Columbia: For construction of a vocational building

for girls, such work to be performed by day labor or otherwise in the discretion of the Commissioners, $15,000.

"Division of Child Welfare, board and care of children, District of Columbia: For an additional amount for board and care of all children committed to the guardianship of said Board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, including the same objects and under the same limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1939, $21,000."

Mr. COLLINS. Mr. Chairman, the amendment I have offered is the Budget recommendation to the Deficiency Committee on Appropriations. It merely undertakes to take care of the children that are now at the National Training School for Girls by transferring them to a dormitory to be vacated by boys at Blue Plains, where is located the Industrial Home School for Colored. Both institutions are for delinquent children.

The District subcommittee found that the children at the National Training School for Girls, which is sought to be closed and which the District Subcommittee on Appropriations closed, were costing around $2,200 apiece, whereas at Blue Plains the cost of caring for children is about $350 apiece. This was the reason back of the action of the District subcommittee in closing this school.

The deficiency subcommittee by its action will open again this institution. It is not right to require taxpayers in the District or elsewhere to pay $2,200 per year to care for criminal Negro girls. And remember, too, the Federal Government pays part of this bill. If my amendment is adopted, this institution will close and these criminal girls will be placed in another institution of the same kind.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 3 minutes.

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

There was no objection.

Mr. WOODRUM. Mr. Chairman, the situation with reference to the National Training School for Girls, unfortunately, is practically the same as with the Receiving Home for Children. My good friend from Mississippi now undertakes to offer an amendment to try to do something with these girls.

The school has been in existence for many years. It recently was improved by the erection of a new building costing over $200,000. It houses colored girls committed there on order of the Juvenile Court. The 1939 regular District of Columbia appropriation bill carried no funds whatever for the maintenance of this home and made no other provision for the care of these girls. The situation is, that unless some suitable provision is made in this bill, these girls now at the institution and those on parole therefrom, will automatically be turned loose on July 1, 1938. A very high percentage of the girls has been infected with social diseases and they are held until they are 21 unless sooner released under their sentences. The amendment offered by the gentleman from Mississippi proposes to transfer these girls to the National Industrial Home School of the District, which is an institution for colored boys ranging up to 17 years of age. There are 180 boys in that institution and his amendment proposes to place enough of them in boarding homes to make room for these girls. The time is too short to take such action even if it were the proper thing to do. The statement has been made that the cost of maintenance of the girls in this training school was as high as $2,200 per girl a year.

A few years ago, due to the character of the management of the school, the judge of the juvenile court ceased to make commitments there and the population dropped down from nearly 100 to 25 and the per capita cost naturally went up. A new management has been provided and the policy of the court has changed and commitments are now made and have been made for some time, so that there are 65 inmates now and the per capita cost for March 1938 was $2 per day or $730 per annum. That is a more reasonable cost and will probably be lowered as the population increases. A statement is in the hearings showing the per capita cost for the past 10 years and it compares favorably, except for the period when the court did not make commitments, with costs in other similar institutions.

This bill proposes to continue the school for another year.

Again, this is not a situation that can be corrected permanently in the deficiency bill. It has to be settled in the subcommittee of my friend and his colleagues who know the situation and who are competent to do it. They will have to buckle down and wrestle with it and find the solution of the problem and bring their recommendation to the committee.

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

Mr. WOODRUM. I yield.

Mr. LUDLOW. Is it not true that unless such provision is made for these girls they will be automatically released on the 1st of July and turned on the streets?

Mr. WOODRUM. The gentleman is correct.

Mr. MITCHELL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MITCHELL of Illinois. I would like to make this observation. I have made a study of the school where they propose to transfer these girls. It is an institution that was planned primarily for boys, and there is absolutely no room and no facilities for taking care of these girls. Very fine work is already being done among the boys, but it is crowded to capacity by the boys they have there, and there is no room for any more, and, as I have said once before, to send 50 or 60 colored girls to this institution that was primarily planned for boys and has been maintained for boys, where there are no facilities for taking care of girls, would be one of the most disgraceful things this Congress could do.

Mr. WOODRUM. And I infer from what the gentleman has just said that he is in sympathy with what our committee has done in taking care of this situation.

Mr. MITCHELL of Illinois. Absolutely.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD at this point.

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

There was no objection.

Mr. LUDLOW. Mr. Chairman, it is seldom that I disagree with the able Member from Mississippi [Mr. COLLINS], especially with reference to the complex affairs of the District of Columbia. His diligence, industry, and ability in the discharge of his duties as chairman of the Appropriations Subcommittee on District Affairs have given him a reputation for efficiency that any Member of Congress would be proud to possess.

I cannot escape the conclusion, nevertheless, that the abolishment of the National Training School for Girls involves a social problem of magnitude which should cause us to reflect seriously on the humane considerations that are involved.

These girls in the National Training School for Girls, the oldest of whom is 17, are entitled to our sympathetic consideration, because girls of that tender age are not beyond the pale of being reclaimed. If we abolish the National Training School and transfer these girls to Blue Plains we will throw them into the environment of 190 boys and all of the authorities who testified on the subject referred to this as a "bad mixture" that would inevitably create a distressing social condition.

All of the officials who are responsible for welfare work in the District of Columbia are dead opposed to this proposed arrangement. All are united in advocating the appropriation to continue the National Industrial Training School for Girls that is provided in this bill.

Elwood Street, Director of the Board of Public Welfare, testifying before the Senate subcommittee, of which Senator COPELAND is chairman, said concerning the problem of taking care of these girls:

The Board of Public Welfare would have nothing to suggest beyond its firm conviction that the National Training School for Girls should be continued and any other course of action until adequate facilities are provided would be a calamity. There is no other place now in which they can be put.

There are now 65 colored girls at the National Training School for Girls, sentenced there by the juvenile court. The net per capita cost for the month of March this year was $2 per day. That is at the rate of $730 a year. The per capita cost on the present basis is comparable with other similar institutions; in fact, it is below the average.

I agree with the summation of the Senate committee which investigated this matter, composed of Senators COPELAND, REYNOLDS, and CAPPER. Their conclusion recognizes the problem existing here and adds:

In the meantime, in our opinion, the Commissioners of the District should be requested to send forward to the Appropriations Committee a request for the funds needed to continue the Receiving Home and the National Training School for Girls during the next fiscal year. Before the next Budget is completed we hope we shall be in a better position to take wise action with reference to the child-caring institutions of the District.

Frederick W. McReynolds, chairman of the Board of Public Welfare, approves the conclusion of the Senate committee as "100 percent wise."

Who is better qualified to pass judgment on this proposition than the judge of the Juvenile Court, whose duty it is under the law to make commitments to the National Training School for Girls?

Because I wanted to be right in my conclusions in this matter I consulted Judge Fay L. Bentley of the Juvenile Court, whom I hold in high esteem. I think the entire city of Washington is pleased with the admirable and efficient services rendered by Judge Bentley in her important position so intimately related to juvenile welfare. And I wish, in conclusion, to present for the consideration of the House the reply I received from Judge Bentley. It is as follows:

JUVENILE COURT OF THE DISTRICT OF COLUMBIA,
Washington, May 31, 1938.

Hon. LOUIS LUDLOW,
House Office Building, Washington, D. C.

MY DEAR MR. LUDLOW: In response to your request for an expression of opinion from me relative to the National Training School situation, permit me to state that there is an existing need in the community for an institution to care for both white and colored girls requiring a long-time program of training for whom there is at the present time no community plan other than that institution. From the press, I am acquainted with the several proposals arising out of the emergency caused by the proposed discontinuance of funds for the school beginning July 1. I sincerely hope that it will be possible to follow the suggestion made by Senator COPELAND'S committee, namely, that the funds be allowed for the continuance of the school pending a thorough study by a competent authority of the entire question of institutional care in the District.

While it is true that the number of girls requiring institutional care of the nature of that given at the National Training School is comparatively small, nevertheless, they constitute a very serious problem, both in that of proper treatment for the individual concerned and for the protection of the public. In spite of the fact that there is question of the continuance of the school, it was necessary last week for this court to commit a girl to the National Training School as the only possible safeguard.

Respectfully yours,

FAY L. BENTLEY,
Judge of the Juvenile Court.

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

The amendment was rejected.

The Clerk read as follows:

FOREST SERVICE

For the reconstruction or repair of roads, except those under State maintenance, trails, bridges, telephone lines, public campgrounds, and other improvements on the national forests in the State of California damaged or destroyed by floods, fiscal year 1938, $1,000,000, to remain available until September 30, 1938.

Mr. LUCKEY of Nebraska. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LUCKEY of Nebraska: Page 21, after line 12, insert the following:

"Cooperative farm forestry: For carrying out the provisions of the Cooperative Farm Forestry Act (50 Stat. 188) approved May 18, 1937, $1,300,000, which amount shall be available for the employment of persons and means in the District of Columbia and elsewhere: *Provided,* That not more than 20 percent of this amount shall be expended on the Prairie States forestry project in the prairie plains region."

Mr. TABER. Mr. Chairman, I reserve the point of order on the amendment.

Mr. LUCKEY of Nebraska. Mr. Chairman, the amount in this amendment was originally in the Budget, but for some reason or other it was eliminated from the bill. We now propose to reinsert it in the bill. This amount provides for carrying on the farm cooperative forestry work. It is very essential that this amount be included at this time, because the work has been started, and if we stop it now it will destroy, retard, and hamper what has already been done. There is great need for the continuation of this program. The fund applies to the entire United States, but 20 percent of it goes to the Plains States, the Dakotas, Nebraska, Kansas, Oklahoma, and Texas. Even in the Southern States there is great need for this work. Extensive cutting of trees has been done there for the manufacturing of wood pulp, used in the paper industry. Replanting and reforestation is very important as proposed under the Norris-Doxey Act.

In the Great Plains section where a tree-planting program has been carried on, it has met with great success in spite of drought in some sections. It has been very helpful to the farmers in that it provides them with trees for their wood lots and windbreaks. This tree-planting program will do much in preventing soil erosion and aiding in flood control. Trees also have a great value in modifying climatic conditions. Trees around the farmstead will help the farmer in carrying on a more economical feeding program. Livestock will be protected from the cold winds in the winter. Shelter plantings will protect growing crops from hot winds and thus insure larger yields. The program ought to be continued. Trees are of great commercial value and the small sum that we are asking now will be returned in dividends more than a hundredfold in that it gives the farmer lumber, fence posts, firewood, shelter, and protection from winds.

So far as this amendment not being germane, I wish to state that the paragraph above deals with the Forest Service, so I contend that this amendment is germane. I hope the members of this Committee will vote for this amendment. This is not a waste of money but this program will be of great value to our farmers. The Forestry Department has done excellent work in advising the farmer as to proper methods of planting and caring for trees. The statement was made the other day on the floor of the House that in Cleveland, Ohio, they were spending $235,000 under the W. P. A. program for counting trees. Here we are suggesting something that is constructive and will yield returns manyfold. I hope my amendment will be adopted.

Mr. TABER. Mr. Chairman, I shall not make the point of order.

Mr. STEFAN rose.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Chairman, I rise in support of the amendment for the continuation of this farm-forestry program, because I feel it is necessary, especially in the States where we have very few trees. This item was taken out of the bill at the behest of private interests who believe that this is an encroachment on their business; that we are hurting their business by planting the trees, whereas, as a matter of fact, I have letters stating that it is helping their business.

Mr. BIERMANN. Will the gentleman please explain the amendment?

Mr. STEFAN. This is an extension of an appropriation for farm forestry in the entire country. Twenty percent of it is to be used in the Great Plains States. This work has been valuable to the farmers in the drought areas. The trees which have been planted in my district by this farm-forestry organization are growing 70 percent; that is, out of 100 trees planted 70 are growing. I wish I could take some of you gentlemen out there where these trees have been planted and show you their condition and how tree planting benefits the Prairie States. Nebraska is a great tree-planting State. We originated Arbor Day. We hope that day will become a national holiday. The committee, because of lobbying and high pressure, cut the approved amount in the Budget from $1,300,000 down to $100,000, and then took it out of this measure entirely, with the result that we have practically no real program for farm forestry. I have spoken too often on this subject to take your time today, but I do hope you provide something here for farmers.

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

Mr. STEFAN. Yes; I gladly yield.

Mr. MASSINGALE. Does the gentleman know of any project or undertaking in the Great Plains region which the people approve more thoroughly than they do this reforestation program?

Mr. STEFAN. The gentleman from Oklahoma and I, coming from States where we need trees so badly, realize the great value of this program to the farmer. I could go to great length now on how valuable trees are in Nebraska. The American Legion in my State and many other organizations are carrying on great tree-planting programs in our State. This program to be killed now, I fear, will injure this spirit of tree planting.

People who live in States where there are a lot of forests cannot realize what we are trying to do in Nebraska to bring back the trees. It takes many years to grow them. Here we spend thousands to count trees. We ask for a small appropriation to really plant and grow them.

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

Mr. STEFAN. I yield.

Mr. MASSINGALE. Is it not true that the Budget approved an amount of $1,300,000 for this purpose?

Mr. STEFAN. Yes; the Budget approved $1,300,000 for this purpose. The committee eliminated it all.

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

Mr. STEFAN. I yield.

Mr. BIERMANN. What amount does this amendment offered by the gentleman from Nebraska provide?

Mr. STEFAN. It provides for $1,300,000. We could compromise.

Mr. LUCKEY of Nebraska. That was carried in the Budget estimate.

Mr. BIERMANN. How is this money to be expended?

Mr. LUCKEY of Nebraska. That is for the Bureau of Forestry to say.

Mr. BIERMANN. Will it be spent on private land?

Mr. STEFAN. Yes. Right on the farmers' own land with the farmers' cooperation and approval.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, to those Members who are particularly interested in this item I may say that this was considered at great length before the subcommittee handling Department of Agriculture appropriations. Here is what has happened, and the thing that has precipitated the great objection to this $1,300,000 item under the Norris-Doxey Act. If you were to go out to Lincoln, Nebr., you would still find the two upper floors of the First National Bank Building occupied by a group which carried on the so-called shelterbelt activities. In addition thereto you will find that they have been expanding and setting up nurseries at one point and another. It was only a little while until the Subcommittee on Agricultural Appropriations was fairly deluged by the private nurserymen of the country maintaining that there was an unfair kind of competition on the part of those who were trying to take Federal funds and carry on the shelterbelt activities in spite of the fact that Congress had theretofore turned thumbs down on that particular activity. We have gone into this matter at great length and heard considerable testimony from Members of the House as well as representatives of the Department and others interested in the maintenance of the program of propagation of trees, plants, and shrubs in the private nurseries of the country. With the finding of the Subcommittee on Agricultural Appropriations to guide us we have dealt with the matter. That bill is in conference at the present time. So there is no reason on earth why this item ought to be written into a deficiency bill this year. It is not a deficiency, for one thing; and, for a second thing, it has received all the consideration that it should have. It was the deliberate and considered opinion of the Subcommittee on Agricultural Appropriations that these activities ought to be curtailed. This is the whole story. This amendment, therefore, ought to be voted down.

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

Mr. DIRKSEN. With great pleasure.

Mr. MASSINGALE. Is it not true that if this amendment is not put in this bill, unless you bring in the other bill the gentleman mentioned providing a tree-planting schedule or scheme, that the Western States are not going to have any money to operate on at all?

Mr. DIRKSEN. Oh, no. My good friend from Oklahoma clearly mistakes the issue. That matter has been submitted to this House in the form of a provision in the Department of Agriculture appropriation bill. The House has spoken on the matter. It has gone to the Senate and the Senate has spoken. It is now in conference. I claim it has no place in a deficiency bill, for the matter has been considered heretofore and well considered in the appropriation bill.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CASE of South Dakota. Would the gentleman have the House understand that when the agricultural bill comes back to this House from the conference committee that there will be anything in it for this item?

Mr. DIRKSEN. Not one bit. I am only trying to make plain to the House that we brought our case before the House, argued it on the floor, and the House very solemnly and formally spoke on the matter. This ought to dispose of it. We should not try to renew it in a deficiency bill.

Mr. LUCKEY of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. LUCKEY of Nebraska. The gentleman from Illinois refers to an act that was passed in 1924.

Mr. DIRKSEN. Oh, no. The gentleman from Illinois is referring to the Norris-Doxey Act, and that is the act the gentleman from Nebraska has in mind. The amendment ought to be voted down because this matter has been considered heretofore.

Mr. WOODRUM. Mr. Chairman, without regard to the merit or demerit of the farm forestry item, the fact remains, and the fact that influenced the committee in the matter was, that it was presented to the Appropriations Committees in both branches of Congress in the regular bill this year and turned down by both committees. If you are going to allow this sort of procedure of coming back on the deficiency bill, it simply means that the deficiency bill is going to be an appellate measure after the Congress has deliberately acted on an item.

I believe that neither the committee nor the Congress would want that sort of situation to prevail. I have the greatest sympathy for the sincerity and the interest that

these gentlemen display in this item. I do not mean in any way to pass on the merit or demerit of their contention. But the Subcommittee on Agricultural Appropriations of the Committee on Appropriations of the House turned it down, the House turned it down, and the agricultural subcommittee of the Senate Appropriations Committee turned it down.

Mr. Chairman, if it is to be tried again, go back to the regular appropriation bill next year and take the question up, but do not load down the deficiency bill with items of this kind which do not properly belong on it.

Mr. Chairman, I hope the amendment will not prevail.

[Here the gavel fell.]

The CHAIRMAN (Mr. WARREN). The question is on the amendment offered by the gentleman from Nebraska [Mr. LUCKEY].

The amendment was rejected.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR

UNITED STATES HOUSING AUTHORITY

Salaries and expenses: Such unexpended funds as remain, after completion of the housing or slum-clearance projects transferred from the Federal Emergency Administration of Public Works, from the funds authorized to be expended for such projects by the Federal Emergency Administration of Public Works under title II of the National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935 and transferred to the United States Housing Authority under Executive Order Numbered 7732 of October 27, 1937, as modified by Executive Order Numbered 7839 of March 12, 1938, are hereby reappropriated and made available for the purposes of the United States Housing Act of 1937, and of these funds and other funds of the Authority there is hereby made available during the fiscal year 1939 not to exceed $2,250,000 for administrative expenses of the Authority, in carrying out the United States Housing Act of 1937, including personal services and rent in the District of Columbia and elsewhere; traveling expenses; printing and binding; procurement of supplies, equipment, and services; reproducing, photographing, and labor-saving devices and office appliances, including their repair and exchange; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses to persons serving while away from their homes without other compensation from the United States, in an advisory capacity to the Authority; payment of the necessary traveling and other expenses of officers and employees of any agency of the Federal, State, or local Governments whose services are utilized in the work of the Authority; not to exceed $5,000 for the purchase and exchange of law books and other books of reference, periodicals, newspapers, and press clippings; not to exceed $2,500 for exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; not to exceed $1,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings or conventions concerned with the work of the Authority; not to exceed $10,000 for the preparation, mounting, shipping, and installation of exhibits; not to exceed $5,000 for employing persons or organizations, by contract or otherwise, for special reporting, engineering, technical, and other services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and without regard to the civil-service laws and the Classification Act of 1923, as amended: *Provided*, That all necessary expenses in connection with the completion of contruction, development, management, and operation of projects transferred to the Authority by said Executive orders may be considered as nonadministrative expenses for the purposes hereof, and be paid from the funds allotted for or the rents from each project.

Mr. ANDERSON of Missouri. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order.

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

There was no objection.

NEEDS FOR VETERANS' HOSPITAL

Mr. ANDERSON of Missouri. Congress is frequently criticized for spending too much time in striving for the solution of idealistic or philosophical problems while existing and factual maladjustments are left unrectified. Much of such criticism emanates from sources that are entirely unfamiliar with the problems and duties of Congress or from quarters that seek to discredit our democratic processes of government.

However, I have often felt that we deal too much in futures while we overlook the necessity of providing remedial measures that common sense demands at the present moment.

This Congress has authorized the construction of the largest and most expensive Navy in the history of our country, and our military appropriations have set a new high record. Thus we are spending billions upon billions to provide machines and instruments for the destruction of life and property. But at the same time we are failing to provide proper and adequate facilities for the care of the veterans of our last war.

Thousands of men, broken in mind, body, and spirit, are awaiting the inevitable hour in overcrowded hospitals. Many are forced to forego hospital care until space is available or until death overtakes them. As a glaring example of this policy of neglect and indifference, I can cite for you the veterans' hospital at Jefferson Barracks, Mo., which happens to be in the district that I have the honor to represent in this House.

The Jefferson Barracks Veterans' Hospital No. 92 is supposed to service 58 counties of eastern Missouri and 49 counties of southern Illinois. In addition to the number of counties, it should be remembered that the great city of St. Louis and many smaller cities are within this hospital area. There are about 153,000 veterans in the area serviced by the Jefferson Barracks Facility of the Veterans' Administration.

My complaint is not that the area is too large, not that we have too many veterans in the area, but solely and simply that the hospital facilities provided are grossly inadequate. I repeat once more that there are 153,000 veterans in the Jefferson Barracks Hospital area. But we provide the grand total of 386 beds, with an expected increase to 514 when present alterations are completed.

The inadequacy of the present facilities, including the increase just mentioned, is still more amazing when we consider that in the United States as a whole there is provided an average of 1 bed for every 80 of veteran population. But in the Jefferson Barracks area less than one-third of the national average is maintained. In other words, we have exactly 1 bed for every 297 of veteran population in the Jefferson Barracks area.

In addition to this obvious and discriminatory inadequacy, the Jefferson Barracks Veterans' Hospital is classed as an emergency hospital, and hospital care is available there only to such veterans so dangerously ill or injured as to meet the requirements of an emergency case.

The big question that comes to mind now is, How many cases in the Jefferson Barracks area require hospitalization? We average 80 to 100 cases per month that do not fall within the emergency status, and consequently no care is provided at Jefferson Barracks for such cases.

The next question is, What happens to the veteran requiring hospital care in this area but who does not qualify as an emergency case? Here is the answer: He is sent to Wadsworth, Kans., or Excelsior Springs, Mo., or elsewhere away from his family and friends. However, the veteran's difficulties do not end here.

These latter hospitals in Kansas and elsewhere are and have been overcrowded for many months past and consequently a waiting list has been established. Thereby veterans in urgent need of hospital care are denied the use of proper facilities and the result has been undue mental and physical suffering to the patients.

Occasionally one of these veterans from the Jefferson Barracks area, not qualifying as an emergency but badly in need of hospital care, is lucky enough to be admitted to one of the hospitals in some other part of the country, but even then there has been an average delay of from 8 to 10 days in providing transportation.

Thus you can see how our section of the country has been neglected and is suffering from the lack of proper and adequate facilities for our veteran population. There has been an evident neglect and discrimination against the Jefferson Barracks area and I cannot permit this session to pass without calling your attention to the facts that confront the veterans in eastern Missouri and southern Illinois.

I propose to fight for my section of the country until we are put on a parity with the rest of the Nation with respect to hospitalization for our veterans. There is no justification for providing 1 bed per every 297 veterans in the Jefferson Barracks area when the Nation as a whole provides 1 bed for every 80 of veteran population.

What is the prospect for better conditions in the Jefferson Barracks area? Well, the Veterans' Administrator says he hopes to get some part of the billions we are providing for recovery. So you see, we are just hoping—we are not taking any specific and concrete action. We are going to leave it to the discretion of some administrator or some bureau to grant or deny, as he sees fit, funds to increase facilities to care for the needy veterans, while millions are poured into theoretical and dubious enterprises that are supposed to be a cure-all for the Nation's ills.

I realize that it is late in the session and that we all want to get home. But I urge you to remember the situation that confronts the veterans of eastern Missouri and southern Illinois.

These men who, today, beg us to provide adequate hospital care are the same men that Congress called upon just a few years back to leave their homes, their jobs, and their families to fight on foreign soil.

I was one of those men and there are thousands more in my district and in the Jefferson Barracks Hospital area. While I am here as their representative their plight will be made known—their fight will be carried on.

Mr. REILLY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. REILLY: Page 25, line 17, strike out "$2,250,000" and insert in lieu thereof "$4,500,000."

Mr. REILLY. Mr. Chairman, my amendment is intended to restore to the pending bill the sum approved by the Budget—$4,500,000—as operating expenses for the United States Housing Authority for the fiscal year 1939.

The pending bill carries only $2,500,000 as operating expenses for the next fiscal year for the United States Housing Authority.

I know how difficult it is to increase appropriations carried in a bill reported to the House by a committee, but I feel that whether successful or not in getting the committee to adopt my amendment, that the situation that the Housing Authority will be in from an operating standpoint for the next fiscal year, if my amendment is not to be adopted, ought to be called to the attention of the committee no matter what the committee may see fit to do about it.

A year ago Congress established the United States Housing Authority and authorized the said Authority to use in slum clearance $500,000,000 covering the period up to July 1, 1939.

The Banking and Currency Committee of the House has reported out a bill increasing by $300,000,000 the sum made available for slum-clearance work in this country, and the House bill repeals the provision of the existing law that requires local housing authorities to provide 10 percent of the cost of a slum-clearing project and permits the United States Housing Authority to loan up to 100 percent of the cost of such projects.

The Senate recently passed a bill amending the present national housing law by increasing the funds available for the said Housing Authority by $300,000,000 and this Senate bill also provides that the local housing authority be given until the completion of the project in which to furnish the 10 percent of the total cost of a slum-clearance project required by law.

There can be no doubt at all but that the Senate bill will become a law this session of Congress and the result of the passing of the Senate bill will be to speed up the work of the United States Housing Authority in starting slum-clearance projects because it permits the starting of a slum-clearance project before the 10 percent required to be furnished by the local housing authority is furnished.

After the Senate bill becomes a law the allocating of funds for slum-clearance projects will proceed more rapidly, with the result that the United States Housing Authority, if it is to carry out the will of Congress, must speed up its work and necessarily increase largely its operating force.

The United States Housing Authority will have $500,000,000 to use in slum-clearance projects the coming fiscal year if the Senate bill becomes a law, and the sooner the Authority can allocate that much money in starting slum-clearance projects, the better it will be for our army of unemployed.

While the National Housing Act passed a year ago was a slum-clearance act, the act as it will be amended in this session of Congress is a relief act, an act to provide jobs for our unemployed.

The cutting down of the appropriation for operating the United States Housing Act in the next fiscal year by one-half can have but one result and that is to hamstring the Authority in carrying out the will of Congress to have slum-clearance projects speeded up so as to help relieve the unemployment situation.

I hope the committee may see fit to adopt my amendment.

Mr. WOODRUM. Mr. Chairman, I ask unanimuos consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

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

There was no objection.

Mr. FORD of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I note in the report that in that provision where housing comes in there has been a general saving made of $3,153,000. That is not the exact amount but approximate. Of that amount $2,250,000 is taken fom one unit, the United States Housing Authority.

If that amount stands, I am informed by the Authority that it will be impossible for it to function properly throughout the year and bring to the United States such benefits, and I believe they are substantial benefits, as will accrue from the building of structures for the purpose of effecting slum clearance. I hope the amendment returning that appropriation to $4,500,000 will be adopted, and the reason for my hope is that we are just about to add, at the President's request, $300,000,000 to the sum they already have, making an $800,000,000 program. With that $800,000,000 program we cut their operating charges in half. I would not want to say it was done for the purpose of sabotaging the effectiveness of the Housing Authority, but I believe that will be the result.

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

Mr. FORD of California. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman know that the estimate this Authority sent up here called for an average salary of $3,600, more than double the average of almost any other agency of the Government?

Mr. FORD of California. I may say that the Budget took the estimates of the Authority and went over them, and allowed $4,500,000.

Mr. TABER. Yes, but an average salary of $3,600 is absolutely ridiculous.

Mr. FORD of California. They have to have a class of technicians who are of a higher type than the ordinary governmental functions call for. The Authority must have architects and other highly skilled persons who are familiar with these very intricate problems. For that reason, I hope the Committee will raise this appropriation to $4,500,000.

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

Mr. FORD of California. I yield to the gentleman from Illinois.

Mr. McKEOUGH. In connection with the statement of the gentleman from New York concerning the $3,600 average

salary, the hearings indicate that when Mr. Straus testified he showed the average was $2,588 rather than $3,600.

Mr. FORD of California. I have not checked that up, so I cannot answer the question.

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

Mr. FORD of California. I yield to the gentleman from Iowa.

Mr. BIERMANN. This body has not passed any bill that would increase the amount from $500,000,000 to $800,000,000. Does the gentleman propose that the other body shall put that kind of legislation on the relief bill and that we shall accept it?

Mr. FORD of California. I, for one, am going to accept it.

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

Mr. FORD of California. I yield to the gentleman from Missouri.

Mr. WILLIAMS. Does the gentleman know how many employees are now receiving this salary?

Mr. FORD of California. No; I do not know how many. I did not check that up.

Mr. WILLIAMS. Does not the gentleman know over 1,170 men and women are employed in the offices of the Authority at an average of over $2,500 a year? And, as far as I can see, they are doing absolutely nothing. So far they have approved only nine projects.

Mr. FORD of California. They have 48 States in which to operate, and they are just getting started on an increased appropriation. If we cut down their personnel so they cannot operate, the project will be sabotaged without our intending to do so.

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

Mr. FORD of California. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I wonder why it is they have half as many people employed in the Press Section, 83, as they have in the entire Construction and Review Section?

Mr. FORD of California. Perhaps there is a sound executive reason for that. I am not sufficiently informed to be able to discuss it.

Mr. DIRKSEN. It is disclosed in the hearings.

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

Mr. FORD of California. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Does the gentleman realize that this agency asked for over $229,000 for a press-relations service and for about $100,000 for the office of consultant on racial relations?

Mr. FORD of California. That is a very important department, involving very delicate and intricate problems that call for enlightened and sympathetic handling. For that reason, the character of the personnel should be of a very high order.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, the statement filed with the committee by the United States Housing Authority discloses it to be, perhaps, the banner agency of the Government when it comes to the employment of personnel and the payment of unreasonable salaries. If they have accomplished nothing else, I believe certainly they have made a record on that. They are not doing any construction work, not a particle, except winding up, perhaps, some of the P. W. A. projects that were sent over to them when they came into being. All they are doing is supervising this housing program through loans and grants.

The increase which has been alluded to has not yet become law. If you will examine the record, and I wish I had enough of these green sheets to pass among you to let you see them, you will find they proposed 1,171 departmental people in Washington at an average salary of $2,588 each, which is very much above the average salary of departmental workers in any of the regularly established Departments. They have 209 proposed field personnel at an average salary of $3,650. Just listen to this for a moment:

Seventeen project planners at $5,600; 26 project managers at $5,200; 10 senior land appraisers at $4,600; 20 project planners at $4,600; 25 project planners at $4,600; and 16 project planners at $3,400.

Certainly there should be some planned construction with all of these project planners. There are 10 assistant project planners at $2,600, and 10 assistant project planners at $2,200, and then all the way through it is the same way. There is a large and expensive legal set-up. There just is no justification for it. The committee has given the Authority $2,250,000 for administrative expenses, which is ample, if they will adjust their personnel and adjust their salaries in accordance with what other Government Departments are paying.

Mr. KOPPLEMANN. What was their budget last year?

Mr. WOODRUM. I do not know what it was last year, but the gentleman knows, of course, they have not done anything so far, practically.

Mr. KOPPLEMANN. I would not say that altogether.

Mr. WOODRUM. The gentleman would have to come pretty nearly saying that, would he not?

Mr. KOPPLEMANN. No.

Mr. DIRKSEN. Do not the hearings show they have disbursed only $600,000?

Mr. WOODRUM. Yes; the hearings show that.

Mr. KOPPLEMANN. They have started a big job.

Mr. WOODRUM. That is true. I believe I did not vote for the act, but I am not trying to sabotage it. If the gentleman will examine the hearings he will find this expensive and unjustifiable personnel account.

Mr. KOPPLEMANN. Is this appropriation less than last year's, or not?

Mr. WOODRUM. They were not operating last year.

Mr. REES of Kansas. Who fixed those salaries and employed so many men?

Mr. WOODRUM. Congress passed a law authorizing the Authority to do that, that is the reason. It is because of the latitude we gave them.

Mr. REES of Kansas. It is all the fault of Congress, then?

Mr. WOODRUM. We passed the law.

[Here the gavel fell.]

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

The amendment was rejected.

The Clerk read as follows:

Roads, Indian reservations: For an additional amount for the construction, improvement, repair, and maintenance of Indian reservation roads, fiscal year 1939, including the same purposes and subject to the limitations under this head in the Interior Department Appropriation Act, 1939, $2,000,000.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 36, line 7 through line 12, strike out the entire paragraph.

Mr. TABER. Mr. Chairman, I have made this motion to strike out the $2,000,000 for roads in Indian reservations because I believe the President, when he sent the budget message up here calling for a million dollars, had the picture pretty well in mind. I do not believe that within 30 days of the passage of a bill providing the regular annual appropriation we should go ahead and provide a deficiency of double the amount regularly carried in the bill.

If we are ever to begin to cut down on expenses in any way, we should begin here and cut out this $2,000,000. This $2,000,000 was authorized at the time the regular bill was here and it required no additional legislation to make it in order, and therefore it is highly improper and against good governmental practice to consider such a thing on a deficiency bill, and I hope the amendment will be adopted and we will save a couple million dollars.

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is one of the most important items in the pending deficiency bill. This is a real emergency.

Some of you will recall that when the Interior Department appropriation bill was before this body that after conferring with members of my subcommittee I offered an amendment to increase the amount allowed by the committee for Indian roads and trails from $1,000,000 to $1,500,000. Our subcommittee had received a Budget estimate for only $1,000,000 for the entire Indian Service which was exactly one-third of the sum expended for roads on Indian reservations last year. We found also that 10,783 landless and homeless Indians were employed on these roads through Indian reservations during the past year. Our subcommittee attempted, in a measure, to meet the situation then by increasing the amount to $1,500,000 in order to build much-needed roads and at the same time put at least one-half the number of jobless Indians to work as were employed in road building last year. In the name of economy we were finally voted down in a very close vote. So, as the situation now stands, unless this item remains in the pending bill, only one-third of the amount urgently needed will be available for this purpose during the next year. If this $2,000,000 item should be eliminated several thousand Indians now engaged in road building will be thrown out of employment July 1.

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

Mr. JOHNSON of Oklahoma. I will be glad to yield to the gentleman.

Mr. GREEVER. Is it not also true that aside from the relief-work features in these Indian reservations the roads in Indian reservations are generally much more important than the surrounding roads of a State highway system, which makes it very unhandy to go over the roads that connect up with the highway systems?

Mr. JOHNSON of Oklahoma. That is true. In many of the reservations highways have been constructed right up to the Indian reservation and then in some instances not even a trail through the reservation, which makes a very deplorable situation.

Now, as I understand, this item is one-half of the amount authorized in the 1939 appropriation, and if allowed, added to the $1,000,000 heretofore appropriated in the annual Interior bill, will make $3,000,000 for Indian roads, which is the same amount appropriated last year, is it not?

Mr. WOODRUM. That is right.

Mr. JOHNSON of Oklahoma. And this is simply an effort to speed up the road-building program through Indian reservations. This is the same thing we have done for everybody else, and there is no reason why we should make an exception in this case. I trust there will not be any votes at all against it and that the amendment offered by the gentleman from New York will be rejected.

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

The amendment was rejected.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent to return to page 34, line 23, to correct a typographical error.

The CHAIRMAN. Is there objection?

There was no objection.

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

The Clerk read as follows:

Page 34, line 23, change the word "not" after the word "but" to the word "no."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RICH. Mr. Chairman, I ask unanimous consent to return to page 35 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

Mr. WOODRUM. Mr. Chairman, I will have to object to that.

The Clerk read as follows:

BUREAU OF RECLAMATION

The following sums are appropriated, out of the special fund in the Treasury of the United States created by the act of June 17, 1902 (43 U. S. C. 391, 411) and therein designated "the reclamation fund"; to remain available until June 30, 1939:

Salt River project, Arizona: For continuation of construction, $400,000;

Yuma project, Arizona-California: For operation and maintenance improvements and betterments, $100,000;

Klamath project, Oregon-California: For continuation of construction, $100,000;

Riverton project, Wyoming: For construction of a transmission line, $125,000;

In all, reclamation fund, special fund, $725,000.

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

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 37, strike out lines 3 to 11, inclusive.

Mr. RICH. Mr. Chairman, I call attention to the fact that here are four or five requests for additional money for reclamation. It is all right to have reclamation, but just 2 or 3 weeks ago we passed the Interior appropriation bill and practically every recommendation that was made by the Bureau of the Budget was added to that bill. Since that time we have had Budget estimates in here for these several items, and I question whether those who are interested in these items were as much interested in securing all the money they could in the other bill, because they now seem to be trying to secure the money at this time to increase the amounts they wanted for reclamation when the Interior bill was under consideration. It does not seem right that we should be continually adding to these projects and that the membership of the House must always be requested in every deficiency bill that comes up to add items to the Interior appropriation bill, especially at this time, when we have no money in the Treasury, no income to speak of by the Government, business at a standstill. More land than the people can now cultivate. The Agriculture Department paying the farmers for not producing. Permitting importations of farm commodities from foreign countries. Oh, what foolish things you do. Do you know what you are doing? If you do you will stop wasting the taxpayers' money. I ask that the amendment be adopted.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Chairman, these reclamation projects as shown in the hearings are among the very best reclamation projects under the Department of the Interior. Every one of them is well up with its payments in returning what has been advanced. For instance, there is the Salt River project, Arizona, $400,000. That amount is due to increased costs of construction, labor, and materials on the Bartlett Dam. Even with this amount the project will be finished within the estimated cost. The Department had no control over these increased prices. The Riverton project gets $100,000. That is for a transmission line that is made necessary by the shut-down of a private plant. That line will facilitate the sale of power and return the cost in 10 or 12 years. Every one of these projects is a paying project. This money will be repaid.

Mr. RICH. Let us refer for a moment to the rural electrification that the gentleman has made so much ado about. If you spend money in the Bureau of Reclamation, the money goes into that fund, and is continually used for that purpose, and you never get the money back in the Government Treasury, whereas if you apply it in the way of loans through the rural electrification matter, you will get the money paid back into the Treasury, and that is what the gentleman ought to be interested in.

Mr. WOODRUM. But this Riverton project should facilitate rural electrification.

Mr. RICH. But you are putting this into the reclamation fund and you will never get the money back in the Treasury of the United States.

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

The amendment was rejected.

The Clerk read as follows:

Commission to investigate reclamation projects: Not to exceed $3,000 of the unexpended balance of the appropriation of $30,000 for the Commission to investigate reclamation projects contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 764), is hereby continued available for the same purposes during the fiscal year 1939.

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

Mr. Chairman, I am taking a few minutes of the committee's time this afternoon to point out the elimination of an item which came about, I believe, because of a lack of information on the part of the committee. Knowing the ability of this committee, I am sure that was the reason for its action, rather than a desire to destroy a worthy project.

Last year the Congress authorized the construction of the Arch-Hurley irrigation district. The Secretary of the Interior caused an investigation to be made. Notwithstanding the farmers' desire to pay for the entire project, the Secretary of the Interior found that it was not feasible for the owners of the lands to reimburse the Treasury for the entire cost of the project. It so happens that this project is in the Dust Bowl, that part of our State where there are more unemployed than in any other. It has been found difficult, virtually impossible, to get sponsors' contributions in order to meet relief appropriations or relief allocations in that district. Under the terms of the bill as amended it permits not only the reimbursable funds to be used, but funds not reimbursable as well; in other words, we seek to use some of the relief-work moneys allocated to this district to build roads, dig ditches, and do things with a constructive, permanent economic value, rather than use the public funds to build golf courses, tennis courts, and things of that kind which would have no economic value in the future, measured in terms of employment and security for hundreds of needy families. The committee did not have all the information I think it should have had and which I had believed would be presented. The Director of Reclamation appeared before the committee and gave the Bureau of Reclamation's side of the picture, recommended the project, but pointed out that there would be a small amount of money necessary, which would not be reimbursable and of which he did not have information as to the source. At the same time the Works Progress Administration, which was allocating the money to this district, realized that it not only had the money to spend there but that it had the relief workers there to do the work, and unless the money was spent on projects of this kind there would be more or less waste.

This item of appropriation will serve a twofold purpose: First, it will provide a project which will give employment to more than 2,000 relief-roll workers for at least 2 years in an area where the recent unemployment census showed there were 6,442 persons listed as unemployed or on emergency relief work. Today that total, I am reliably informed, is approximately 7,500.

Second, it will provide irrigation for approximately 45,000 acres of land, affording a permanent livelihood for 1,000 families, nearly all of whom are now on the relief rolls or are suffering from privation and want.

This 45,000-acre irrigation district will be in the heart of the great Dust Bowl, where drought has been eating out the hearts of thousands of good, industrious American citizens for years; where many thousands of cattle have starved because there was no feed; where crops have failed year after year for the lack of but one thing—water. I know it is difficult for some Members to understand that, but it is tragically true. This project will insure that water, stop the ravages of drought and restore the prosperity, confidence, and courage of brave men and women who have battled on against the perversity of nature and the elements through long dust-choked years with the same fortitude that marked the lives and achievements of their pioneer forbears in the southwestern country.

This land was one of the finest livestock ranges in America. Unfortunately, during the World War, when there was a demand for every bushel of grain we could raise to feed our fighting men, much of the land in this and adjoining areas was put into cultivation. Afterward it was not reseeded and kept in production, with the result that what was once a marvelous grazing district in New Mexico now lies useless until we can bring water to it. Then our herds of livestock once more will be assured of feed.

There is more to this item than just the sound economics I have presented here. It seeks to have this Government put into effect the policies we have been enunciating in this Congress since 1933; policies which will help the American people to help themselves into positions of security. Every dollar of this appropriation will be reimbursed to the Government. There is not an irrigation or reclamation project in New Mexico which has not paid back in full every dollar of its obligations due to the United States. This one can do the same.

In brief, this item merely proposes that funds be made available so that money which is to be expended anyway by the Works Progress Administration in New Mexico can be utilized for something worth while. Inclusion of the item will not add one cent to the ultimate net outlay by the Federal Government in New Mexico over what is contemplated right now. This is one item that does not have to be written in red ink.

I sincerely trust that when this measure comes up in the Senate the error made by the House committee will be rectified. I am sure that, with the information I am giving that committee at this time, there should be no opposition to this project.

Some of the Members of the minority side have pointed out time and time again to Members of the House that the sponsors' contribution was largely inadequate to their way of thinking for many projects. Here is a project where the sponsors can meet 75 to 80 percent of the contribution. I submit that projects of this kind are the type we need in our State of New Mexico. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

General investigations: The unexpended balance of the appropriation of $200,000 to enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extension of existing projects and studies of water conservation and development plans contained in the Interior Department Appropriation Act, fiscal year 1938, is hereby continued available for the same purposes for the fiscal year 1939.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph on the ground that it is not authorized by law. An appropriation for the purpose of such investigation is authorized out of the reclamation fund but not out of the general funds of the Treasury.

The CHAIRMAN. Does the gentleman from Virginia care to be heard on the point of order?

Mr. WOODRUM. I do not, Mr. Chairman.

The CHAIRMAN (Mr. WARREN). The Chair is ready to rule.

The Chair sustains the point of order on the ground that it is legislation on an appropriation bill.

The Clerk read as follows:

BUREAU OF MINES

Acquisition of helium properties: For acquirement, in accordance with the provisions of the act of September 1, 1937 (50 Stat. 885), from the Girdler Corporation of helium-producing properties at Thatcher, Colo., and at Dexter, Kans., including real estate, buildings, ground equipment, machinery and equipment, materials and supplies, pipe lines, gas wells, engineering and geological data, lease rights, and patent licenses, fiscal year 1939, $537,975.23.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 38, line 5, strike out the entire paragraph beginning in line 5 and ending in line 12.

Mr. TABER. Mr. Chairman, I have offered this amendment to strike out a provision calling for the purchase of a lot of land containing alleged helium gas. The helium business is practically dead. There is no use for helium except for scientific purposes, and we have plenty of helium lands already owned by the Government. We are just bailing out a group of people who had funds invested in helium gas lands scattered through different parts of the country from Kentucky, to Kansas, to Colorado, and whose business is obsolete. I cannot see why the Government at this time should put up $537,000 to buy more helium properties, buy them at a time when the helium business is completely obsolete and when we are not using it except to a very small degree.

I hope this amendment will be adopted.

Mr. MAY. Will the gentleman yield?

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

Mr. MAY. For the information of the gentleman from New York, may I state that perhaps the Committee on Appropriations did not have available the information that our committee has on the subject of helium. When we had before the Committee on Military Affairs a bill to prohibit the exportation of helium, the private industry that is interested here and for whom this appropriation is being made, was the only private enterprise in this country engaged in the helium business. The facts show that they went into the business on the solicitation of the United States Navy with the assurance they would have a contract lasting for a long period of time, which would enable this concern to develop the business and make money. After they entered into the contract, made their investment, and developed the property, the Navy thereupon canceled the contract.

They were induced to go into the business by the Government, and our committee felt an injustice had been done them. We made provision in that act by which the Department of the Interior would be able to negotiate with them and take over all of their property.

Mr. TABER. Mr. Chairman, I am afraid my time will not permit me to yield further.

We have gone into that question in the Appropriations Committee in connection with the Navy bill a great many times. I do not feel that these people have anything which would justify the payment of a large sum of money to them. The whole situation is that they had these properties. There was not market enough for helium to enable them to operate their plant at a profit. They are flat and this is simply an attempt to bail them out. I do not see why we should put up this money.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER].

Mr. Chairman, it so happens that the Girdler Corporation is in my home city and I have had some familiarity with the subject of helium as it pertains to its business history. Knowing the gentleman from New York [Mr. TABER] as well as I do, and knowing his desire to be fair wherever the Government owes money justly, I am sure he does not know the facts with respect to this matter in their entirety. In the short time allotted me I will have to be brief, but I can say that when this corporation in perfectly good faith started in this interesting subject of the development of helium many years ago, the Navy Department was not in a position to go forward as to it.

A responsible officer of the Navy urged them, not only as a good business proposition but as a patriotic service, to go into the helium business and develop the properties in order to see what they could do to help the cause of national defense. These gentlemen, of course, had a selfish motive in doing that. They did develop the properties. They were pioneers and they did an excellent piece of work for the Government. Then the Government said, "You shall not sell any of the helium you have developed." The Government sold it, while it was forbidding private interests to sell it.

It came to the point where helium was finally nationalized and none could be sold. I am reliably informed that these men have spent considerably over a million dollars. They presented as actual expenses to Secretary Ickes an amount far in excess of the amount carried in the pending bill, but in order to close the matter, and recognizing that the Government should have a monopoly on helium, they signed this hard contract, as they looked upon it, this contract which was not equitable and did not reimburse them for the amount they put in. The amount set forth in this bill represents the agreement and, as I said, it was a hard agreement, and every dime of it should be paid.

Mr. MAY. Will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield to the gentleman from Kentucky.

Mr. MAY. The hearings before our committee in reference to the helium bill showed they had something like $1,250,000 actually invested in this enterprise.

Mr. O'NEAL of Kentucky. Yes.

Mr. MAY. And that they engaged in this enterprise at the instance of the Government.

Mr. O'NEAL of Kentucky. That is right.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Do I understand that the Government entered into a contract with these people and took over their properties?

Mr. O'NEAL of Kentucky. That is correct.

Mr. ROBSION of Kentucky. Did the Government agree to pay them the sum carried in this bill?

Mr. O'NEAL of Kentucky. That is correct.

Mr. ROBSION of Kentucky. And it has not been paid?

Mr. O'NEAL of Kentucky. That is correct.

Mr. Chairman, I hope the amendment offered by the gentleman from New York [Mr. TABER] will be rejected.

[Here the gavel fell.]

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

The amendment was rejected.

Mr. ROBINSON of Utah. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: Page 38, after line 12, insert a new paragraph: "University of Utah station: For the erection and equipment of a building or buildings on a site, to be donated to the United States, adjacent to the campus of the University of Utah at Salt Lake City, Utah, suitable for use by the Bureau of Mines for the mining experiment station authorized by the act approved February 25, 1938, including expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, advertising, traveling expenses, and supervision of construction, fiscal year 1939, $300,000."

Mr. ROBINSON of Utah. Mr. Chairman, I think I hold a record in this House for going along with the committee. I try to support the work I know the committee has labored hard and diligently to bring before the House and I have no special criticism of the work of this committee at the present time.

I feel that the committee in this particular instance has not given this matter due consideration. A bill passed by this House authorized the amount set forth in my amendment to be expended for the purposes named. I feel the bill was so drawn that it is essential the money be appropriated out of the first appropriation bill that comes before the House and this is the first proper appropriation bill since the bill became a law.

The bill which you passed and which is law at the present time reads as follows:

That the Secretary of the Interior be and he is hereby authorized and directed to enter into a contract or contracts for the erection and equipment of a building or buildings on a site adjacent to the University of Utah.

In other words, you authorized and directed the Secretary of the Interior to enter into a contract for the construction of a building. You have directed him to do it. Now we come before you and ask you to appropriate the money for it. Your committee gives this as the only excuse for not appropriating that money. I quote from the report of the committee:

Also in connection with the Bureau of Mines, the committee has eliminated an estimate of $300,000 for the construction and equipment of a building at the University of Utah for use as a mining experimental station as authorized under the act of January 25, 1938. The committee has eliminated the amount without prejudice to the merits of the project on the ground that it presented no emergent characteristics.

The only point the committee makes is that this project presents no emergent characteristics; in other words, the only question involved here is whether this amount should be appropriated now or should be appropriated next January.

Considering the fact that you have directed the Secretary of the Interior to enter into this contract, is it not incumbent upon you at the present time to furnish the money so he can go ahead and do as you have directed him to do?

Not only that, but there appeared before this committee Dr. Finch, who testified that under the circumstances at the present time this was an emergent condition and that the university could not handle properly the work that was being done there. Therefore, it is necessary that they decentralize some of the work that is being done in Washington; that the nonferrous part of the work in the Bureau of Mines should be conducted at or near where the nonferrous mines are located, and that a central location is Salt Lake City. He said that under the present conditions the university could not proceed with the work it was doing and, therefore, it became necessary to call upon this committee at the present time to furnish the $300,000 so the Bureau of Mines could carry on its work.

Mr. Chairman, I realize how difficult it is to change the opinion of a committee, but I believe on this occasion you should carry out the mandate and the direction as you have indicated it should be carried out. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 3 minutes.

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

There was no objection.

Mr. WOODRUM. Mr. Chairman, this item is exactly like a number of other items that have arisen today. They are authorizations of Congress, but there is no reason for them to be in a deficiency bill. Under the plan of operation of the Committee on Appropriations, as you well know, we have the work of the committee divided among subcommittees. The members of the subcommittees are peculiarly well informed with reference to the activities of the departments that come under their jurisdiction. We try as far as it is possible to enforce the rule that regular items shall go to those subcommittees for consideration.

In this case the Bureau of Mines has for a number of years been occupying buildings at the University of Utah. Just a few months ago the Congress passed an authorization to construct a new building out there. There is no urgent reason for placing that amount in this deficiency bill.

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

Mr. WOODRUM. I yield to the gentleman from Utah.

Mr. ROBINSON of Utah. Has there ever been an authorization bill where the Secretary of the Interior was directed to proceed with the work?

Mr. WOODRUM. Yes; they are all directed to proceed when you tell them to do something, but they do not do it until you give them the money.

Mr. ROBINSON of Utah. The gentleman is evading. This bill provides that the Secretary of the Interior is directed to enter into a contract. I ask the gentleman to be fair and tell the committee whether he knows of another authorization bill that had those words in it.

Mr. WOODRUM. I believe that does not change the situation at all.

Mr. ROBINSON of Utah. It seems to me it does.

Mr. WOODRUM. I believe the item can go to the regular subcommittee for the regular hearing and come in the regular bill, like many items in which my other colleagues are interested, just as our good friend, the gentleman from Utah, is so much interested in this item. However, there is no reason to put this item in this deficiency bill. There are numerous similar items that have been authorized that would have just as much claim to go in a deficiency bill as this one. They usually have to wait for the regular bills.

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

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I believe when that authorization bill came along it was not apparent to me at least that this operation was going to cost $50,000 a year, which was testified before the committee. Secondly, the language of the authorization does not state that the Secretary is to begin today or tomorrow, this year or next year. We should have some time to look into the matter.

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

Mr. WOODRUM. I yield to the gentleman from Utah.

Mr. ROBINSON of Utah. The statement to which the gentleman refers was printed in the hearings. If the gentleman did not understand that it was because he had not read the hearings.

Mr. DIRKSEN. That is entirely possible, but it comes to our attention now through the hearings on this deficiency bill.

Mr. WOODRUM. Mr. Chairman, I hope the amendment will not be agreed to.

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from Utah.

The amendment was rejected.

The Clerk read as follows:

NATIONAL PARK SERVICE

Great Smoky Mountains National Park, N. C. and Tenn.: For the acquisition of the lands needed to complete the Great Smoky Mountains National Park, including expenses incidental thereto, in accordance with the authority contained in the act approved February 12, 1938 (Public, No. 428, 75th Cong.), $743,265.29, to remain available until expended.

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

The Clerk read as follows:

Amendment offered by Mr. RICH: Beginning on page 38, line 21, strike out the entire paragraph ending in line 3, on page 39.

Mr. RICH. Mr. Chairman, I want to call attention to the fact that the Smoky Mountains National Park now has an area of 463,083 acres of land. They are contemplating the purchase of 26,015 additional acres at the rate of $30 an acre.

It seems as though some years ago that great philanthropic gentleman from New York, John D. Rockefeller, gave to these States for the purchase of this park the grand sum of $10,000,000. This was also in contemplation of the fact that the States of Tennessee and North Carolina would pay $9,500,000 to help purchase the additional acreage. What have the States of North Carolina and Tennessee done in reference to this? They have fallen down on their proposition, and now they are expecting you who are from the other States of the Union to come in here and buy 26,000 acres of additional land in this great park at the price of $30 an acre, or $743,000. The park is now large enough, in my judgment.

This would not be so bad if we were spending this money to complete the park, but remember that the States not represented in this territory are spending their money now, under the C. C. C. camps, to develop this park, great sums

of Government money, and the States of North Carolina and Tennessee, where this land is located, have fallen down and have not done what they promised the American people they would do. Do you think for a minute that John D. Rockefeller would have given his $10,000,000 if he had thought that Tennessee and North Carolina would not fulfill their obligation? Remember, this administration has ruined all men with money to do such things in the future.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. RICH. I am making a pretty good oration now, and I cannot yield to these men from Tennessee and North Carolina, Mr. Chairman. [Laughter.]

Mr. REECE of Tennessee. But the gentleman is not stating the facts.

Mr. RICH. And I cannot let these gentlemen from North Carolina and Tennessee interrupt me right now, and I am stating facts and it does not sound good to them; it is not music to their ears.

Mr. REECE of Tennessee. It is an oration inconsistent with the facts, necessarily.

Mr. RICH. No; the boys from Tennessee and North Carolina do not like it and its facts and the truth or I would not make the statements.

Mr. REECE of Tennessee. Why does not the gentleman confine himself to the facts?

Mr. RICH. I will say to my colleague from Tennessee, I give you the facts. I am not trying to give the people anything in the way of facts like the States of North Carolina and Tennessee did when they promised to spend their good, hard-earned money to buy this park. This is what they should do and they should not fall down on their obligations and should not come in here and ask the people of my State of Pennsylvania to pay for this land at the rate of $30 an acre. It is not right, not just, and not necessary.

Mr. REECE of Tennessee. The Rockefeller Foundation gave $5,000,000 only—not $10,000,000, as the gentleman from Pennsylvania has in mind, although I understand that statement is printed in the report.

Mr. RICH. I quote from the record of the hearings at page 339, and it so states.

Mr. REECE of Tennessee. The gentleman does not have the original records.

Mr. RICH. The gentleman will see that on page 339 of the hearings it says that Mr. John D. Rockefeller has donated $10,000,000. That is the law, that is the fact, and now you cannot deny it, and I say to you that we should cut out this expenditure. [Applause.]

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

I hardly think it is necessary to reply to the second explosion that the gentleman has had in reference to this matter. When I say that I mean that when this bill was before the Public Lands Committee of the House it was reported unanimously and they had more than a quorum of the committee present. We then brought it before this House and it almost passed unanimously, and the gentleman exploded at that time.

Now, the gentleman says he is making a good oration. I am thoroughly satisfied for the House to vote right now on that oration.

The gentleman says, "Ten million dollars was donated, and that is the fact and that is the law." I do not know where he gets the law. I do not care anything about the record. I happen to know. I wrote the other report and it was $5,000,000 and they have made a mistake there, and I speak authoritatively. I saw that statement there, but it is not correct. They had it $10,000,000, but if you will get the other report you will find it was $5,000,000 donated by Mr. Rockefeller.

This matter has been approved by the President and by the Bureau of the Budget. The States of Tennessee and North Carolina have done their part and we are now only asking for the appropriation of what this House has already voted for and what the Senate has voted for and what has been thoroughly approved.

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

Mr. McREYNOLDS. Certainly, I will yield.

Mr. RICH. I would ask the gentleman if the States of North Carolina and Tennessee have made a promise of payment of any sum to these parks and whether or not they have fulfilled all their obligations.

Mr. McREYNOLDS. The State of Tennessee and the State of North Carolina were unable to meet all of these requirements and then they secured Rockefeller to put in $5,000,000 and we also had various people who had agreed to make donations, but they were unable to do so.

This is the only way by which this park can be completed, and then it will not be local. It will be national. It will be as much for the gentleman's people and the people of the West as for the people of the South. It connects the great chain of national parks throughout this country. In beauty it is entirely different from that of the western parks. It has not yet been taken over by the Interior Department. And this is necessary in order that it be taken over and that proper improvements be made. More people visited this park by 100,000 than any other park in the United States this last year. I invite the gentleman from Pennsylvania [Mr. RICH] to come down and look at our beautiful mountains and the natural growth thereon, and I am sure if he does he will go back to Pennsylvania a better man and more calculated to keep to the facts.

Mr. BACON. Can the gentleman inform the Committee precisely the amount of money that the States of North Carolina and Tennessee have contributed to this project?

Mr. McREYNOLDS. I could not at this time.

Mr. BACON. Have they contributed anything?

Mr. McREYNOLDS. Oh, yes; millions of dollars.

Mr. BACON. Have they fallen down on any agreement they have made?

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. REECE of Tennessee. The report is all wrong.

Mr. BACON. How much have these States contributed to this project?

Mr. REECE of Tennessee. The two States have contributed slightly under $5,000,000.

Mr. BACON. Then the two States have contributed less than Mr. Rockefeller contributed?

Mr. REECE of Tennessee. The two States and their citizens.

Mr. REES of Kansas. How much is it to cost?

Mr. McREYNOLDS. I have not the figures, as I did not expect any question as to this appropriation. All of these matters were presented to the House heretofore.

Mr. REES of Kansas. And this is $5,000,000 more?

Mr. REECE of Tennessee. Oh, no.

Mr. McREYNOLDS. I had these facts before me when it was before the House for authorization, and I thought that after it had been finally passed on that no man on either side of the House would raise any objection to it.

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

Mr. TAYLOR of Tennessee. Mr. Chairman, I had hoped that neither the gentleman from Pennsylvania [Mr. RICH] nor any other gentleman on this side of the Chamber would make objection to this item in the bill. No legitimate objection can be raised. On February 2 this House authorized the sum carried in this bill, and on the 12th it was signed by the President. I do not want to go into a discussion of the merits of the Great Smoky Mountains National Park. I have done that on two or three other occasions. While in its infancy, this great laboratory of natural grandeur has already taken front rank among similar national facilities in this country. The Rockefeller Foundation has put up $5,000,000. The States of Tennessee and North Carolina have

contributed practically the same amount. Due to the depression a great many of those who had made subscriptions were unable to meet them. That makes it necessary to come here for this balance to complete this project.

Mr. LAMBERTSON. And both sides of these State lines are solidly Republican today.

Mr. TAYLOR of Tennessee. Yes; they are Republican today and I hope will ever continue to be. And that is another argument in favor of this appropriation.

Mr. REECE of Tennessee. And furthermore, the legislation setting up the park under which the National Park Service has taken over this area for protection and development, cannot in fact establish the park until the entire area has been completed.

Mr. TAYLOR of Tennessee. That is correct.

Mr. REECE of Tennessee. It is necessary to complete the purchase of the land so as to make possible the actual creation of the park itself.

Mr. TAYLOR of Tennessee. That is correct.

Mr. CRAWFORD. According to the hearings and the statement of Mr. Demaray, this project is to cost approximately $21,800,000. Mr. Rockefeller and the States have finally put up $10,000,000.

Mr. TAYLOR of Tennessee. Oh, those figures are incorrect. That must mean $11,000,000.

Mr. CRAWFORD. These figures are quite elaborate, and, as a member of the Public Lands Committee, I am raising the question as to the reliability of the statement made by the Assistant Director of the National Parks. Have we come to a point where we cannot depend on testimony that is first submitted and then afterward corrected and submitted again?

Mr. TAYLOR of Tennessee. In spite of that, I can assure the gentleman that this is all that is necessary to complete the park.

Mr. CRAWFORD. Then these figures are incorrect?

Mr. TAYLOR of Tennessee. They are certainly inaccurate, due, perhaps, to inadvertence.

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

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last word.

Mr. WOODRUM. Mr. Chairman, I ask that all debate upon this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, we are going along here and not giving any particular attention to cutting down any of this expenditure at all. I do not blame these gentlemen from Tennessee and North Carolina for wanting these expenditures. If they can come in here and get additional money from the Treasury of the United States for their particular section of the country, very well, but look what we are doing.

You step right into spending millions of dollars. Somebody said the States are making some contribution. From all the information I have this contribution must be, comparatively speaking, exceedingly small. They did go along and get Mr. Rockefeller, it seems, to contribute some money for this project. That is good, but just look at these figures. The House I think should take the figures given to us by Mr. Demaray. He is the Assistant Director. He says this project will cost over $21,000,000. The statement has just been made that these two States are spending, or will eventually, when we get through with it, probably spend as much as $5,000,000.

It seems to me that in these strenuous times if we have this much money to spend after we get it borrowed, that there are a good many more important ways to spend it rather than continuing to acquire land and build highways for these particular States. They tell us, of course, that everybody will have a chance to use these highways.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. REECE of Tennessee. This money is not to be used for highway purposes. As the gentleman from Tennessee said a moment ago, it is to complete the acquisition of the land.

Mr. REES of Kansas. That is right; to buy some land that is practically worthless and to build up a bigger bill for its maintenance.

Mr. REECE of Tennessee. Some of us who know something about what has been done down there know something about the facts and the figures.

Mr. REES of Kansas. We are taking the figures of the Department.

Mr. REECE of Tennessee. We are not taking anybody's figures; we are taking the facts.

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

Mr. REES of Kansas. I yield.

Mr. STEFAN. I may say to my colleague from Kansas that the committee just a few moments ago refused a far lesser sum to do a much more needed job, that of tree-planting in the Midwest, yet they are asking us to vote for this $5,000,000 for a road for these two States that the other 46 States will be called upon to keep up. Just a little while ago, also, they turned down a proposition on farm-to-market roads.

Mr. REECE of Tennessee. This is not for roads, this is for acquisition of land.

Mr. REES of Kansas. For the acquisition of worthless land, more hills and mountains to add to a park. It just means additional expense in the matter of upkeep and the building of roads.

Mr. REECE of Tennessee. Why does not the gentleman be fair? Why does the gentleman say it is worthless land? The land is as good as much of the land out in Kansas.

Mr. REES of Kansas. The gentleman from Kentucky said that the land was being bought for somewhere between $3 and $4 per acre. I do not call that very good land.

Mr. REECE of Tennessee. What gentleman from Kentucky said that?

Mr. REES of Kansas. I do not remember. That was some time ago.

Mr. REECE of Tennessee. The gentleman is just as badly mistaken about that as he is about the whole proceeding.

Mr. REES of Kansas. This land is very unproductive.

Mr. CRAWFORD. This matter was all thrashed out in the committee. Where there are hills and mountains you get more land per acre. That is why they are buying this.

Mr. REES of Kansas. I cannot appreciate spending the taxpayers' money for a proposition of this kind when it is so badly needed for other purposes.

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

Mr. REES of Kansas. I yield.

Mr. RICH. I made the statement that the States of Tennessee and North Carolina did not fulfill their obligation; that men from those States were afraid to come out and say that they did not meet their obligations. I admit that I was wrong.

Mr. REECE of Tennessee. I am glad to hear the gentleman correct himself.

Mr. REES of Kansas. Mr. Chairman, this, in my judgment, is just another unnecessary expenditure of public funds. It is another example showing the attitude of this Congress toward the spending of the taxpayers' money; and when we talk about taxpayers, it means the money of everybody, because everyone pays taxes, either directly or indirectly.

You are about to spend $743,000 for a few thousand acres of land in the Great Smoky Mountains of North Carolina and Tennessee. No one on the floor this afternoon in support of this appropriation has been able to show that the purchase of this land is going to do anybody any good. It does not even provide employment. It is just another expensive luxury that is being unloaded on the Federal Government, which will not only cost the $743,000 that we are spending this afternoon but will require the further spending

of thousands of dollars in providing for its upkeep and maintenance.

If we are going to assume the responsibility that is ours, this is one case where we ought to sustain the amendment and knock this appropriation out of the bill. It just is not right. I know we will not get a handful of votes. The committee has recommended the bill, and there are not very many who are going to bother to vote against it. Within the next hour we will take up a further expenditure of money right in the same neighborhood. It is for approximately $2,000,000 to add to money already spent for improving the Natchez Trace Parkways, a beautiful mountain road that runs through the same States.

If we have $2,000,000 to spend for roads, let us use that money to build some useful farm-to-market roads out in the country where they are needed and where the people can really make use of them instead of spending it to build a superscenic highway for the comparatively small group of people who will have a chance to use it. And, by the way, this highway is being built almost all at the expense of the Government, and without the contributions that are required from States and counties where Federal funds are expended for highways.

This section should be stricken out. It would save another $2,000,000. Considering the attitude that Members of Congress have taken regarding other expenditures of this kind, I am afraid we will not agree to do it. If we want to do the thing that is for the best interests of this country we will vote against the expenditure of this money. The taxpayers just cannot afford it.

[Here the gavel fell.]

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

The amendment was rejected.

The Clerk read as follows:

National Historical Parks and Monuments—National Military parks, battlefields, monuments, and cemeteries: The appropriation "Salaries and Expenses, Public Buildings Outside the District of Columbia, National Park Service, 1938" is hereby made available as of July 1, 1937, for expenditure during the fiscal year 1938 in an amount not to exceed $2,880 for maintenance of the museum building, Morristown National Historical Park, N. J., and in an amount not to exceed $12,735 for administration, protection, and maintenance of the Statute of Liberty National Monument, N. Y.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word in order to call the attention of the chairman of the committee to the fact that there is no such structure as the Statute of Liberty. It might better be changed.

Mr. WOODRUM. Why does not the gentleman offer an amendment?

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

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 39, line 13, strike out the word "Statute" and insert in lieu thereof the word "Statue."

The amendment was agreed to.

The Clerk read as follows:

Roads and trails, National Park Service: For an additional amount for the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including the Boulder Dam Recreational Area, and other areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053, 1054), as amended, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, fiscal year 1939, $3,000,000, to remain available until expended: *Provided*, That not to exceed $10,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1939.

Mr. RICH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 40, line 23, strike out all of the paragraph down to and including line 15, page 41.

Mr. RICH. Mr. Chairman, I call attention to the fact that we considered the Interior appropriation bill here just about a month ago. At that time we appropriated $4,000,000 for roads and trails. It seems to me there is no earthly reason under the sun why anyone should come in here now and ask for an additional $3,000,000. If the Members will go back over the Interior Department appropriation bills and observe the amounts we have spent for this particular purpose in the last 5 years, it will astound them to see how much money is involved, millions of dollars.

What is the purpose of this appropriation? To build a lot of additional roads and trails in national parks. We have had the C. C. C. for 5 years in those parks and have spent millions of dollars on them. For the life of me I cannot see what in the world the Members of this Congress have in mind. If there is any project in the history of the Nation that needs chastisement it is this one.

The chairman of the Appropriations Committee stated some time ago that the Government was going to start economizing. Why does he not get up here and help me and other Members of this House who are trying to save a little bit of money, especially where we spend it foolishly? The spending of this money will only add to our national upkeep every year. Where are you going to get the money?

Mr. Chairman, we are in a sad plight. We are in a serious condition. I do not know what is going to happen to America. If any of you Members have children who are now going to high school or who are going to graduate soon, consider that they are going to assume this great financial burden we are placing upon them. Just remember the people in the future who will criticize this ruthless expenditure of money and every one of you gentlemen who voted for it will be responsible.

Mr. WOODRUM. Will the gentleman yield?

Mr. RICH. I yield for more rural electrification material. You will spend money there and get it back. You are not going to get it back by building parks unless you have the Secretary of the Interior increase his revenue from these parks.

Mr. PIERCE. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oregon.

Mr. PIERCE. Has the gentleman been in any of the parks in the Rocky Mountain section of our country?

Mr. RICH. I have been in lots of parks, they are beautiful but we have enough for the present.

Mr. PIERCE. I mean those of the West.

Mr. RICH. You have wonderful parks out there, wonderful areas of land, you have something out there that will always be inviting to the American people; but do not try to do everything at one time. Do not burden your children, or the children of Oregon, with the debts we are piling up here day by day; have some consideration for our future.

Mr. PIERCE. I invite the gentleman to be my guest in Oregon and I will take him through those parks. It would astonish him to know the number of visitors that come out there from the East and visit those parks in the summer. This money is mighty well invested.

Mr. RICH. There is no man I think more of than I do the gentleman from Oregon, but we cannot do this all at one time. Let us stop some of this ruthless spending; be a little judicious. All we know is spend, spend, without any consideration as to who will pay the bill.

Mr. PIERCE. We are making available certain natural resources that our people have just discovered.

Mr. RICH. You have enough to show them now. Go slow, young man, go slow.

[Here the gavel fell.]

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

The amendment was rejected.

The Clerk read as follows:

Blue Ridge and Natchez Trace Parkways: For an additional amount for continuing the construction and maintenance, under the provisions of section 5 of the act of June 16, 1936 (49 Stat. 1519–1922), of the Blue Ridge and Natchez Trace Parkways, fiscal

year 1939, $2,000,000, to remain available until expended, of which amount not to exceed $10,000 shall be available for personal services in the District of Columbia during the fiscal year 1939.

Mr. LAMBERTSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LAMBERTSON: Page 41, line 15, strike out lines 15 to 22 inclusive.

Mr. LAMBERTSON. Mr. Chairman, I realize the psychology is against taking anything out of this bill. If it were day before yesterday we could take anything out. We do things here occasionally by psychology, not by common sense, and that is what is ruling today.

I do not care much for all that is going on here today. It does not seem to be getting us anywhere. A great deal of it is not serious. We considered the Interior Department appropriation bill a month ago. The Budget had in there an estimate of $4,000,000 for these two items. The Senate raised it to $6,000,000. The House insisted on the Budget estimate. Then a compromise was reached on $5,000,000. A supplemental Budget estimate came up for an additional three before the bill was finally agreed to. That was the excuse for putting the one more million into the bill.

Now they come back here in a month with the other two. It was naturally supposed that these two would follow not sooner than next year at the earliest. I know there is no attention being paid to this. Few care about saving $2,000,000.

Mr. WOODRUM was resisting an amendment a few minutes ago by saying it should go to its regular subcommittee. Just as this $2,000,000 should. Let him be consistent. The hearings show, on page 346, about 4 inches of space given to these items. That is all. They did not have the face to give any reasons.

Nobody justified it and nobody urged it as an emergency. Two powerful men who sit across the aisle, one who is leading this committee and the other who is chairman of the Committee on Ways and Means, are the fathers of this proposition. This upper road goes through their districts. The cost will be about $40,000,000 for the upper one and about $30,000,000 for the lower one in Mississippi when these roads are completed, or a total of $70,000,000. Neither of the roads was authorized by Congress when they were started. They were begun with W. P. A. money from the President, and then they received a left-handed endorsement. They got $5,000,000 in the regular appropriation bill. There is no emergency involved in this so they should wait until next year, at least. However, the chairman of this committee is interested in them. The subcommittee would not even discuss the matter. The gentleman from Virginia asked them to put the item in for his sake. The gentleman from North Carolina [Mr. DOUGHTON] is here to help see that the item stays in the bill, because they named the parkway for him last year, 500 miles of scenic roadway that the United States is building for the first time as a 100-percent Federal proposition.

The cost will be $40,000,000 in the end, and it will not hook up with the Natchez Trace, which does not even touch it. The two parkways were put in the same amendment. The cost of both of them in the end will be $70,000,000. Two million dollars is put into this bill when there is no emergency, $5,000,000 has already been appropriated this year. Is there any sense in such a proposition when there is no justification in the hearings and not more than 4 inches of discussion of it? If you are reasonable, will you vote to keep in the bill a $2,000,000 item which nobody justifies? Nobody justified it in the hearings, but the chairman asked for it for himself. He had to have this $2,000,000, he told the subcommittee.

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

Mr. LAMBERTSON. No.

Mr. WOODRUM. The gentleman referred to me.

Mr. LAMBERTSON. The gentleman takes the floor often and has the temerity to tell us day after day and week after week how we are raiding the Treasury, yet he asks this Committee for his sake to put in the bill a $2,000,000 item, even though there are no hearings to justify it.

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

Mr. LAMBERTSON. My time is up.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 2 minutes.

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

There was no objection.

Mr. WOODRUM. May I say to the gentleman from Kansas that the statement he makes about the chairman of the committee asking that the item be put in the bill is absolutely and wholly false.

Mr. LAMBERTSON. The chairman of the subcommittee told me. The chairman of the subcommittee heard the gentleman say it.

Mr. WOODRUM. I am the acting chairman of the subcommittee and I did not tell the gentleman that, and I do not believe anybody else told him.

Mr. LAMBERTSON. A member of the committee.

The CHAIRMAN (Mr. MCREYNOLDS). The question is on the amendment offered by the gentleman from Kansas [Mr. LAMBERTSON].

The amendment was rejected.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES

Government of the Virgin Islands: The President is hereby authorized to allocate from the appropriation contained in the Emergency Relief Appropriation Act of 1937 the sum of $1,102.47 as an additional amount to cover freight charges in carrying out a project for the improvement, rebuilding, and construction of roads in the Virgin Islands for which there was made available an allocation of funds from the appropriation contained in the Emergency Relief Appropriation Act of 1935.

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

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 42, strike out the entire paragraph beginning in line 10 and ending in line 18.

Mr. RICH. Mr. Chairman, we again come back to the Virgin Islands. This administration thought it would make over the Virgin Islands and started out by buying a couple of old sugar plantations and a couple of distilleries. Then it bought thousands of acres of ground in the Virgin Islands and set up a great distilling plant under the Federal Government. The idea, so it was said, was that we were going to pay the expenses of the Virgin Islands and put its people on the map. You have been operating that rum plant for several years and have incorporated it for the sum of $30, with three shares at $10 a share and are going in the red on that capitalization. The Federal Government put into that plant over $2,500,000 and has lent the corporation $175,000 for working capital, and capitalized the corporation for $30. You have been making rum and expecting to sell it to the people of this country in competition with the brewers and distillers of America. Government trying to compete with its own people. Is that the right thing for the Federal Government to be doing? Now you come in here and ask for an additional sum to build roads. You cannot take care of the municipal government in the Virgin Islands, you cannot build the roads, and you are not doing anything you said you would do when you built that distilling plant there. Oh what a headache we get when the Government ruins its own people by direct competition. It is not right regardless of the nature of the business.

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

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

Mr. CRAWFORD. I have been informed by highly experienced sugar men in the islands that the contractors who rebuilt the rum and sugar mills were contractors who had never before had any experience in such work, and as a result of improper installation, inadequate machinery, and poor

design the whole thing is hooked up in such a manner that it is utterly impossible to process chemically a rum that is fit for consumption and sale on the market. I have also been informed this is one of the big reasons Government House rum is not moving into the channels of consumption. Has the gentleman any information on that point?

Mr. RICH. I have received letters from people who were working on this project and who have condemned it in no less degree than what the gentleman has stated.

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

Mr. RICH. I yield to the gentleman from Nebraska.

Mr. STEFAN. The exploiters of this Government House rum opened many bottles of it at a banquet. Those who partook of the banquet and got the rum free of charge, in order to help the distributor a little bit and give it a little publicity, say it has an awful wallop. I do not believe the gentleman from Michigan knows what he is talking about.

Mr. RICH. I do not know whether if you were to go to the club and ask the people there whether or not the rum is good they would tell you it is, but I wonder whether the members of the club are interested in Government House rum. The members of the club want rum manufactured in America when they want rum. They are Americans. Real Americans do not want the Government in business, competing with its own citizens.

[Here the gavel fell.]

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

The amendment was rejected.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses: For an additional amount for salaries and expenses, Federal Bureau of Investigation, including the same objects specified under this head in the Department of Justice Appropriation Act, 1938, fiscal year 1938, $108,000.

Mr. WOODRUM and Mr. CRAWFORD rose.

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

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: On page 45, line 9, strike "$108,000" and insert "$158,000."

Mr. WOODRUM. Mr. Chairman, the appropriation of $108,000 in this paragraph is a deficiency item for 1938. In addition to this, the Bureau of Investigation was given permission to use $65,000 of its 1939 funds in the fiscal year 1938, making a total deficiency this fiscal year of $173,000.

The amendment which I have offered adds $50,000 to this 1938 item. There is a Budget estimate for this amount which has been sent to the Senate and is now pending there for the inclusion in this bill on account of the operations of the Federal Bureau of Investigation in the Cash kidnaping case in Florida. The matter has not had official action by the subcommittee, but I have discussed it with gentlemen on the minority side, and we hope the amendment will be agreed to.

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

Mr. Chairman, I had sent to the Clerk's desk an amendment to increase the amount of $108,000 to $173,000.

This is a difference of $65,000 and the increase would take care of the $65,000 deficit which the F. B. I. was about to be forced to take out of next year's appropriation.

If you will refer to page 382 of the hearings you will find a statement of the chairman, Mr. WOODRUM, to this effect.

Let me say to this House that the country is aware of what is going on as between the Budget, the F. B. I., and the committee and the Members of this House. Yesterday, remarks were made with reference to $200,000 which was used for the purpose of increasing salaries. The employees in the F. B. I. during the current fiscal year have put in over 700,000 hours of overtime. That $200,000 is less than 30 cents per hour, and yet we stand up here and beat our breasts about what great friends we are of organized labor and refer to our work on the wage and hour bill and all that kind of hooey when it comes to a question like this.

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

Mr. CRAWFORD. In a moment.

These men work from 300 to 375 hours per month, seven days a week, including the holidays, and yet we come along here and try to convey to the country, as we did yesterday, the idea that full funds have been made available, when at this very hour these men are taking enforced vacations because this House and the Budget have refused to make proper appropriations heretofore.

Look what the Budget does, for instance. You can go back for 5 years and during that time the Budget has decreased the requests of the Bureau a little over $2,600,000. This is an average of more than $500,000 per year.

The chairman yesterday indicated that a reserve fund should be created. All right, let us create a reserve fund. The Attorney General has indicated that we should have from $200,000 to $300,000 as a reserve fund to meet these emergencies such as the Levine and the Cash kidnaping cases, and now we start fooling along here with a little $50,000 increase. The country knows we are wrong, the press knows it, and the people of this country have sense enough to know that when danger is lurking at their doors and when these kidnapings are taking place, we are not keeping faith when we come along here and refuse to implement this Bureau with the necessary funds.

Mr. Hoover also in his testimony showed that the $65,000 was taken out of next year's appropriation in order to try to fix up the situation for this year.

Another thing, within 3 years 99 trained men have been pulled out of this force by private parties. You have got to pay these men something to keep them on the F. B. I. pay roll with all of its hazards.

Did you know these men have to pay increased insurance rates because of the hazards of their game; cannot be retired until past 60 years of age; and that we have never made adequate provisions for their dependents, if their lives are snuffed out by some gangster. Why are we so parsimonious in granting the necessary operating funds to this Bureau? Why do we force it to go into its next year's appropriation?

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

The amendment was agreed to.

Mr. WOODRUM. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: On page 45, after line 9, insert a new paragraph, as follows:

"Salaries and expenses: For an additional amount for salaries and expenses, fiscal year 1939, including the same purposes and under the same conditions specified under this head in the Department of Justice Appropriation Act, 1939, $150,000, to be held as a reserve for emergencies arising in connection with kidnaping and extortion cases and to be released for expenditure in such amounts and at such times as the President, upon recommendation of the Attorney General, may determine."

Mr. WOODRUM. Mr. Chairman, I have not had opportunity to discuss this amendment with gentlemen of the minority. The subject matter was discussed in the hearings, and, I think, perhaps informal discussion was had among members of the committee. The amendment undertakes to put at the disposal of the Attorney General and the President the sum of $150,000 which may be used in emergency kidnaping and extortion cases, and it is because of these emergency cases mainly that these difficulties in the appropriations for the Federal Bureau of Investigation have arisen. It has not been because of any disclination on the part of anybody to provide such funds as reasonably seem necessary at the time of making the appropriation; but we make the appropriations and along comes some emergency, some extortion or kidnaping case that would require a great concentration of force and unusual expenditures for travel and other purposes.

That is apt to cause a shortage of funds. So, it seems to me that putting at the disposal of the President, on the recommendation of the Attorney General, a reasonable amount of money would meet emergencies of that kind.

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

Mr. WOODRUM. Yes.

Mr. BACON. This is for the fiscal year 1939?

Mr. WOODRUM. Yes.

Mr. BACON. Of course, the gentleman is well aware that the deficiency for the F. B. I. for 1939 is going to be well over $350,000.

Mr. WOODRUM. We all understand that when Congress meets again in January we may have to recast and review the appropriations. This sets aside a special fund that the President may use in emergency over and above their regular operating appropriations.

Mr. BACON. And this will be used for emergencies between July 1, say, and when Congress meets next year.

Mr. WOODRUM. Yes; if the emergencies arise. I think with this money in reserve the Bureau is well fortified financially.

Mr. BACON. I am very glad the gentleman has offered the amendment, but I anticipate when the first deficiency appropriation comes up when we meet again we will have to carry an item of between $350,000 and $400,000 to meet the deficit in this Bureau.

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

Mr. WOODRUM. Yes.

Mr. CRAWFORD. Do I understand now that one of the gentleman's amendments increases the $108,000 to $158,000?

Mr. WOODRUM. Yes. That puts in a $50,000 appropriation in the matter of the Cash kidnaping case for this fiscal year.

Mr. CRAWFORD. Then there is an additional amendment which the gentleman proposes to provide of $150,000 as a reserve fund?

Mr. WOODRUM. Yes.

Mr. CRAWFORD. I think that is fine. I have learned from the record that in practically every case the committee has always increased the amount over and above the amount the Budget has allowed. What I am interested in is in pulling together and keeping this F. B. I. in full force and effect.

Mr. BACON. It seems to me that the Bureau of the Budget has been negligent in studying the needs of the Federal Bureau of Investigation. Our subcommittee has always given that Bureau exactly what the Budget allowed during the last 4 years and in 3 of the last 4 years we have increased the estimate of the Bureau of the Budget. I serve notice now and here on the Director of the Bureau of the Budget that he must go into this question with a great deal more thoroughness and really understand the problem of the F. B. I. and not starve that Bureau as they have been starved in the past.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

Salaries and expenses, case of Northern Pacific Railway Co. and others: For salaries and expenses incident to prosecution of the case of United States against Northern Pacific Railway Co. and others, equity No. 4389, United States District Court, Eastern District of Washington, including traveling and office expenses; law books; stenographic reporting services, by contract or otherwise, including notarial fees or like services, and stenographic work in taking depositions at such rates of compensation as may be authorized or approved by the Attorney General; fees of witnesses and appraisers; compensation of special master in accordance with order of the United States district court; printing and binding; the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General; and personal services in the District of Columbia and elsewhere, fiscal year 1939, $55,000, together with the unexpended balances of the appropriations for this purpose for the fiscal years 1936–38.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word and ask unanimous consent to speak out of order for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Chairman, my purpose in rising to speak out of order at this time is to call to the attention of the House the conference report upon the bill H. R. 10315, an act to amend the Marine Act of 1936, and so forth. As the bill passed the House, no provision was made for the establishment of a school for the training of licensed or unlicensed seamen. There was no provision in the bill in connection with the maintenance of a United States marine service as a sort of reserve. That amendment was put on in the Senate. I understand the matter was brought to the attention of the House committee at the recommendation of the United States Merchant Marine Commission, but that the House committee rejected it. The Senate amendment, according to the conference report, covers two different fields that it relates to. One is the maintaining of a school for the training of licensed and unlicensed personnel on American vessels, and I understand that the conferees have agreed that that matter should be further investigated and a report made to the Congress next year. Paragraph (b) and paragraph (c) of the Senate amendment provide for the establishment of a United States maritime service, and the conferees have provided that it be a voluntary organization, but it provides that ranks, grades, and ratings for the personnel of the service shall be the same as now or hereafter prescribed for the personnel of the Coast Guard.

That is nothing more nor less than a reserve along the lines of naval activity. It seems to me that the United States Maritime Commission is not the place to lodge this activity, the Commission being purely a civilian organization. Particularly is this so where commissions are given along the line of the Coast Guard commissions, ensign, lieutenant, lieutenant commander, up to admiral in the Naval Reserve if one is eligible and qualified for the rating.

I am very much interested in this. I see members of the Merchant Marine and Fisheries Committee here. I see the gentleman from New York [Mr. SIROVICH] who was a member of the conference committee. I ask him if he does not think this whole general subject should go over until next year for a study and that the result of the study should be submitted to the Congress so that the House originally may act upon this rather than have it thrust upon us as a Senate amendment?

Mr. SIROVICH. I want to call the attention of my distinguished friend to the fact that while I signed the conference report, at that time I did not realize that the unions of the country would now take the position that this maritime service might be used as a strike-breaking agency to put out of business thousands and thousands who are today unemployed, that it would create a great deal of discord. I think it should be arranged that this matter be considered the same as the other on January 20, 1939, when a comprehensive report should be submitted. This should receive study in conjunction with the other proposition.

Mr. McCORMACK. The gentleman realizes, does he not, that the only way that can be done is to send the bill back to conference?

Mr. SIROVICH. The conference report having been signed, what is the parliamentary situation?

Mr. McCORMACK. The only way it can be done is after the previous question is ordered to move to recommit the report to the committee on conference. Has the gentleman any observations to make in connection with the seriousness of this matter, its danger, and the fact that it should be studied further?

Mr. SIROVICH. In view of the fact that there is harmony, peace, and tranquility in the merchant marine around the Nation, that this is likely to bring back all the agitation, strife, and discord that existed in the past, we should be careful.

Mr. McCORMACK. Does the gentleman recognize the danger that I do?

Mr. SIROVICH. I do, and I am in full sympathy with the gentleman.

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

Mr. McCORMACK. I yield.

Mr. OLIVER. Does the gentleman from Massachusetts understand that the conference report sets up a mediation

board in the national administration of this act which probably will call for the expenditure of several hundreds of thousands of dollars during the next 2 years? This apparently is nothing except an authorization for them during the next 2 years to make a survey of conditions to report back in 1940 as to what the conditions are and what recommendations they make.

Mr. McCORMACK. I think a congressional committee is competent to do that. I have in mind investigations by other congressional committees.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. In conclusion, I rose simply to call this important matter to the attention of my colleagues so that between now and the time the conference report is called up for consideration they can be studying it.

I also call attention to the bill (H. R. 10594) which relates to the Navy Department. This bill is now before the Senate Committee on Naval Affairs. On page 28 of this bill is a provision for the establishment of the Merchant Marine Reserve. That is where it belongs, in my opinion, in the Navy Department, not in the Maritime Commission. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR

Construction and repair: For an additional amount for designing naval vessels, etc., including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1939, $1,750,000.

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 54, after line 5, insert:

"Bureau of Supplies and Accounts—Reenlistment allowances: For an additional amount for pay of naval personnel, etc., including payment of reenlistment allowances as prescribed by the act approved June 10, 1922, and including the same objects, specified under this head in the Naval Appropriation Act for the fiscal year 1939, $2,490,000."

Mr. SCOTT. Mr. Chairman, I hope close attention will be paid to the item on page 98, section 206, which is a reenactment of the ban against reenlistment allowances. I am fully convinced that section 206 is legislation and as such is subject to a point of order. I want to make this clear that when we reach section 206 I shall make a point of order against it, and I think the point of order will be upheld, because it has been in the past on the ground that it was legislation on an appropriation bill.

If section 206 should be knocked out of this bill on a point of order then reenlistment allowances would not be done away with this year, but would have to be paid. This particular ban has always appeared in the Treasury Post Office bill at the first of the session, but this year each appropriation bill has gone by without it, which means that under existing law passed in 1922, these reenlistment allowances have to be paid as a part of the pay to the reenlisted men in the Army, Navy, Marine Corps, and Coast Guard.

I was told each time in debate on the appropriation bills that it was unnecessary—get this, please—to put the amounts in those bills because these Departments were bound to pay the men whether the appropriation was in the bill or not. I was told that if we went through the entire session without repealing this ban on reenlistment allowances then it would be necessary for the deficiency appropriation bill to carry an amount sufficient to pay the reenlistment allowance. The amounts have not been put in the appropriation bills and if this ban is legislation on an appropriation bill and is stricken from the bill on a point of order, then there is nothing left for the House to do but put in the bill a provision carrying the money necessary to pay these reenlistment allowances. This is the first one for the Navy. It will be necessary to offer three more, one for the Marine Corps, one for the Coast Guard and one for the War Department.

If you do not provide this money in here, it will be necessary under the law for the Navy, the War Department, and Treasury Department to find the money some place else because the law says it has to be paid. The chairman of each subcommittee of the Appropriations Committee has borne out that contention, but each one of them said if this ban is not put in again until the end of the session then it must come in the deficiency appropriation bill.

I think section 206 will be stricken from the bill. Therefore I ask you to put in here the amount necessary to cover the reenlistment allowance. If you do not do that I do not know where the Navy Department is going to get the money to pay it, but it has to pay the money. If you put it in here and section 206 is not taken out of the bill on a point of order, then the Senate can very easily amend by taking out the appropriation for this. That is the legislative situation. We have authorized the payment, the Departments have to make it, but we have not provided the money. If the ban is not continued by this section 206 in the present bill, then we will be in a rather peculiar situation. It will be necessary to pay it, but there will be no money with which to pay it. I ask you to adopt this amendment providing this amount for the Navy Department, then continue by adopting an amendment for the Coast Guard, the Marine Corps, and the Army.

Mr. IZAC. Will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from California.

Mr. IZAC. Is it not true that the representatives of all the armed services appeared before the subcommittee and stated they wanted this money provided in the present deficiency appropriation bill?

Mr. SCOTT. I do not know.

Mr. IZAC. It appears in the hearings.

Mr. SCOTT. I did not check on that. But they have always recommended it before, until the Budget did not recommend it last year, which precluded them from recommending it to the Appropriations Committee.

I do not believe it is necessary to argue the merit of reenlistment allowances. It was granted under the pay act of June 10, 1932, but in 1933, for economy purposes, it was eliminated for 1 year. The men in the service and the Members of this House were told that it would be only for 1 year. "If we can give it back next year," said the chairman of the Deficiency Appropriation Committee, "we will be glad to do it."

Mr. Chairman, do not say anything about the cost of this because if we can afford $3,000,000 for a pile of marble we can afford a million dollars for the people who are serving in the enlisted forces of the United States.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. WOODRUM. Mr. Chairman, this is a matter that the Congress has had up every year for the last 5 years. The last year this allowance was paid was in the fiscal year 1933.

Historically, this bonus was paid to men upon reenlistment in these four services, theoretically to encourage experienced men in the service to reenlist rather than get out of the service. We had each of these agencies that appeared before the committee furnish a statement showing on a percentage basis what the percentage of reenlistment was in order that the committee might form some idea of the effect the payment of a reenlistment allowance had on encouraging men to continue in the service.

The Navy Department told us, for instance, that in the year 1930 when they were paying a reenlistment allowance, 71.85 percent of the men whose services terminated reenlisted. In the year 1938 when the practice had been discontinued for 5 years, 72.54 percent of the men whose term of service ended reenlisted.

Mr. WADSWORTH. Will the gentleman yield?

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

Mr. WADSWORTH. Does the gentleman mean to ask the House to compare conditions existing in 1930 with those existing in 1938 which the enlisted man had confronting him?

Mr. WOODRUM. That undoubtedly is a question that may enter into the equation, I will say to the gentleman. That was discussed in the hearings. Captain Wilkinson, of the Navy Department, said:

There has been no discernible trace of failure of men to come into the Navy as a result of the fact that under the appropriations they do not get these reenlistment allowances. We are holding up well on our original enlistments also.

Mr. Chairman, this amendment if adopted, is one of a series of amendments which will put into this bill some $6,065,000 for reenlistment allowances. Bear in mind, there is not a man in any of these services who can say that he enlisted in the service thinking, or having the right to think, that if he should want to reenlist he would get this reenlistment allowance, because it has not been paid and it was not paid when he enlisted.

Mr. SCOTT. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. SCOTT. Has the gentleman not told them each year that, "We will do it next year. If we can give it back next year we will be glad to do so." So each year they have been led to believe they were going to get it back.

Mr. WOODRUM. We told them if we could give it back we would, but in my opinion, this is a very poor time to give it back.

Mr. SCOTT. If you can afford to give $3,000,000 to build a Jefferson Memorial, you ought to be able to afford to give $6,000,000 to the enlisted men of the service who will spend it immediately on things they need.

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

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

Mr. TABER. Is it possible that the W. P. A. is not competing with the Army and the Navy for enlistments?

Mr. WADSWORTH. I should be glad to answer that question, but I do not have the floor.

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

Mr. WOODRUM. I yield to the gentleman from California.

Mr. IZAC. The records will show that only about 34 percent of the men this year are seeking reenlistment, and furthermore, the gentleman stated those men came in during a time when they knew they would not get a reenlistment allowance. I should like to draw the attention of the gentleman to the fact these men have been coming in for 15 to 20 years, long before this restriction was placed on the reenlistment allowance, and all of those who came in before the past 5 years are entitled to the enlistment allowance, even if those who came in during the past 5 years are not entitled to it, in the gentleman's opinion.

Mr. WOODRUM. This gratuity, this reenlistment allowance, was made not for services rendered but to induce men in the Navy to reenlist. It was held out as an additional bonus to induce a man to reenlist at the end of his service. When the necessity for such inducement has terminated I do not see how Congress or the Government can justify undertaking to hold out a financial inducement.

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

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

Mr. WADSWORTH. I rather regret that I gave unanimous consent to confine this debate to 5 minutes. Without desiring to inject a personal note into the debate, I may say I happen to have been chairman of the joint committee of the Congress appointed in 1922 to redraft the entire pay schedule of the Army, Navy, and Marine Corps. The matter of reenlistment was not the only consideration which swayed that joint committee or the Congress of that day in providing for reenlistment allowances.

There are certain circumstances in the life of an enlisted man which we had under consideration and which this particular reenlistment allowance helps him to meet, and it is intended to do so. True, we did want to encourage reenlistment, but we felt that we might get the reenlistments perhaps without this allowance were it not for the fact that when a man's term of enlistment expires and he gives indication that he is willing to enlist he gets 2 months' leave of absence. In order to help that man pay his way during those 2 months and perhaps go back to his home all the way from the Philippines and then resume service with his regiment 2 months later, we believed this reenlistment allowance should be paid. There are a number of elements in this situation that the gentleman from Virginia has not touched upon, and this has been a contract.

Mr. WOODRUM. I have not had an opportunity to touch upon them. The gentleman has used all my time.

Mr. WADSWORTH. The gentleman had given what he regarded as his reasons, but he had not touched upon certain other elements.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. A parliamentary inquiry, Mr. Chairman. Is there any way I can secure recognition to make a statement or ask a question of the chairman of the committee in connection with the pending amendment?

The CHAIRMAN. I do not see how the gentlewoman can now be recognized, as all time has expired.

Mrs. ROGERS of Massachusetts. It seems so cruel to give only a short time to discussing a matter that means so much to the men who are the first in the trenches or in the first line of defense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The amendment was rejected.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, Bureau of Yards and Docks: Toward the following public works and public utilities projects at a cost not to exceed the amount stated for each project, respectively, $12,752,000, which amount, together with unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 54, line 10, strike out "$12,752,000" and insert "$800,000."

Mr. TABER. Mr. Chairman, I offer this amendment in order to bring before the Congress the question of whether or not it should appropriate funds for the construction of facilities that are not justified by the hearings the committee has had. On page 520 of the hearings appears the following testimony:

Mr. UMSTEAD. May I ask one additional question of you, Admiral, about this public-works program which is submitted? With the exception of two items, in all of the list that you have presented to this committee, none was submitted to the Budget for the regular appropriation bill; that is, none but the two items?

Admiral MOREELL. I believe that is correct; yes, sir.

Mr. UMSTEAD. If they had been of an emergency character, necessarily they would have gone to the Budget, whether the Budget approved them or not, would they not?

Admiral MOREELL. If they had been of an emergency character?

Mr. UMSTEAD. Yes; they would have certainly been included in your estimates submitted to the Budget, at least, whether granted by the Budget or not. Of course, it may be that something has occurred since, bringing about a changed condition.

Admiral MOREELL. That is the statement that I was about to make, Mr. UMSTEAD, that the situation has changed since the submission of our regular budget.

Mr. UMSTEAD. Only insofar as affected by the increase of the Navy program, and you named the two items that would be affected by that increase of the Navy program.

With the exception of two items which you have mentioned, I believe one at Norfolk and one at some other point——

Admiral MOREELL. They are both at Norfolk, sir.

Mr. UMSTEAD. And with the exception of the sewerage project at San Diego, the rest of this program has not even a tint of an emergency character, has it?

Admiral MOREELL. I believe it has, Mr. UMSTEAD. I feel that when the Navy Department has determined from its studies that a situation requires immediate remedying, it behooves the Navy Department to proceed in the regular way to bring that to the attention of the Appropriations Committee.

With the exception of two items at Norfolk and $180,000 for a sewer system at San Diego there is nothing here that was considered of enough importance to send to the Budget when the Navy was submitting its budget to the Bureau of the Budget. Nothing of that kind was referred to when the Navy Department was before the Naval Subcommittee on Appropriations 3 months ago. It is perfectly apparent that the activities included in this item, involving, perhaps, an expenditure in the fiscal year 1939 of $12,752,000, do not require immediate attention or immediate construction, because the ship facilities that are asked in the Budget do not require anything like this amount of facilities. The whole picture is to set up a naval-construction program which will run into a peak and create a situation where we will have tremendous pressure put upon us to appropriate more and more money for ship construction. These things should go in an orderly way. The items should be submitted to the regular committees when the officials of the Navy Department come before us in connection with the regular appropriation bills, and they should not be placed in a deficiency bill.

Mr. Chairman, I hope this amendment will be adopted, because it allows plenty of money to go on with the activities that are really needed.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 3 minutes.

The CHAIRMAN (Mr. BLAND). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, the amendment offered by the gentleman from New York, at page 54, line 10, to reduce from $12,752,000 to $800,000 the amount for public works, Bureau of Yards and Docks, would have the effect, if agreed to, of eliminating all of the items which follow on pages 54, 55, 56, and down to line 15 on page 57, because these enumerated items are parts of the amount proposed to be reduced and fix the total limit of cost on these improvements. The amount of money carried for all of these yard facilities and improvements is included in the sum of $12,752,000. The practical effect of the amendment of the gentleman from New York [Mr. TABER] is to strike out all of the improvements at all of the navy yards and stations.

The committee went over these items very carefully. It is true they were not sent up for the regular bill for the very good reason that the Navy expansion bill had not then been enacted.

The money proposed to be eliminated is for facilities at the various navy yards in order to expedite the new naval-construction program and put those yards in a position to build the ships which Congress has ordered, and do it more expeditiously, efficiently, and economically.

I think the committee has reduced some items which it felt were not especially of an emergency nature. It seems to me the items included here are important now and it would seriously cripple this program which Congress has laid out and for which it has provided funds to make any such reduction as the proposed amendment contemplates.

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

Mr. WOODRUM. I yield.

Mr. WIGGLESWORTH. I call the gentleman's attention to the testimony of Admiral Moreell at page 513, in which he states that all the items in this list, in his opinion, are required for the shipbuilding program, with the possible exception of three.

Mr. WOODRUM. All of them except three?

Mr. WIGGLESWORTH. In other words, substantially all of these projects are considered essential in the opinion of the Navy Department for the program we have authorized.

Mr. WOODRUM. I understand, then, the gentleman is not in favor of the amendment of the gentleman from New York [Mr. TABER]?

Mr. WIGGLESWORTH. I am not.

Mr. WOODRUM. I thank the gentleman, and I hope the amendment will not be agreed to.

The amendment was rejected.

The Clerk read as follows:

Bureau of Aeronautics.

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

Mr. Chairman, I appear before the Committee at this time, speaking under the rule on a pro forma amendment, to remind the Members of this House of the desirability of our building a dirigible. I had an opportunity last evening for about a minute on the floor of the House to speak on this subject. Thinking some Member of the House might like to ask questions on this subject, and I far from know it all or all of the answers, I take the floor at this time. I want to remind the Members of the House that at the close of the great war, when airplanes were not as far developed as they are now, the dirigible was much more developed than the airplane and more efficient comparatively, and I want to point out to the members of the committee that just about the close of the great war—and this seems inconceivable but I am informed it is so—the Germans had practically a production line and were turning out dirigibles or big Zeppelins, so to speak, at the rate of about one every 14 days.

I want to remind the Members of the House that in the Battle of Jutland there were about 10 dirigibles employed, 5 by day and 5 by night, and according to competent testimony the German fleet was saved as of that time by the activities and the observations of these Zeppelins.

I want to refer the Members of the House to an article in a newspaper of today. Here is tonight's Evening Star and here is the headline:

Navy ready to start building 50-ton, $3,000,000 war plane. Admiral Cook indicates range in excess of 5,000 miles—

And so on.

I am not opposing this, I am glad to see it, but, certainly, if we can spend $3,000,000 on one plane it seems, indeed, a tragedy that we cannot spend $3,000,000 to construct and further experiment with just one dirigible in the whole United States of America, particularly since the building of dirigibles has been allowed to get behind airplane construction.

Planes may be getting too big in size and too unwieldy for safe piloting.

Furthermore, Mr. Chairman, I wonder if it is realized that in America today there are only about 30 individuals alive who understand the operation of a rigid dirigible. Why can we not continue this art? The other day Dr. Eckener remarked, and, certainly, he knows the subject, that it is absolutely possible, in his opinion, to build dirigibles, with the experience we now have, that will stand up with the strains put upon them, and while it was unfortunate that we have had accidents and loss of life and money in the past, it was simply the growing pains, so to speak, of a new art eventually to benefit humanity.

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

Mr. PHILLIPS. I yield.

Mr. BACON. If these dirigibles are so very important, can the gentleman explain why England, France, Germany, Italy, Japan, and all the other great powers are not building them today and do not have them?

Mr. PHILLIPS. To the best of my ability I will be glad to explain to the gentleman. For instance, taking Japan,

Japan has spent thousands of dollars to try to develop helium or some nonexplosive gas from volcanic gases, and if they could have a nonexplosive gas, which we practically have a monopoly of in the world, helium of course, according to the information I have they would be glad to build dirigibles. In the other countries of the world, like Italy, France, and England, the only experience they have had has been with second-hand, so to speak, German dirigibles or with second-hand adoption of German models, and with untrained or little-trained personnel operating them. Then, too, these dirigibles were filled with hydrogen and were thus terribly inflammable and thus unnecessarily dangerous.

Information seems to prove that had they helium so that those ships would not have been able to burn, they would have been glad to continue that experimentation.

Modern dirigibles can house and release and again recover in the skies a number of bombing planes. They can be armed and protected with cannon and able to aim them better than moving airplanes against them in attack. Modern dirigibles in war can hide in the clouds, suspending tiny observation cars below the clouds hundreds of feet below. They are an observatory adjunct to the battle fleet. They are a promising commercial possibility to build international goodwill.

I hope we build at least one test dirigible.

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

The Clerk read as follows:

MARINE CORPS

General expenses: For additional amounts under each of the following subheads of the appropriation "General expenses, Marine Corps, 1938," including the same objects respectively specified under each of such subheads in the Naval Appropriation Act for the fiscal year 1938:

For clothing for enlisted men, $250,000;
For fuel, and so forth, $30,000;
For military supplies and equipment, and so forth, $50,000;
For repairs and improvements to barracks, and so forth, $70,000;
For miscellaneous supplies, and so forth, $165,000;
In all, $565,000.

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 59, after line 11, insert: "Pay, Marine Corps. Reenlistment allowances: For an additional amount for pay, Marine Corps, including payment of reenlistment allowances as prescribed by the act approved June 10, 1922, and including the same objects specified under this head, in the Naval Appropriation Act for the fiscal year 1939, $241,000."

Mr. SCOTT. Mr. Chairman, this is the same type of an amendment that I offered a while ago which was defeated. This provides for reenlistment allowances in the Marine Corps. The chairman of the Subcommittee on Deficiencies said that this matter comes up each year, and has for the last 5 years. I tell him right now that it will continue to come up each year for as many years as I continue to be here, until either one of two things is done. They can either put back into the appropriation bill the money that these men are entitled to under the pay bill of 1922, or they will have courage enough to bring in here a bill and repeal that part of the law; but as long as the law stands that after a man has served 3 years, if he reenlists he shall be paid $25 in the lower class times the number of years served, or $50 in the upper grade times the number of years served, I shall continue to try to put into the appropriation bill the money necessary to pay what the Government is obligated to pay. What is the idea of bringing the subject up in this way? If the law says that money should be paid, and the men are entitled to look on it as a part of their pay, why circumvent the law by refusing an appropriation and by sticking into the appropriation bill bans that exist for just 1 year? If it is the intention to give this money back, give these reenlistment allowances back to these men; now is the perfect time to do it. I can think of no better time to do it; but if the intention is to permanently deprive them of these reenlistment allowances, then I think the proper way to do it is to repeal that part of the law which grants them this money.

This has been called by the chairman of the Committee on Appropriations a reenlistment bonus. That is a coined phrase. It does not appear in the law at any place. When the law was passed it provided for reenlistment allowances and said that one of the reasons for granting the reenlistment allowance was to encourage men to reenlist. There are reasons now for encouraging men who have served their time to reenlist, but there were other reasons for this, and there are still other reasons for this. Do gentlemen know that when a man goes into the Navy for the first time he is provided with clothing, with his uniform, but that after he has served 3 years and then reenlists he has to buy his own clothing, and that practically all the time at the end of his 3-year term the clothing that he has on hand must be replaced? One of the reasons for adding this to his pay was to give him money with which to buy clothing.

In addition to that, if gentlemen would take the time to find out what we are paying enlisted men of the Army, Navy, and Marine Corps today and compare it with what they have to pay for rent and for food and for clothing for their families, then after that investigation I wish someone would get on the floor and tell me how they expect those men to get by on it. Somebody said a moment ago that the Navy was competing with the W. P. A. Do gentlemen know that men on W. P. A. today are getting more per month than we pay to the enlisted men of the Army and Navy and Marine Corps? A lot of you gentlemen get up here and complain and criticize the Works Progress Administration and the relief program by saying it is not enough, when it is more than you give to your soldiers and sailors.

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

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, this is becoming an annual performance. It is about time it ceased, in the interest of fair play and decency to the enlisted men of the Army, Navy, and Marine Corps. A lot of these men have been in service antedating 1933 by many years. They went into the service with an implied contract. Indeed, when a man signs his name on the dotted line on the day of enlistment he signs a contract, and that contract, among other things, guarantees to the man certain pay and allowances, and amongst them is the reenlistment allowance. Thousands of men are in the Army, Navy, and Marine Corps today who went in before 1933 under that contract. Caught in the service in 1933, at the ages of 38 or 40 or 42, with prospect of a modest retirement awaiting them if they complete the requisite number of years, despite the fact that for the last 5 years the Government of the United States has reneged on its contract by refusing to appropriate money for the reenlistment allowances, they have stayed in the service.

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

Mr. WADSWORTH. For a brief question.

Mr. BACON. It seems to me these enlisted men have an excellent case in the Court of Claims to recover from the Government on the contract.

Mr. WADSWORTH. I am not lawyer enough to know about that, but I know in the interest of fair play this practice should be stopped. I know it is not the disposition of the Committee on Naval Affairs to bring in a bill abolishing reenlistment allowances, yet year after year we find tucked away in the back of a deficiency appropriation bill a provision to the effect that no moneys appropriated in any act of Congress in this particular session shall be used to pay these men the money the law says they shall have.

What is the history of this thing? We went on the economy program in April and May of 1933. The so-called Economy Act was passed by Congress with the assurance from the President that economy would become the watchword of the administration. The civil employees of the

Government took a cut of 15 percent in their pay all up and down the line. Members of Congress took a cut in their pay. All the people employed by the Government took a cut. The men in the Army and the Navy took cuts also. The private in the Army was reduced to $17.80 a month. Think of it! And the reenlistment allowance was cut out. All of those cuts have been restored except one, and that is the reenlistment allowance for the enlisted men of the Army and the Navy. Today those men who concededly are the lowest-paid men in the Government service are the only ones who have not had their original and lawful pay restored. I know they do not vote. If they had hundreds of thousands of votes you would not see this done to them every year. My feeling is that this practice should stop because from the standpoint of the enlisted man, it is dirty business and it ought to stop. Do one thing or the other, as the gentleman from California says; give these men what the law says they shall have or repeal the law. You do not dare repeal the law. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in favor of the gentleman's amendment.

Mr. Chairman, I have been very much puzzled year after year that this thing should have been done, just as have other Members. In any difficulty that may beset this Nation the enlisted men of the Army and Navy and Marine Corps are expected to be in the midst of the difficulty, and they are. When they go into the service they go in willing to sacrifice their lives, willing to be disabled for life, possibly. They expect when they go into the service that they are going to receive their pay, their emoluments, just as we in Congress expect to receive our pay. How would we like it if our own salaries were cut without our vote?

I understand that this subject has been before the national bodies of some of the major veteran organizations, and the following have received mandates from their national encampments to seek from Congress fair play for the enlisted men of the uniformed services in the restoration of the reenlistment allowance. The organizations which have received these mandates from their national encampments are the Fleet Reserve Association, the Army and Navy Union, the Veterans of Foreign Wars, and the American Legion.

I read from page 597 of the committee hearings, a part of the statement of a representative of the Navy Department:

> Captain WILKINSON. There has been no discernible trace of failure of men to come into the Navy as a result of the fact that under the present appropriations they do not get these reenlistment allowances. We are holding up well on our original enlistments. The matter of reenlistments is falling off somewhat. It is hard to tell just what factors enter into reenlistments, because right now the country has been in a period of depression, there have been very few jobs, and a man with a good record in the Navy and an assurance of a job in the Navy is likely to reenlist to hold that job, even though he does not get what the basic law has hitherto given him as an increase of pay.
>
> But we feel the law has provided this for many years, in fact since 1855; and that the sailorman is low paid, and is fully entitled to such additional amounts over his pay proper, as have been provided for so many years by law. It has always been in a sense a part of his pay.
>
> The continued deprivation of this allowance is unfair to the men. It has been part of their pay for 80 years.

As you know, the Bureau of the Budget transmitted to the Committee on Appropriations a supplemental estimate for the restoration of the reenlistment allowance beginning in July 1938. The committee failed to provide the necessary funds as requested by the Budget and on its own initiative, contrary to the recommendations of the other departments involved and the Bureau of the Budget, proposed a further limitation that this pay be withheld from our soldiers and sailors during the fiscal year 1939. One vital question the men are asking on board the ships of the Navy and at Army posts is, "When are we going to get back our shipping-over money?"

They have asked this question for the last 5 years. Do not the Members of the House feel that these men in the Army and the Navy and the Marine Corps, the men who feel that they have no right to strike, the men who do not rebel or start a rebellion because they are in the service of their country and they love their country, do you not feel that these men have every right to be indignant with us, because they know that we have not lived up to our contract with them? The law provides for paying the service boys when they reenlist. If we vote against this appropriation it is the same thing as voting against paying a judgment against the Government.

Will not the Members join with us who are speaking today and give the men what they were promised, what they are entitled to? How do we feel when we employ people to do work, perhaps to build a house or something of that sort for us, and a contractor or a workman cheats us? That is exactly what we are doing to the enlisted personnel of our Army, our Navy, and our Marine Corps. We are not living up to our contract with them.

I wish I could remember the verses about Tommy Atkins, written by Rudyard Kipling, that was quoted so often during the war—"Tommy this and Tommy that," everything in the world for Tommy, our soldiers and our sailors, when we want them to fight.

Yet we do not do them justice in peacetime.

Mr. Chairman, I hope this pay allowance will be restored to the men.

Mr. WOODRUM. Mr. Chairman, this is the same matter the Committee acted on a few minutes ago. I want to reiterate what I said at that time, in reply to the gentleman from New York. This is in no sense of the word part of the pay of an enlisted man in the Marine Corps. If this is put in the bill, not a living human being will get a dollar of it at the end of his enlistment. He will leave without the Government promising to pay him anything unless he reenlists.

Mr. Chairman, this is simply a gratuity promised for reenlistment, not for services rendered. If this had been paid in the fiscal year 1937, only 1,100 men out of 17,000 in the Marine Corps would have received it, because only that many reenlisted.

The whole question is whether at a time when we are borrowing money, trying to give jobs to men who do not have jobs, we can afford to offer a gratuity or a bonus to men in order to get them to reenlist in the Marine Corps. The Marine Corps is getting an adequate personnel without the payment of any such gratuity.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. WOODRUM. I cannot yield.

Mr. Chairman, that is the whole proposition. The question is whether at a time when there are thousands of suffering and distressed persons, and we are borrowing way beyond our ability in order to try and feed and clothe them, we are going to offer a gratuity when it is not at all necessary to keep up the service.

Mr. BACON. Will the gentleman yield?

Mr. WOODRUM. I cannot yield.

Mr. Chairman, I hope the Committee will not adopt a policy here which will result in adding $6,065,000 to this bill for the next year. There is no reason for it and it cannot be justified, because all of the services now are able to get satisfactory enlistments without offering them this gratuity.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 25, noes 28.

So the amendment was rejected.

The Clerk read as follows:

> Expenses Marine Band at observance of the seventy-fifth anniversary of the Battle of Gettysburg: For expenses of the United States Marine Band in attending the observance of the seventy-fifth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on July 1, 2, and 3, 1938, as authorized by the act approved May 9, 1938 (Public, No. 501, 75th Cong.), fiscal years 1938 and 1939, $1,500.

Mr. DOWELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Page 59, line 19, insert the following:

"Expenses of Marine Band in attendance at the National Encampment of the Grand Army of the Republic at Des Moines, Iowa, on September 4 to 8, inclusive, $8,500."

Mr. WOODRUM. Mr. Chairman, I make a point of order against the amendment that it is not authorized by law.

Mr. DOWELL. Will the gentleman withhold his point of order?

Mr. WOODRUM. I reserve the point of order.

Mr. DOWELL. Mr. Chairman, this is the item that has been placed in this bill for the past quarter of a century. An authorization was passed by the House some days ago, but, as I understand, it has not as yet passed the other body. We only have a few days remaining in this session and it is very necessary that the item be placed in the bill at this time if the Marine Band is to serve the Grand Army, as it has served for nearly a quarter of a century. These men are now over 90 years of age and this is probably the last opportunity they will have of having the Marine Band come to their national encampment.

I hope under the circumstances the gentleman from Virginia will not press the point of order.

Mr. WOODRUM. Mr. Chairman, in reply to the gentleman, may I say that we have always required an authorization. Congress has not appropriated for these service bands to go anywhere until an authorization has been passed. I think it would be very dangerous and a very embarrassing precedent to establish in this House to provide money in a bill to send these service bands anywhere until there has been an authorization. It would be a precedent that would come back here to plague every Member of Congress, because every time there was a function of any kind they would call on you and say: "There was an instance in which you put money in before an authorization was passed."

The gentleman from Iowa has had the whole of this session of Congress to see this matter presented. I have no doubt but what there will be an authorization.

Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Is there an authorization?

Mr. DOWELL. Mr. Chairman, I concede this is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels described in the preceding paragraph under the head "Construction and machinery," $1,550,000, to remain available until expended, including the same objects and under the same conditions and limitations prescribed under this head in the Naval Appropriation Act for the fiscal year 1939.

Mr. COLE of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this opportunity to call the attention of the House to a situation which I believe to be most distressing and deplorable, and also to make good a prediction which a few of us made 3 or 4 months ago when the naval expansion bill was before the House. We said then that the three battleships authorized in that naval expansion bill were not needed, because there was then existing authority of law for construction of three battleships. Upon the assurance given us by the President of the United States, through the chairman of the Committee on Naval Affairs, it being said that funds for two of these new battleships would be requested as soon as the bill was passed, the bill was passed and the three new battleships were authorized. Where, Mr. Chairman, is the request for the funds for the three new battleships which were so urgently needed 3 or 4 months ago? Not one dollar is appropriated in this bill or has been appropriated for the construction of a single one of them since the bill was adopted by the Congress.

On yesterday I inquired of the chairman of the subcommittee in charge of this bill, the gentleman from Virginia, if the battleships, the appropriations for which are contained in this bill, are replacement ships under the Authorization Act of 1934 or the new ships authorized by the naval expansion bill of 1938. His reply was that they could be construed as either, and, of course, it really does not make much difference, for a battleship is a battleship whether for replacement or not. Upon following through the bill just now, I see the following wording at the bottom of page 59:

And for the commencement of the following vessels authorized by the act approved March 27, 1934, two battleships.

Probably the most cogent reason why the House adopted the naval-expansion bill, including especially the three big battleships, was the Presidential assurance that if there were given to him authority to construct these ships at least two would be commenced at once because of the great international emergency in which we then found ourselves. If they were needed 4 months ago, why is it that a request for funds for their construction is not contained in this bill?

Why do I say this situation is distressing and deplorable? Because it makes a difference whether the two battleships are replacement ships or new battleships? Not at all. That is insignificant when compared with the greater principle that apparently the American Congress cannot depend upon the word or rely upon the assurances or have faith in the promises of the Chief Executive of this country. What can the Government expect of business in view of its apparent reticence and hesitancy to expand since it cannot rely upon the statements made by its Government? We cannot blame business for not going ahead and putting men to work when it does not know what the Government is going to do to it tomorrow. The state of mind of our Government, its promises, policies, and assurances one day are altered or reversed on the succeeding day and are shifted to meet the varying winds of political fortune.

So I say it is most deplorable for the Government of the United States to set before our American citizens this example of inconsistency and of failure to keep its word. We certainly cannot expect our people themselves to be honorable, to be honest, to be truthful, to be consistent, or to possess all those virtues, characteristic of Americans, which bespeak their integrity, their character, and morality, when our public officials do not follow the same precepts, and it is indeed deplorable that apparently such a situation does exist. [Applause.]

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

Mr. COLE of New York. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The gentleman knows I offered the amendment to strike out the item concerning the three battleships. The day of huge battleships is over. Certainly it is becoming increasingly apparent that wars are being fought in the air instead of on the sea. That is not the particular situation about which the gentleman speaks, but we find that increasingly in China the devastation and death, and the victory, for that matter, is being wrought from the sky and not by ships. There have been more than 3,500 killed and more than 5,000 wounded in air raids over Canton, China, in the past 12 days. In Spain we find a like picture.

Mr. COLE of New York. That is very true. Will the gentleman from West Virginia permit me to ask him a question? Is it not true that the President, through the chairman of the Committee on Naval Affairs, assured the Congress that two of these ships would be constructed if the authority were given?

Mr. RANDOLPH. I so understood.

[Here the gavel fell.]

Mr. IZAC. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, may I call to the attention of the gentleman from New York that if he will turn to the top of page

54 he will note under "Bureau of Construction and Repair" the following:

For an additional amount for designing naval vessels, etc., $1,750,000.

It is true you cannot build a battleship in the short space of 4 months, but we can make a start. I believe the President in his wisdom and the Committee on Naval Affairs in their wisdom saw fit to start the functioning of this most important work of the planning and designing section of the Navy, and this is the reason there is contained in this bill an appropriation for the limited amount of $1,750,000 instead of perhaps $50,000,000 or $100,000,000 for the laying down of the keels of these three new battleships.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

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

Mr. COLE of New York. The gentleman does not contend that the funds which are carried in this bill for the construction of two new ships are intended to be for two of the new ships authorized by the Naval Expansion Act of 1938?

Mr. IZAC. Oh, no; that was prior to this present program.

The pro forma amendments were withdrawn.

The Clerk read as follows:

For 1937, the sum of $44,000 is transferred from the appropriation "Foreign mail transportation, 1937."

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

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: On page 53, after line 14 insert a new paragraph:

"Not to exceed $100,000 of the appropriation 'Contract Air Mail Service, 1939', contained in the Post Office Department Appropriation Act, 1939, is hereby made available to provide for and supervise experimental services in connection with the transportation of mail by air, etc., as authorized by section 1 of the act approved April 15, 1938."

Mr. RANDOLPH. Mr. Chairman, I offer this amendment to carry out the provisions of the Experimental Air Mail Act which has passed both Houses of Congress and become a law through the signature of the President of the United States. Adoption of this amendment will add no additional sum of money. It simply allows discretionary power to rest with the Post Office Department to use up to $100,000 of the present air-mail appropriation for the purpose of experimental air-mail service in the United States. Certainly, it is absolutely necessary at the present time that the Post Office Department have the opportunity of going forward with experimental air-mail service to put into effect that which has been approved to the House and Senate Committees on the Post Office and Post Roads and to the Congress of the United States. Until the present time the Post Office Department has been concentrating its work upon trunk lines in this country. Today the Air Mail Service of the United States is entitled to this item being put into the present deficiency bill that a route or routes may be set up to establish this type of service which will prove of great value to the development of air-mail service in this Nation.

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

Mr. RANDOLPH. I yield to the gentleman from Virginia.

Mr. WOODRUM. As I understand the gentleman's amendment from hearing it read, it does not increase the total amount in the bill, but permits the department to use not exceeding $100,000 of its funds for this experimental work which has been authorized by Congress and for which there was a Budget estimate?

Mr. RANDOLPH. That is true.

Mr. WOODRUM. I will say to the gentleman that, of course, I cannot speak for the committee, but speaking for myself I have no objection, and I understand the gentleman from Indiana [Mr. LUDLOW], who is the chairman of the Subcommittee on the Post Office, feels there should be no objection to the gentleman's amendment.

Mr. RANDOLPH. I thank the gentleman.

Mr. SNYDER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman.

Mr. SNYDER of Pennsylvania. Do I understand that at the present time there is no money set aside for this purpose?

Mr. RANDOLPH. No; there is not.

Mr. SNYDER of Pennsylvania. May I say to the gentleman that I agree with the statement of the chairman of our subcommittee?

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

Mr. RANDOLPH. I yield.

Mr. DOXEY. Is it not a fact that the Post Office Department is anxious to have this experimental work done?

Mr. RANDOLPH. Yes; they came before the Appropriations Committee and asked for it. Now is the time to begin this important program of extending to smaller cities the advantages of air-mail service.

Mr. JOHNSON of Oklahoma. Mr. Chairman, if the gentleman will yield for an observation, I think this is a very important amendment and one of vital interest to every section of the United States. It will prove of value by creating great feeders for the trunk air lines and I believe there should be no objection to it on the part of anyone. I want to congratulate the gentleman from West Virginia for his fine work along this line.

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

Mr. RANDOLPH. Yes; I yield to the gentleman from New York.

Mr. TABER. What particular type of experimental operations does the gentleman have in mind?

Mr. RANDOLPH. I may say in answer to the gentleman's question that I am not interested in any special type of experimentation to the exclusion of any other. I do wish to say, however, that there are two types which perhaps stand out more than any others at the present time. First is the automatic device for pick-up and delivery of mail without the plane actually landing at the airport, and I may say to the gentlemen of this committee if we can perfect such an air-mail service we are going to save in the years to come millions and millions of dollars in this country. There are hundreds of small communities today that have no airports and they have no money to put in their construction and they could not keep them up after they were constructed. With the development of this type of air-mail service in the small communities, the planes could deliver and pick up air mail without actually landing at the airport and this would create a vast new field for air mail in this country.

There is also the autogiro. We recall the flights which were made during Air Mail Week, where the plane sort of flutters down on the top of a post-office building, and can land in a small area. In Chicago and Washington such tests were made. I am particularly interested in the automatic pick up and and delivery service because I have seen it in operation in my own State and I believe in it. The members of the Committee on the Post Office before they brought out the experimental air-mail bill saw it in operation successfully at College Park, Md., airport. A new day will dawn for the development of our air-mail system when it is proved that established routes with this device can be operated with practicability. Progress will surely be forthcoming and I feel we want today to lend our aid. [Applause.]

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

Mr. Chairman, if this amendment involved any increase of appropriation, then I should not be in favor of it. As chairman of the regular Subcommittee on Postal Appropriations, it was my thought that this was an item that could well go over until the regular bill, but I have conferred with officials of the Post Office Department within the last hour and they are quite anxious to go ahead with some experiments under this authorization.

The authorization bill passed on the 15th day of April and no funds have yet been made available for this purpose, and

this amendment would simply make a small part of the regular domestic air-mail appropriation for the fiscal year 1939 available for use in making these very promising experiments which give hope of some very valuable developments along the line of pick-up service and autogiro service.

I want to say a word about the gentleman from West Virginia. Aviation never had a better friend than the gentleman from West Virginia. [Applause.] The House and the country, I am sure, appreciate his splendid pioneering work along the line of experimental air-mail service. He is one of the most valuable Members of the House and I hope his district will keep him here a long time. I think under all the circumstances, since his amendment does not involve an increase of the appropriation by one dime, but simply makes a small amount available for these very interesting and promising experiments, the amendment should be adopted and I have no objection to it.

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

Mr. LUDLOW. I yield.

Mr. HAINES. I should like to say to the gentleman that the hearings before the committee of which I am a member revealed that it is the general opinion of men who ought to know something about this work and about these experiments that this will be a revenue-producing operation that will not cost the Government a penny; and, in addition to this, it will afford expeditious delivery of mail to towns of ten, twelve, or fifteen thousand population that now do not have the benefit of Air Mail Service.

Mr. LUDLOW. I am sure the Committee is very pleased to have that information from a distinguished member of the Committee on the Post Office and Post Roads, who has studied the subject, and I hope the Committee of the Whole House on the state of the Union will agree to the amendment of the gentleman from West Virginia.

Mr. TABER. Mr. Chairman, let us look at the situation. There is no question but that we appropriated more money than was needed for the Air Mail Service. There will be some return to the Treasury if we did not do something like this, but in order to absolutely protect the deficit, so that there will not be any money turned back under any circumstances, we have to do a lot of things like this. We had an authorization bill for the item which the gentleman from Utah offered, and we had a Budget estimate, and that bill did not take money out of the Treasury any more than this does. Yet the committee opposed it. I do not see how we can keep faith with the Treasury if we are going to go along with this kind of policy. Let us look at the merits of this thing. The Post Office Department can right now contract with air-mail carriers to have such a device as the gentleman from West Virginia [Mr. RANDOLPH] describes, if it is developed and good enough to use. We do not need to spend the money developing it if it is there. If somebody has a patent right which he desires to sell to the air mail carriers, if it is perfected, the Post Office Department can go ahead and contract for its use. If the autogiro can be of any use in carrying the mail over any particular route, the Post Office Department can now contract for it, and it can set up routes that do not exist where that might be used. I cannot see any sense in our adopting this proposition. It is entirely contrary to the policy of the committee. The committee after careful hearings struck it out when they wrote up the bill and it is in exactly the same position as the item presented to you by the gentleman from Utah [Mr. ROBINSON], and which the committee as a whole opposed, and which was thrown out by this Committee of the Whole. I ask, what do you want to do, what kind of policy you want to pursue?

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

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 62, noes 3.

So the amendment was agreed to.

The Clerk read as follows:

Tenth International Congress of Military Medicine and Pharmacy: For the expenses of organizing and holding the Tenth International Congress of Military Medicine and Pharmacy in the United States in 1939, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; communication services; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); travel expenses; local transportation; hire of motor-propelled passenger-carrying vehicles; transportation of things; rent in the District of Columbia and elsewhere; printing and binding; including the payment of not to exceed $500 to the Association of Military Surgeons of the United States toward the cost of printing the report of the American Delegation to the Tenth Congress; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery; membership badges; expenses which may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, fiscal year 1939, $50,000, to remain available until January 31, 1940.

Mr. WOODRUM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 69, in line 8, following the first comma in the line, insert the following: "including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified during the fiscal year 1938."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

International Committee on Political Refugees: For the expenses of participation by the United States in the International Committee on Political Refugees, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, $50,000, to remain available until June 30, 1939: *Provided*, That no salary shall be paid hereunder at a rate in excess of $10,000 per annum.

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

The Clerk read as follows:

Amendment offered by Mr. STEFAN: Page 69, line 10, strike out all of line 10 down to and including line 2, on page 70.

Mr. STEFAN. Mr. Chairman, in my opinion this is the most dangerous piece of legislation that has been offered to us. I am opposed to it for many reasons. I call attention to Members of this House the title of this legislation, on page 69, line 10, in this bill: "International Committee on Political Refugees." That means you are here organizing a committee which will travel to foreign countries and mix up in foreign entanglements. You are opening another wedge for our country to become involved in foreign entanglements. You are sending representatives of this country to mix up with the affairs of people in foreign countries. I fear this committee is trying to replace the League of Nations, which has failed miserably to bring together the nations of the world. You are breaking down our immigration program, and I fear you will, through this legislation, make the United States the dumping ground for the political refugees of all nations. Of course, I sympathize with the suffering of any people anywhere. We do not have war in the United States, and I pray to God that we will never have war again, but with legislation such as this you will involve us in the boiling pots of Europe.

Think of it—we are told we have from 14,000,000 to 15,000,000 unemployed people in our own country. Let us tend to our own business. We have troubles of our own to straighten out in the United States without the need to mix up in the troubles of the foreign countries. You are going to send this expensive commission to Europe to help political refugees, with all the earmarks that this committee may in some way aid these foreigners to come to our country.

We may have foreign political refugees right here in our own midst who should be sent out of this country. Let us clean our own house before meddling in foreign affairs.

I wish every Member would right now read the hearings on this item. It is so significant that it is important that you read it if you love your country and if you want the United States to keep out of foreign entanglements. You are here setting up a new commisison to go to France to open an office to work for political refugees. For your information and enlightenment I wish you to know that from what information I get from the hearings that this is nothing but an effort to give the former chief of the Steel Trust a diplomatic job at $17,500 a year with office help and clerical assistance which will cost you $72,500 a year. This commission will set up an office in France. Think of it, a special law to give this former Steel Trust head a diplomatic job with the rank of Ambassador, to have headquarters in France, when at the same time we have an Ambassador in France who, with the aid of his efficient aides, can do this same work without this additional cost to our taxpayers. Why not let our normal Diplomatic Service, through the great efficiency of our State Department, do this work, if this work is necessary? Why organize a new political commission to meddle in foreign affairs?

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

Mr. STEFAN. Yes.

Mr. CRAWFORD. Do I understand that this provision of $50,000 in a way circumvents our keeping out of the League of Nations?

Mr. STEFAN. There is no question about that in my opinion.

Mr. CRAWFORD. In other words, this creates a department which will begin to function somewhat along the line of what the League of Nations would, insofar as getting us entangled in the political quarrels of western European countries.

Mr. STEFAN. That is the way I figure it.

Mr. CRAWFORD. Do I understand the gentleman to say that Myron Taylor, ex-chairman of the board, United States Steel Corporation, is to be given a diplomatic job under the provisions of this $50,000?

Mr. STEFAN. On page 698 of the hearings the gentleman will find that Myron C. Taylor, former chairman of the board of the United States Steel Corporation, is to be chairman of this organization, and on page 700 the gentleman will find a break-down of the estimated expenses, amounting to $72,000, not $50,000.

He will be given an ambassadorship and a large travel allowance. If you read this item in the bill you will see how dangerous it really is, because it sets up an international committee on political refugees.

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

Mr. STEFAN. I yield.

Mr. TABER. Is it not apt to result in letting down the bars on immigration?

Mr. STEFAN. I fear that will be the result.

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

Mr. STEFAN. I yield.

Mr. TARVER. If this appropriation is not authorized by law why did not the gentleman make a point of order against it and let it go out?

Mr. STEFAN. I think it was authorized. It is here. If the gentleman wants it out of the bill, let him support my amendment.

Mr. TARVER. I am in accord with the gentleman's position, but I wondered why he did not make a point of order against it.

Mr. STEFAN. Vote for my amendment. Let us eliminate the section.

Mr. Chairman, Members have asked me to give figures on the cost of this new commission. I give them here as they were furnished to the committee and as they appear in the hearings:

Distribution of estimate for International Committee on Political Refugees

Salaries:	
Salary for Mr. Taylor at $17,500 per annum, for 12 months	$17,500
Salaries for 4 clerks at average of $2,100, for 12 months	9,750
Total	27,250
Supplies and materials	1,000
Communication service	5,000
Travel expenses:	
Railroad fare in the United States (estimated)	100
Steamship fare from New York to Hamburg on *Manhattan*, a 9-day boat (since place has not been fixed, the maximum is estimated) for 2 round trips for Mr. Taylor and 1 officer, and 1 round trip each for 2 clerks to be assigned from the Department; total of 6 round trips at $446	2,676
Railroad fare in Europe for 4 people from United States and for officer and clerks to be assigned from abroad (estimated)	500
Per diem for the persons from the United States: 4 for 14 months, or 425 days each, a total of 1,700 days (6 round trips on steamer will take 18 days each, or 108 days in all, for sailing time), per diem for each round trip is estimated at $50; total for 6 round trips	800
For the 2 round trips for Mr. Taylor and 1 officer, 10 days each, are estimated in the United States, and for the 2 clerks, 2 days each, a total of 24 days in the United States, at $5	120
Per diem abroad for 4 persons for 1,568 days in all (1,700 days less 108 days' sailing time and less 24 days in the United States), at $6 per day	9,408
Per diem for the 3 persons assigned from abroad; 3 persons for 13 months, or 395 days, at $6 each	7,110
Miscellaneous items of travel, landing taxes, and local transportation	286
Total travel	20,500
Freight on furniture, drayage, etc	700
Printing necessary materials and reports (estimated)	2,500
Rent of office space (5 rooms, at $6 per day for 365 days)	10,950
Equipment for offices (purchase if necessary):	
7 desks, at $50 each	350
7 chairs, at $20 each	140
3 tables, at $20 each	60
8 side chairs, at $8 each	64
20 desk trays, at $1.25 each	25
3 costumers, at $5 each	15
2 file cases, at $30 each	60
1 bookcase	35
4 typewriters, at $70 each	280
2 rugs, at $150 each	300
7 lamps, at $5 each	35
Miscellaneous	136
Total	1,500
Special and miscellaneous expenses, entertainment, rent of motor vehicles, unforeseen items, rent of office machines, etc	3,100
Grand total	72,500

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

The question was taken; and on a division (demanded by Mr. WOODRUM) there were—ayes 31, noes 40.

So the amendment was rejected.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 70, line 1, after the word "of", strike out "$10,000" and insert "$7,500."

Mr. CASE of South Dakota. Mr. Chairman, I call attention to the fact that this section proposes to pay a salary that amounts to 20 percent, or one-fifth of the entire appropriation. There can be only two justifications for this type of thing: First, that it is needed for the good it is to do. I doubt if any other appropriation has been made for the organization of a branch or division of government where the salary of the head of the division was fixed at one-fifth, or 20 percent, of the entire appropriation. It raises the question as to whether or not the purpose of this item is entirely that of affording relief to political refugees, or whether it is

not for the purpose of providing a $10,000 job for some individual.

I submit to the consideration of the committee every argument that has been advanced by the gentleman from Nebraska in his very pertinent comment upon this section is intensified when you examine the section and realize that $10,000 of the $50,000 is to go for the salary of one man. My amendment would limit the salary and reduce it to $7,500, thus saving $2,500 for the real purposes of the item.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUM. Mr. Chairman, the committee reduced the amount that might be used for salary from $17,500 to $10,000. I think it is not fair to say that the chairman of this commission is going to get $10,000. The proviso reads "at the rate of $10,000 a year." It is not contemplated that the commission is going to be in session for a year, so I think it is not fair to say that it is for the purpose of creating a $10,000 job. I think no one would seriously contend that the distinguished gentleman who is to act as chairman of this commission would be attracted to it because of the salary.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. CASE of South Dakota. Then there should be no objection to reducing the salary.

Mr. WOODRUM. Yes; there is. This is to be an international commission. A very distinguished gentleman is to head the American section. We placed the salary at $10,000. That is the salary of a minister, and the head of this commission should have high rank.

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

The amendment was rejected.

The Clerk read as follows:

Restoration, capital impairment, Commodity Credit Corporation: To enable the Secretary of the Treasury, on behalf of the United States, to restore the amount of the capital impairment of the Commodity Credit Corporation as of March 31, 1938, by a contribution to the Corporation as provided by the act approved March 8, 1938 (Public, No. 442, 75th Cong.), $94,285,404.73.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 72, beginning in line 22, strike out the entire paragraph ending in line 4 on page 73.

Mr. TABER. Mr. Chairman, this amendment proposes to knock out the provision for restoring the impaired capital stock of the Commodity Credit Corporation. The Commodity Credit Corporation has on its hands at the present time about 7,000,000 bales of cotton. About half of this is directly in its hands and the other half is under loans which the Corporation has guaranteed to back.

If this capital stock is restored, it means that 5,000,000 more bales of cotton will be taken over by the Commodity Credit Corporation. This will make 12,000,000 bales of cotton on hand. Just to show what kind of situation it is, the agricultural bill of 1938 provided that not to exceed 300,000 bales a year might be disposed of by the Government. That would mean 40 years to clear the books of this proposition.

During the last 5 years, as a result of the A. A. A. and its performances, the Brazilian cotton producers and other foreign producers have taken away from us the foreign market for approximately 5,000,000 bales of cotton which we used to export each year. They are going along, taking more and more each year. It is said their cost of production is a little lower than ours.

Our trouble is that we are getting into a terrible situation in which the Government is piling up tremendous quantities of cotton. The Government is going to pile up wheat in warehouses which will belong to the Government. This is not going to help the agricultural situation. Those warehoused crops will continue to be a menace to the establishment of a fair market for our farmers.

Why can we not stop before it is too late? Why can we not stop right now by refusing to restore this capital? If the capital is not restored they cannot go ahead with their program, which is absolutely dependent upon a decision of the President that they go ahead with it, so that there is no necessary requirement that we go ahead with this corporation.

Mr. THOMPSON of Illinois. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Illinois.

Mr. THOMPSON of Illinois. Will the gentleman tell the Committee what the authorized capital stock of the Commodity Credit Corporation is?

Mr. TABER. The authorized capital stock is $100,000,000 and they have lost $94,000,000. The actual capital is now down to $6,000,000 actually. Practically all of that is a cotton loss. We have great quantities of cotton out of the 1934 crop on hand and we are getting further and further into difficulties.

Mr. THOMPSON of Illinois. In other words, there is a 94 percent impairment of the capital stock?

Mr. TABER. Yes.

Mr. BACON. Will the gentleman yield?

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

Mr. BACON. That is probably due to gross mismanagement, is it not?

Mr. TABER. It is due to making loans on cotton at a high price. As I understand it, the loan value was 8½ cents on last year's crop and about 11 or 12 cents on the 1934 crop.

Mr. BACON. If this had happened in connection with a private corporation, the management would be in jail today if that corporation came within the jurisdiction of the Securities and Exchange Commission?

Mr. TABER. Surely. They would not be allowed to function.

Mr. CRAWFORD. Will the gentleman yield?

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

Mr. CRAWFORD. The gentleman spoke of a loss of $94,000,000. It seems to me that along early in the present calendar year this capital was replenished. The loss, to which the gentleman refers, has occurred in the last 2 or 3 months?

Mr. TABER. I understand the bill that was passed by the House from the Banking and Currency Committee was an authorization only.

[Here the gavel fell.]

Mr. WOODRUM. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 10 minutes.

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

There was no objection.

Mr. PACE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER].

Mr. Chairman, the gentleman from New York made two statements that are startling, coming from a member of the subcommittee that considered this item. He made the statement that unless this impairment is taken care of, the corporation could not do any further business. I presume his hope is that the facilities of the Commodity Credit Corporation will be denied the farmers of this Nation. However, the gentleman is entirely mistaken.

Whether or not you restore this capital does not matter so far as their continuing in business is concerned. In March we passed an act demanding that the Commodity Credit Corporation appraise its assets as of March 31, 1938, considering values as of that date; and if the values on that date were less than the amount of the loans, the capitalization should be restored. Then we provided that if the price goes up the Commodity Credit Corporation shall turn the excess back into the Treasury.

The truth about the matter is that the gentleman from New York and unfortunately other gentlemen on this floor seem to delight in taking a crack at the cotton producers every time they have an opportunity. He has sought to lead you to believe this $94,000,000 impairment is due entirely to cotton. That is not the fact. There is also corn, wheat, and numerous other commodities that have fallen in value and which have helped create this impairment.

Let me say one word further. The losses on cotton, about which the gentleman is now complaining, have been there for 4 years. The impairment has not been created during the present year. That impairment, unfortunately, was created in 1934 when the Corporation made loans in excess of the market value. They made loans on the basis of 12 cents, and from that time almost continuously cotton has been dropping.

In the appraised value of March 31, 1938, they put cotton in at about 7¾ cents per pound. Whether you restore the capitalization does not matter. The Treasury has to lend the Corporation, according to an act that was signed in March, the sum of $500,000,000. This provision, as the chairman of the subcommittee will tell you, is simply to carry out a previous act of Congress in order to put the books of the Corporation on a business basis.

Mr. CRAWFORD. Will the gentleman yield?

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

Mr. CRAWFORD. Am I correct in assuming that the situation at the present time is such that the Treasury must automatically feed the necessary funds into this Commodity Credit Corporation?

Mr. PACE. It must, and I hand the gentleman a copy of the act passed by this Congress a short time ago and signed by the President on March 8, 1938.

Mr. BOILEAU. Will the gentleman yield?

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

Mr. BOILEAU. Is it not also a fact that in the farm bill we recently passed there is provision that the Commodity Credit Corporation must make loans on various commodities and they have to have sufficient funds to carry this through, regardless of whether we restore the capital of the Corporation or not?

Mr. PACE. The gentleman is correct. This is nothing more nor less than a bookkeeping transaction.

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

Mr. PACE. I yield to the gentleman from Illinois.

Mr. MEEKS. If the impairment about which we are now talking is made good, it will constitute no greater burden or load upon the Treasury?

Mr. PACE. None whatsoever. It represents the losses calculated as of March 31 of this year, over a period of 5 years.

I wish the Members would make a thorough investigation of the functions and operations of the Commodity Credit Corporation, the great benefit it has been in the past to the farmers of this Nation and the real service it can be in the future. It should not be the subject of partisan politics, but should have the friendly and sympathetic support of every Member who wishes to see more prosperous conditions among those who till the soil.

And will you not approach in a more sympathetic attitude the problems and serious conditions which face the cotton farmers of the South?

Mr. DIRKSEN. Mr. Chairman, this would be an excellent opportunity to make a rousing speech on the rise and fall of the prune. I say that very advisedly because the Commodity Credit Corporation has lent money on cotton, on turpentine, on corn, on figs, on dates, on oats, on peanuts, and on prunes. The prune has suddenly come into position of glory in that no money has been lost on prunes, no money has been lost on peanuts, and no money has been lost on dates or figs. About $1,000,000 was lost on turpentine when the bottom dropped out of the market. Only $2,000 has been lost on that major cereal grain, corn. As to the rest of the losses, they have been sustained over a period of years on cotton.

I am opposed to the amendment of the gentleman from New York. I sympathize with what he has in mind, but it would be like locking the door after the horse is stolen. Congress has enacted a law as late as March 1938 providing that we must repair the capital structure, and whether or not we do it the losses have been incurred, so we might just as well follow out the mandate of that March legislation and repair the Commodity Credit Corporation capital of $100,000,000. The Corporation started with $100,000,000. The losses are aggregated at about $94,000,000, so the purpose of the amount recited in this bill is merely to repair its capital structure.

I believe it is only fair to point out at a time like this that if a great major cereal crop like corn, of which the new crop is coming on in the Central West at the present time, caused the Corporation to sustain a loss, according to its own balance sheet, of only a little over $2,000, most of the loss, of course, comes from cotton. Everybody recalls how that happened. The Corporation began stabilizing operations, taking cotton at a time when it was around 12 or 12½ cents and seeking to hold it off the market, because you would not dare feed that much cotton into the market without breaking the price; but the price did go down a little at a time, so the losses recorded by the Commodity Credit Corporation include among other things warehousing charges and insurance.

No good is to be accomplished by supporting the amendment of the gentleman from New York, but I do believe in all fairness to this kind of an operation that we ought to point out from time to time what is happening. When we do repair the capital structure, and we must do it because we are mandated——

Mr. TABER. If the gentleman will yield right there, we are only authorized to appropriate, and that is all. We are not required to appropriate.

Mr. DIRKSEN. I believe we are mandated under the March legislation.

Mr. TABER. Oh, no.

Mr. DIRKSEN. When we do repair the capital structure and we get into difficulties on cotton operations in the future there may be other losses, and this is what ought to be emphasized at a time like this. I have often wondered whether a great many Members of the House actually took the time to examine the implications of the act that was passed in March of this year. Perhaps not; but we are dealing with the effect of that act at the present time, so there is only one thing to do, and that is support the language carried in the bill and vote down the amendment of the gentleman from New York. But you can write it down in the little book that if we are going to have a huge cotton crop the chances are that there are going to be additional losses in the future to add to those that have been sustained up to the present time.

Now I wish to yield to the gentleman from Georgia if he cares to controvert the statement that most of this money was lost in cotton operations.

Mr. PACE. I cannot deny it.

Mr. DIRKSEN. That is the fact.

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

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

Mr. CRAWFORD. I should like to ask the gentleman this question, because I value his opinion on such matters. Does the gentleman believe it is sound for a basic world commodity to be financed in such a manner as to hold it out of the channels of trade and consumption, continually piling up surplus after surplus?

Mr. DIRKSEN. I may say to the gentleman that if the Commodity Credit Corporation had not stepped in at the time it did and then gradually fed this cotton into the market, the price conceivably might have gone to 5 cents a pound. While there is a loss here, I do believe that when

you evaluate all of the cotton crop you will find the Corporation has performed a very useful service. However, we ought to make it plain to the Congress and to the people of the country that an operation of this kind is essentially in the nature of a subsidy, and you have to add it to the whole accumulation of subsidies that the Congress has voted from time to time.

[Here the gavel fell.]

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

The amendment was rejected.

The Clerk read as follows:

Refunds and payments of processing and related taxes: For refunds and payments of processing and related taxes as authorized by titles IV and VII, Revenue Act of 1936, for refunds of taxes erroneously, illegally, or otherwise wrongfully collected, under the Cotton Act of April 21, 1934, as amended (48 Stat. 598), the Tobacco Act of June 28, 1934, as amended (48 Stat. 1275), and the Potato Act of August 24, 1935 (49 Stat. 782); and for redemption of tax stamps purchased under the aforesaid Tobacco and Potato Acts, fiscal year 1939, $50,000,000, together with the unexpended balance of the funds made available to the Treasury Department for these purposes for the fiscal year 1938 by the Second Deficiency Appropriation Act, fiscal year 1937: *Provided*, That hereafter no refund shall be allowed of any amount paid or collected as tax under the aforesaid Cotton Act of April 21, 1934, as amended, and Tobacco Act of June 28, 1934, as amended, unless the person who paid such tax shall establish to the satisfaction of the Commissioner of Internal Revenue (a) that he bore the burden of the amount of tax for which refund is claimed, and did not shift it to any other person, or (b) if he shifted the burden of such tax to any other person, that he has repaid the tax to the person who bore the burden of the tax, or unless he files with the Commissioner written consent of the person who bore the burden of tax to the allowance of the refund.

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

Mr. Chairman, I take this time in order to call to the attention of the House the fact that the language of the provision just read is deceptive in that it seems to provide for the refund of taxes paid under the Cotton, Potato, and Tobacco Acts, taxes which we all know were unlawfully collected, in that they were collected under legislation which was in violation of the Constitution of the United States, as was indicated by the Supreme Court, unanimously, in its divided opinion as to the constitutionality of the Agricultural Adjustment Act. While the Supreme Court divided 6 to 3 in its findings with regard to the constitutionality of that act, there was no member of the Court who indicated any opinion that legislation which proposed compulsory control of crop production could possibly be upheld.

The language contained in the provision of the bill which we are now considering refers to the refunding of taxes erroneously, illegally, or otherwise wrongfully collected under these various acts, but the Bureau of Internal Revenue in construing that language holds that it has reference only to erroneous administration of the act and that it is not authorized to provide for any refund, upon the theory that the collection of the tax itself was illegal or unconstitutional, and that fact is indicated in this bill because only $500 of this $50,000,000 item is provided, as shown by page 785 of the hearings, for the purpose of refunding during the period of the next fiscal year taxes illegally or wrongfully collected on cotton.

I take the position that it is immoral, or at least unmoral, that it is certainly lacking in the principles of fairness, that should distinguish decent government, for the Government of the United States to retain this $6,200,000, approximately, in the Treasury when every lawyer in the country recognizes and the United States Court of Appeals in the District of Columbia has held that the acts under which these taxes were collected were in violation of the Constitution of the United States.

If it were possible to do so I would offer at this time an amendment which would add the $6,200,000 necessary to this item and provide for the refunding of these taxes unlawfully collected and wrongfully withheld from those to whom they belong, but to do so would involve language having legislative effect, which would be subject to a point of order under the rules of the House.

I rise at this time in order to point out that an effort to insert such language will be made in the Senate, where it may be done under the rules prevailing in that body, and to direct the attention of the House to the matter so that if the amendatory language and the additional appropriation are provided in the Senate you may be considering whether or not you ought to agree to that amendment and to such a provision in the interest of plain justice.

We are providing here nearly $50,000,000 for the refund of the processing taxes paid by the cotton mills and other similar great processors of raw materials who have been able to get legislation to refund their taxes, while we are providing only $500 for the refund of gin taxes illegally collected from the cotton farmers of the country and have been unable to get the Committee on Agriculture to report legislation to refund the money unlawfully collected from the cotton farmers.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, on page 77 of this bill we find an appropriation for $50,000,000 as a refund of taxes illegally collected. I am advised, however, that no part of this sum can be applied as a refund of the $4,446,255.41 illegally collected from the tobacco growers under the Kerr-Smith Tobacco Act that was held to be unconstitutional by the Circuit Courts of Appeals for the Fourth and Sixth Circuits. The Supreme Court of the United States on March 28, 1938, denied the Government's petition for certiorari and thereby upheld the decision of the circuit courts of appeals. So that we may be certain about this matter, I should like to inquire of the chairman, Mr. WOODRUM, in charge of this bill, if any of the money carried in this deficiency appropriation bill can be applied as a refund of these taxes illegally collected under the Kerr-Smith Tobacco Act?

Mr. WOODRUM. I do not believe it covers that tax.

Mr. ROBSION of Kentucky. I do not mean any processing tax but the taxes collected from the tobacco growers at the warehouses.

Mr. GREEN. On the floor of the warehouse.

Mr. WARREN. Penalty tax.

Mr. ROBSION of Kentucky. Yes; I refer to the penalty tax collected illegally from the tobacco growers under the Kerr-Smith Tobacco Act.

Mr. PACE. I am very much interested in the same subject as the gentleman from Kentucky; and my investigation discloses that the $50,000,000 carried in this bill does not in any respect cover the $4,446,225.41 collected under the Kerr-Smith Tobacco Act. This $50,000,000, if the gentleman will permit, is to cover the processing tax paid by the millers and the processors.

Mr. ROBSION of Kentucky. That is my understanding.

Mr. PACE. Mr. Chairman, I have an amendment to offer to cover these penalty taxes.

Mr. GREEN. But we have been under the impression, or at least I have, that this bill had a provision in it to refund or make possible the refund of this floor penalty tax.

Mr. ROBSION of Kentucky. But we know, however, it is not contained in the bill according to the statement of Mr. WOODRUM and others.

Mr. GREEN. Then we should support the amendment of the gentleman from Georgia.

Mr. ROBSION of Kentucky. The tobacco growers who paid these taxes cannot receive any benefits under this bill. I, therefore, strongly favor the amendment proposed by the gentleman from Georgia. Some 60,000 tobacco growers paid these illegal taxes. Several thousand of these growers who paid these penalty tobacco taxes reside in Kentucky. Some of them reside in my congressional district.

Mr. PACE. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. ROBSION of Kentucky. Yes.

Mr. PACE. The Senate has passed S. 2601, authorizing these refunds, to which the gentleman referred, but we have never been able to get it out of the Committee on Agriculture of the House.

Mr. ROBSION of Kentucky. From what I can learn, there is very little likelihood of the bill which passed the Senate being reported out for consideration by the House. This committee is evidently against this bill.

Mr. CREAL. I have an amendment to correct this situation, but it puts it up to the chairman of the committee not to make a point of order. It will relieve the tobacco grower. My idea is to earmark a certain amount of that $50,000,000.

Mr. ROBSION of Kentucky. It should be earmarked out of the $50,000,000 included in this bill.

Mr. CREAL. Yes.

Mr. ROBSION of Kentucky. If this can be accomplished, very well. If not then we should support the amendment of the gentleman from Georgia [Mr. PACE]. If points of order are made against these amendments I am afraid they will be sustained and then there will be no relief in sight unless and until the Committee on Agriculture of the House reports out S. 2601.

Mr. GREEN. In that connection I have a companion bill in the House to the Senate bill 2601, and I am therefore supporting the contention of the gentleman from Kentucky.

Mr. ROBSION of Kentucky. It is manifestly wrong for the Government to go out and collect these illegal taxes under an unconstitutional act from the tobacco growers and then refuse to refund them.

Mr. PACE. I think the time for filing the claims would likewise have to be extended.

Mr. ROBSION of Kentucky. That is my understanding.

Mr. TARVER. In the character of claims covered in this bill the claimants have until not later than February 10, 1940, in which to file claims, 4 years from date of payment, but which date cannot be more than 4 years from the time Congress repealed these three acts relating to tobacco, cotton, and potatoes, but there is no law under which provision is made for filing claims other than that, and Congress will have to pass some legislation of that kind before the matter can be dealt with.

Mr. ROBSION of Kentucky. As I understand it, if the amendment of the gentleman from Kentucky [Mr. CREAL] should prevail, it could not be paid out of the $50,000,000 without legislation.

Mr. TARVER. We would have to have legislation to do that and we cannot write legislation into this bill by an amendment in the House, as it is an appropriation bill.

Mr. ROBSION of Kentucky. Of course, if the administration desired to refund this money illegally taken from our citizens, the tobacco growers, it could be accomplished. I have the understanding that the administration is against refunding this money and because of this attitude no action was taken by the Committee on Agriculture of the House to bring S. 2601 out and give the House a chance to vote on it.

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

The Clerk read as follows:

Amendment offered by Mr. CREAL: Page 78, line 3, after the word "refund", strike out the period and insert a semicolon and add the following words: "from the $50,000,000 herein appropriated the sum of $4,400,000 shall be set aside and made available to pay to the tobacco growers who paid the taxes under the Tobacco Act of June 28, 1934."

Mr. WOODRUM. Mr. Chairman, I make the point of order to the amendment that it is not authorized by law.

The CHAIRMAN. The point of order is sustained.

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

The Clerk read as follows:

Page 78, after line 3, add a new paragraph, as follows:

"For refunds and payments of amounts paid to or collected by the collector of internal revenue as tax under the Bankhead Cotton Act of 1934, (48 Stat. 598), as amended; the Kerr Tobacco Act (48 Stat. 1275), as amended; and under the Potato Act of 1935 (49 Stat. 750), $6,052,253.94."

Mr. WOODRUM. Mr. Chairman, I make a point of order against the amendment on the ground that it is not authorized by existing law.

Mr. PACE. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PACE. Mr. Chairman, the language of the present bill covers the refund and payment of processing and related taxes and for the refund of taxes erroneously, illegally, or otherwise wrongfully collected. It is admitted, Mr. Chairman, that the taxes covered by my amendment, under the Kerr Tobacco Act, under the Bankhead Cotton Act, and under the Potato Act, were wrongfully collected. It is not insisted that these taxes were erroneously collected. They were collected under a law; and while it is true, Mr. Chairman, that the law was not declared unconstitutional itself—the Bankhead law—yet the Triple A Act was declared unconstitutional and this House in hurried action repealed the Bankhead law before it could be declared unconstitutional by the courts.

If the Chair please, the $50,000,000 covered in the committee bill is for the benefit of the processors, the millers, the big operators, if I may use that term. The $6,000,000 covered in the amendment I offer is for the benefit of the men who bore the burden of the tax themselves, that is the individual farmers. I insist that under this state of facts, Mr. Chairman, the amendment is germane, covering a tax that was wrongfully collected. Certainly these farmers have as much and more moral and legal right to a refund of the tax they paid as have these millers and processors and big operators.

The CHAIRMAN. Can the gentleman from Georgia cite any specific authorization for this appropriation?

Mr. PACE. I cite the Chair the same authorities as contained in this bill. There is specific authority under titles IV and VII of the Revenue Act of 1936 for the collection of the taxes illegally collected under the Triple A Act. My amendment is supported, if the Chair please, by the same authority as supports this language:

Otherwise for refunds of taxes erroneously, illegally, or otherwise wrongfully collected.

The CHAIRMAN. Has such a bill passed the House?

Mr. PACE. Such a bill has been introduced in both the Senate and the House and passed the Senate.

The CHAIRMAN. But it has not passed the House. The Chair will have to sustain the point of order.

Mr. WOODRUM. Mr. Chairman, may I be heard on the point of order briefly, in view of what the gentleman from Georgia has said?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WOODRUM. I am sympathetic with the proposed amendment. I think these taxes should be returned and I entertain the hope that appropriate legislation will speedily be passed; but at the moment this refund is not authorized.

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

Mr. WOODRUM. I yield.

Mr. TARVER. I apprehend from the gentleman's statement that if the Senate should add this language to the deficiency bill, as they can under their rules, the House conferees will agree to it.

Mr. WOODRUM. The matter would be given very careful consideration, I may say to the gentleman from Georgia.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

COAST GUARD

Office of the Commandant: Not exceeding $5,000 of the amount appropriated for "Pay and allowances, Coast Guard," in the Treasury Department Appropriation Act, 1938, may be transferred to the appropriation for "Salaries, office of Coast Guard, 1938."

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 78, after line 9, insert: "Pay and allowances (reenlistment allowances): For an additional amount for pay and allowances, Coast Guard, etc., including payment of reenlistment allowances as prescribed by the act approved June 10, 1922, and including the same objects specified under this head in the Treasury Department Appropriations Act, 1939, $259,000."

Mr. SCOTT. Mr. Chairman, this is a third amendment in a series of four. Another one will be offered when we come to the War Department. This would do the same thing for the Coast Guard that I attempted to do for the Navy and for the Marine Corps.

In view of the action taken on the other two amendments, I ask for a vote.

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

The amendment was rejected.

The Clerk read as follows:

PROCUREMENT DIVISION, PUBLIC BUILDINGS BRANCH

War Department Building: For the acquisition of land as a site for buildings for the War Department, and for the construction of the first building unit, under the provisions of the Public Buildings Act approved May 25, 1926 (44 Stat. 630), as amended, including the extension of steam and water mains, removal or diversion of such sewers and utilities as may be necessary, and for administrative expenses in connection therewith, $3,000,000, within a total limit of cost of $10,815,000.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 79, beginning in line 23, strike out the paragraph ending on line 7, page 80.

Mr. TABER. Mr. Chairman, this proposition is to strike out $3,000,000 with which to start the construction of a new War Department building which will cost a total of $10,815,000. It seems to me in such times as these we can get along without this expenditure.

The Congress has refused to do this for the last 2 years and, in my opinion, if the War Department would reorganize the set-up in the Munitions Building, get the things out of there that have no relation to the War Department and its activities, they could yet take care of the pressure and get along for a long while without the construction of a new building.

I hope the committee will adopt this amendment, thereby saving this money for the Treasury in the situation we are now in.

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

The amendment was rejected.

The Clerk read as follows:

Social Security Board and Railroad Retirement Board Buildings: For the acquisition of the necessary land and the construction of buildings for the Social Security Board and the Railroad Retirement Board, under the provisions of the Public Buildings Act, approved May 25, 1926 (44 Stat. 630), as amended, including connecting tunnels, the extension of steam and water mains, removal or diversion of such sewers and utilities as may be necessary, and for administrative expenses in connection therewith, $3,000,000, within a total limit of cost of $14,250,000.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 80, beginning in line 8, strike out the paragraph ending in line 17.

Mr. TABER. Mr. Chairman, this amendment will save $3,000,000 in the coming fiscal year out of a total of $14,250,000. This situation is even worse than the War Department situation because it provides quarters for the Social Security Board.

At the present time this board is operating in such a way it is preventing the employment of our people. It unquestionably will have to be revised. It will unquestionably have to be cut down in very large measure. Why we should at this time speculate and attempt to go ahead with the construction of a great big building for that board is beyond me. In my opinion it is ridiculous.

Mr. Chairman, there is also an agitation for the organization of a Department of Welfare. This appeared in the alleged reorganization bill we considered some time back. It did not add to the attractiveness of that bill, but nevertheless the agitation is there and the administration wants it. The Social Security outfit should be in that department. If we go ahead and build the building we have got to go ahead and reorganize the department, and if a Department of Welfare is created we will have to build another building to house it together with a lot of other activities. It seems to me this is the most ridiculous thing that has ever been submitted to the Congress.

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

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 21, noes 53.

So the amendment was rejected.

The Clerk read as follows:

Military activities.

Mr. SCOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 81, line 16, insert: "Finance Department—pay of Army, reenlistment allowances: For an additional amount for pay of the Army, including payment of reenlistment allowances as prescribed by the act approved June 10, 1922, and including the same objects specified under this head in the Military Appropriation Act for the fiscal year 1939, $3,075,000."

Mr. SCOTT. Mr. Chairman, this is the fourth and last of a series of amendments to which I have heretofore referred. Because of what I said on the other amendment, do not get the idea I have given up on this thing or that I think it is not worth spending the effort and the time on it. I think that sooner or later the membership of the House is going to agree that the people it once told could have these reenlistment allowances are entitled to them, or if it does not agree to that, legislation will be brought in here to repeal the existing authorization rather than telling these fellows each year that what we are doing is a temporary abandonment of the principle of reenlistment allowance.

A moment ago a Member of the House came to me and said, "Why are you trying to get reenlistment allowances for the enlisted men of the Army, Navy, and Coast Guard? They cannot vote anyhow."

First, I want it to be known that there are a lot of enlisted men of the Navy who vote in my district and in other districts. The mere fact they may not be able to vote or that they cannot vote en masse is no reason why this House should single them out as the sole group of Government employees that are still affected by the Economy Act passed some years ago. You have repealed everything but this particular provision. The only provision of the Economy Act that is continued is that provision which affects those men you think cannot vote. That is a poor excuse.

I think some of you are going to find out sooner or later when the enlisted men know you think they do not or cannot vote they will be sure to register, then they will be able to vote in your district as well as in my district. I think they are entitled to the money that you promised them back in 1922 and did not take away from them until 1933, as well as the money you have been holding out on them, promising that in the future you may give it back.

Will those who are in favor of continuing this ban not bring in a piece of legislation to repeal that part of the pay act? Do not do it this way every year.

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

Mr. Chairman, the law regarding reenlistment allowances goes back 83 years as far as the Navy is concerned, and over half a century as far as the Army is concerned. If we agree to this amendment and give the reenlistment allowance to all the enlisted men in all the armed services, it will cost the Government, in round figures, about $6,000,000.

A good many of the Members believe this means the Government will be out $6,000,000 and will get nothing in return. I want to disprove that theory. In the first place, when a young man enlists in the Army he is given a course of training, and also in the Navy. The cost of training a new recruit in the Navy for a period of 3 months is $100 for his clothing allowance and $150 for his education and training, or a total of $250. The reenlistment allowance covers certain grades of the Navy and the maximum payment is $100 per person in the lower grades and $200 in the upper grades, and this is as much as the men can get. In the Army the maximum is $75 for the lower grades and $150 for the upper grades.

You can readily see that when a man has served an enlistment of 4 years in the Navy or the Army he is a much more valuable man as far as national defense is concerned. If we train a man over two or three periods of enlistment he should be much more valuable to us than a raw recruit coming into the service. Therefore, I believe it stands to reason that the net cost to the Government is less in the case of men who have stayed in for one or more enlistments than it is when we take the young boys and train them to be soldiers and sailors. On that basis, if not on the basis of justice to these men to whom we have already promised this allowance, I believe we should vote up this amendment.

Further, I believe that when we come to section 206 it will be obvious that it must go out on a point of order, and then we will be in this position: Every Department of the Federal Government under which these men serve has authorized the payment to them of the reenlistment allowance. This is something you must not overlook. Every Department has authorized this payment. We have authorized it under bills already passed. The only thing remaining to be done is to appropriate the money. I do not believe it is the province of a subcommittee of the Committee on Appropriations to deny what we of the other committees of Congress have already accepted as the right of these men. We have given it to them by regular appropriations.

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

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

Mr. BACON. I quite agree with what the gentleman is saying, and I am convinced that the enlisted men of the Army, Navy, Marine Corps, and Coast Guard have grounds for a suit against the Government in the Court of Claims. I believe the four Departments so concede, and I hope the enlisted men bring that suit.

Mr. IZAC. I believe this will obviate such suits, and I believe, in justice to the men, we should vote up this amendment.

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

Mr. IZAC. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. This amendment has the very strong endorsement of the Fleet Reserve Association, the Army and Navy Union, the Veterans of Foreign Wars, and the American Legion. Some people say there are no votes in a proposition of this kind. There certainly are votes in it, and, more than that, there is a feeling in these organizations that the men are discriminated against.

Mr. IZAC. I thank the gentlewoman from Massachusetts. I am sure all the men who have ever served in the Army, the Navy, the Marine Corps, the Coast Guard, or the Coast and Geodetic Survey feel it is no more than right that these men should be paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 56, noes 48.

Mr. WOODRUM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SCOTT and Mr. WOODRUM.

The Committee again divided; and the tellers reported that there were—ayes 62, noes 54.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 206. No part of any appropriation contained in this or any other act for the fiscal year ending June 30, 1939, shall be available for the payment of enlistment allowance to enlisted men for reenlistment within a period of 3 months from date of discharge as to reenlistments made during the fiscal year ending June 30, 1939, notwithstanding the applicable provisions of sections 9 and 10 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922 (37 U. S. C. 13, 16).

Mr. BACON. Mr. Chairman, I make the point of order against the paragraph that it is legislation on an appropriation bill.

Mr. WOODRUM. Mr. Chairman, the point of order is good.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Since the ban has been stricken out on a point of order, and since an amendment has been adopted to pay the reenlistment allowance to the enlisted men of the Army, would an amendment now be in order to create a new section providing for the payment of the reenlistment allowances to the enlisted men of the Navy, Marine Corps, and Coast Guard?

The CHAIRMAN. The Chair will pass upon whatever amendment may be offered.

The Clerk read as follows:

SEC. 207. No part of any appropriation contained in this act or authorized hereby to be expended shall be obligated during the fiscal year ending June 30, 1939, to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the enactment of this act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

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

The Clerk read as follows:

Amendment offered by Mr. BARTON: Page 98, after line 24, insert a new paragraph, as follows:

"SEC. 207A. *Be it further provided*, That it shall be unlawful for any part of any money herein appropriated or for benefits provided for in this act or in any other act heretofore or hereafter enacted by this Congress to be used by any person to influence or attempt to influence through promise, fear, intimidation, or coercion, the vote of any person employed by them, or of any person who is dependent on public funds, in connection with an election at which Presidential and Vice-Presidential electors, or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in any other election, Federal, State, or local.

"It shall be unlawful for any person whose compensation, or any part thereof, is paid from funds appropriated by this act or from any other act heretofore or hereafter enacted by this Congress to use or threaten to use, directly or indirectly, his official authority or influence to interfere with, restrain, or coerce any individual in the free exercise of his right to vote as he may choose at any primary or other election.

"Any such person who violates any provision of this section shall upon conviction be punished by a fine of not more than $5,000 or by imprisonment for not more than 3 years or both, and any such person so convicted shall be barred from holding public office under any authority of the United States."

Mr. WOODRUM. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill. I recall the very eloquent speech the gentleman made on this subject a short time ago. I imagine the gentleman's sentiments are the same now.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk concluded the reading of the bill.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recomendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCREYNOLDS, Chairman of the Committee of the Whole House on the state of the Union, reported

that that Committee, having had under consideration the bill H. R. 10851, the second deficiency appropriation bill, 1938, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOODRUM. Mr. Speaker, I demand a separate vote on the amendment reinstating reenlistment pay in the Army, the Scott amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 81, after line 16, insert a new paragraph:

"Finance Department, pay of Army (reenlistment allowances): For an additional amount for pay of the Army, and so forth, including payment of reenlistment allowances as prescribed by the act approved June 10, 1922, and including the same objects specified under this head in the Military Appropriation Act for the fiscal year 1939, $3,075,000."

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

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 65, noes 96.

Mr. SCOTT. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and seven Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 205, nays 121, not voting 101, as follows:

[Roll No. 99]

YEAS—205

Aleshire	Culkin	Imhoff	Mosier, Ohio
Allen, Ill.	DeMuth	Izac	Nichols
Allen, La.	Dirksen	Jenkins, Ohio	O'Brien, Ill.
Allen, Pa.	Dixon	Jenks, N. H.	O'Brien, Mich.
Amlie	Dondero	Johnson, Minn.	O'Connell, Mont.
Anderson, Mo.	Dorsey	Keller	O'Connor, N. Y.
Andresen, Minn.	Dowell	Kelly, Ill.	Oliver
Andrews	Dunn	Kelly, N. Y.	O'Malley
Arends	Eberharter	Kinzer	O'Neill, N. J.
Arnold	Eckert	Kirwan	O'Toole
Bacon	Edmiston	Knutson	Owen
Barton	Elliott	Kopplemann	Pace
Bates	Englebright	Kramer	Parsons
Beam	Fitzgerald	Kvale	Patrick
Bell	Fitzpatrick	Lambertson	Patterson
Bernard	Flaherty	Lanzetta	Patton
Bigelow	Flannery	Lea	Peterson, Fla.
Binderup	Forand	Lesinski	Pettengill
Bloom	Ford, Calif.	Lord	Phillips
Boileau	Fries, Ill.	Lucas	Plumley
Boren	Gamble, N. Y.	Luce	Powers
Boyer	Gavagan	Luckey, Nebr.	Randolph
Boykin	Gehrmann	Luecke, Mich.	Reece, Tenn.
Bradley	Gifford	McAndrews	Reed, Ill.
Brown	Gilchrist	McCormack	Rees, Kans.
Buck	Gildea	McFarlane	Reilly
Buckler, Minn.	Gingery	McGehee	Rigney
Cannon, Wis.	Green	McGranery	Robsion, Ky.
Carlson	Gwynne	McKeough	Rockefeller
Cartwright	Halleck	McLaughlin	Rogers, Mass.
Case, S. Dak.	Hamilton	McLean	Rogers, Okla.
Casey, Mass.	Hancock, N. Y.	McSweeney	Rutherford
Church	Hart	Maas	Ryan
Citron	Havenner	Magnuson	Sadowski
Clason	Healey	Mapes	Sauthoff
Claypool	Hendricks	Martin, Colo.	Scott
Coffee, Wash.	Hennings	Martin, Mass.	Secrest
Cole, N. Y.	Hill	Mason	Seger
Connery	Hoffman	Massingale	Shafer, Mich.
Costello	Holmes	Maverick	Shanley
Crawford	Hope	May	Sheppard
Creal	Houston	Mead	Short
Crosser	Hull	Meeks	Simpson
Crowther	Hunter	Mills	Smith, Conn.
Smith, Maine	Taber	Treadway	Wigglesworth
Snell	Taylor, Tenn.	Voorhis	Withrow
Sparkman	Teigan	Wadsworth	Wolfenden
Starnes	Thomas, N. J.	Walter	Wolverton
Stefan	Tinkham	Welch	Woodruff
Sutphin	Tobey	Wene	
Sweeney	Towey	Whelchel	
Swope	Transue	White, Ohio	

NAYS—121

Allen, Del.	Duncan	Kocialkowski	Robertson
Barden	Engel	Lambeth	Robinson, Utah
Barry	Evans	Larrabee	Romjue
Beiter	Ferguson	Leavy	Sabath
Bland	Fernandez	Lewis, Colo.	Sanders
Boland, Pa.	Flannagan	Ludlow	Satterfield
Brooks	Fletcher	McReynolds	Schulte
Burch	Ford, Miss.	Mahon, S. C.	Scrugham
Caldwell	Fuller	Mahon, Tex.	Shannon
Cannon, Mo.	Gambrill, Md.	Maloney	Smith, Va.
Celler	Garrett	Merritt	Smith, W. Va.
Chapman	Goldsborough	Michener	Snyder, Pa.
Cole, Md.	Gray, Ind.	Moser, Pa.	Somers, N. Y.
Collins	Greenwood	Murdock, Ariz.	South
Colmer	Greever	Nelson	Spence
Cooley	Gregory	O'Leary	Tarver
Cooper	Griffith	O'Neal, Ky.	Taylor, S. C.
Cox	Haines	Palmisano	Terry
Cravens	Harlan	Pearson	Thompson, Ill.
Crowe	Hobbs	Peterson, Ga.	Turner
Cullen	Honeyman	Pfeifer	Umstead
Cummings	Jacobsen	Pierce	Vincent, Ky.
Daly	Jarman	Poage	Wallgren
Delaney	Johnson, Luther A.	Polk	West
Dempsey	Johnson, Okla.	Quinn	Whittington
Dies	Johnson, W. Va.	Rabaut	Wilcox
Disney	Kee	Ramspeck	Woodrum
Doxey	Keogh	Rankin	Zimmerman
Drew, Pa.	Kerr	Rayburn	
Drewry, Va.	Kitchens	Rich	
Driver	Kleberg	Richards	

NOT VOTING—101

Ashbrook	Doughton	Kennedy, N. Y.	Schneider, Wis.
Atkinson	Douglas	Kniffin	Scheutz
Biermann	Eaton	Lamneck	Sirovich
Boehne	Eicher	Lanham	Smith, Okla.
Boylan, N. Y.	Faddis	Lemke	Smith, Wash.
Brewster	Farley	Lewis, Md.	Stack
Buckley, N. Y.	Fish	Long	Steagall
Bulwinkle	Fleger	McClellan	Sullivan
Burdick	Frey, Pa.	McGrath	Sumners, Tex.
Byrne	Fulmer	McGroarty	Taylor, Colo.
Carter	Gasque	McMillan	Thom
Champion	Gearhart	Mansfield	Thomas, Tex.
Chandler	Gray, Pa.	Mitchell, Ill.	Thomason, Tex.
Clark, Idaho	Griswold	Mitchell, Tenn.	Thurston
Clark, N. C.	Guyer	Mott	Tolan
Cluett	Hancock, N. C.	Mouton	Vinson, Ga.
Cochran	Harrington	Murdock, Utah	Warren
Coffee, Nebr.	Harter	Norton	Wearin
Crosby	Hartley	O'Connell, R. I.	Weaver
Curley	Hildebrandt	O'Connor, Mont.	White, Idaho
Deen	Hook	O'Day	Williams
DeRouen	Jarrett	Patman	Wolcott
Dickstein	Jenckes, Ind.	Ramsay	Wood
Dingell	Johnson, Lyndon	Reed, N. Y.	
Ditter	Jones	Sacks	
Dockweiler	Kennedy, Md.	Schaefer, Ill.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Eaton (for) with Mr. Sullivan (against).
Mr. Ditter (for) with Mr. Kennedy of Maryland (against).
Mr. Thurston (for) with Mr. Farley (against).
Mr. Reed of New York (for) with Mr. Taylor of Colorado (against).
Mr. Douglas (for) with Mr. Boylan of New York (against).
Mr. Warren (for) with Mr. O'Connor of Montana (against).

General pairs:

Mr. Lanham with Mr. Wolcott.
Mr. Doughton with Mr. Fish.
Mr. Mansfield with Mr. Carter.
Mr. Weaver with Mr. Hartley.
Mr. Vinson of Georgia with Mr. Jarrett.
Mr. McClellan with Mr. Cluett.
Mr. Cochran with Mr. Brewster.
Mr. Kennedy of New York with Mr. Mott.
Mr. Fulmer with Mr. Gearhart.
Mr. Patman with Mr. Guyer.
Mr. Boehne with Mr. Lemke.
Mr. Griswold with Mr. Burdick.
Mr. Bulwinkle with Mr. Schneider of Wisconsin.
Mr. Clark of North Carolina with Mr. Smith of Washington.
Mr. Deen with Mr. Frey of Pennsylvania.
Mr. McMillan with Mrs. Norton.
Mr. Schaefer of Illinois with Mr. Harter.
Mr. Atkinson with Mr. Faddis.
Mr. Tolan with Mr. Williams.
Mrs. Jenckes of Indiana with Mr. Crosby.
Mr. Chandler with Mr. Gray of Pensylvania.

Mr. O'Connell of Rhode Island with Mr. Ashbrook.
Mrs. O'Day with Mr. Gasque.
Mr. Biermann with Mr. Buckley of New York.
Mr. Harrington with Mr. Schuetz.
Mr. Dingell with Mr. Mitchell of Tennessee.
Mr. Steagall with Mr. Sirovich.
Mr. Dickstein with Mr. Mitchell of Illinois.
Mr. Thomas of Texas with Mr. Ramsay.
Mr. Hancock of North Carolina with Mr. Coffee of Nebraska.
Mr. Wood with Mr. Fleger.
Mr. Byrne with Mr. Long.
Mr. Dockweiler with Mr. Thom.
Mr. Mouton with Mr. Clark of Idaho.
Mr. McGrath with Mr. DeRouen.
Mr. Sumners of Texas with Mr. Hildebrandt.
Mr. Smith of Oklahoma with Mr. Stack.
Mr. Jones with Mr. Lamneck.
Mr. Curley with Mr. Eicher.
Mr. McGroarty with Mr. Murdock of Utah.
Mr. Thomason of Texas with Mr. Hook.
Mr. Lewis of Maryland with Mr. Lyndon B. Johnson.
Mr. Sachs with Mr. Wearin.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER FROM A POINT NEAR FRIAR POINT, MISS., TO A POINT NEAR HELENA, ARK.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10261) authorizing the town of Friar Point, Miss., and Coahoma County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the town of Friar Point, Coahoma County, Miss., to a point at or near Helena, Phillips County, Ark., with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

Mr. WHITTINGTON. Mr. Speaker, I have spoken to the minority leader and the other interested members on the committee, and the Senate amendment is agreeable.

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

There was no objection.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Arkansas-Mississippi Bridge Commission (hereinafter created, and hereinafter referred to as the 'Commission') and its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or near the cities of Friar Point, Miss., and Helena, Ark., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the Commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of Arkansas and the State of Mississippi, including real estate and other property acquired for or devoted to a public use or other purposes by the State of Arkansas or the State of Mississippi, or any governmental or political subdivisions thereof, as may be needed for the location, construction, operation, and maintenance of any such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in said State, respectively.

"SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge in accordance with the provisions of this act, subject to the approval of the Secretary of War, as provided by the act of Congress approved March 23, 1906.

"SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge as may be constructed, as provided herein, and approaches (including the approach highways which, in the judgment of the Commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connection with existing improved highways) and the necessary land, easements, and appurtenances thereto, by an issue or issues of negotiable bonds of the Commission, bearing interest at the rate or rates of not more than 6 percent per annum, the principal and interest of which bonds, and any premium to be paid for retirement thereof before maturity, shall be payable solely from the sinking fund provided in accordance with this act, and such payments may be further secured by a mortgage of the bridge. In like manner, bonds may be issued to pay the cost of improvements and permanent repairs to any bridge so constructed hereunder. All such bonds may be registerable as to principal alone, or both principal and interest, shall be in such form not inconsistent with this act, shall mature at such time or times not exceeding 25 years from their respective dates, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding 105 and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission, when it deems it to be to the best interest of the Commission, may issue refunding bonds to repurchase and redeem any outstanding bonds before the maturity thereof: *Provided*, That the refunding bonds shall mature at such time or times, not exceeding 50 years from the date of approval of this act, as the Commission may determine. The Commission may enter into any agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect to the purchase, construction, maintenance, operation, repair, and insurance of the bridge, the conservation and application of all funds, the security for payment of the bonds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law.

"The bridge constructed under the authority of this act shall be deemed to be a Federal instrumentality for interstate commerce, the Postal Service, and military and other purposes authorized by the Government of the United States, and said bridge and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6-percent interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge constructed, and approaches and the land, easements, and appurtenances, used in connection therewith when added to any other funds made available to the Commission for the use of said purpose. The cost of the bridge to be constructed as provided herein, together with approaches and approach highways, shall be deemed to include interest during construction of said bridge, and for 12 months thereafter, and all engineering, legal, architectural, traffic surveying, and other expense incident to the construction of the bridge and the acquisition of the necessary property, incident to the financing thereof, including cost of acquiring lands. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definite bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates, with or without coupons, of any denomination whatsoever, exchangeable for definite bonds when such bonds that have been executed are available for delivery.

"SEC. 5. In fixing the rates of toll to be charged for the use of such bridge, in accordance with the act of Congress approved March 23, 1906, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due, and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than 6 months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge and approaches; the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within reasonable classes, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties incident to their office or employment, nor shall toll be charged

members of fire department or peace officers when engaged in the performance of their official duties.

"Within a reasonable time after the construction of the bridge the Commission shall file with the Bureau of Public Roads of the United States Department of Agriculture a sworn itemized statement, showing the cost of constructing the bridge and its approaches, the cost of acquiring any interest in real or other property necessary therefor, and the amount of bonds, debentures, or other evidence of indebtedness issued in connection with the construction of said bridge.

"SEC. 6. After payment of the bonds and interest, or after a sinking fund sufficient for such payments shall have been provided and shall be held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge extending between the State of Arkansas and the State of Mississippi, that part of said bridge within Arkansas to the State of Arkansas, or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the 'Arkansas interest') and that part of said bridge within Mississippi to the State of Mississippi or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the 'Mississippi interest'), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, and repaired, by the Arkansas interest and the Mississippi interest as may be agreed upon; but if the Arkansas interest or the Mississippi interest, or any other interest hereinabove mentioned, shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the maintenance, repair, and operation of the bridge and approaches under economical management, until such time as the Arkansas interest and the Mississippi interest, or any other interest hereinabove mentioned, shall be authorized to accept and shall accept such conveyance under such conditions.

"(a) Notwithstanding any restriction or limitation imposed by the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, or by the Federal Highway Act, or by an act amendatory of or supplemental to either thereof, the Secretary of Agriculture or any other Federal department or agency of the United States Government may extend Federal aid under such acts for the construction of said bridge out of any moneys allocated to the State of Arkansas with the consent of the State Highway Commission of said State, and out of moneys allocated to the State of Mississippi with the consent of the highway department of said State.

"SEC. 7. For the purpose of carrying into effect the objects stated in this act, there is hereby created the Arkansas-Mississippi Bridge Commission, and by that name, style, and title said body shall have perpetual succession, may contract and be contracted with, sue and be sued, implead, and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or property and apply the same to the purposes of this act; and shall have and possess all powers necessary, convenient, or proper, for carrying into effect the objects stated in this act.

"The Commission shall consist of J. F. Epes, F. F. Kitchens, and J. B. Lambert, of the State of Arkansas, and Marshall U. Bouldin, John M. Talbot, and Ed. C. Brewer, of the State of Mississippi; such Commission shall be a public body corporate and politic. Each member of the Commission shall qualify within 30 days after the approval of this act by filing in the office of the Secretary of Agriculture an oath that he will faithfully perform the duties imposed upon him by this act, and each person appointed to fill a vacancy shall file in like manner within 30 days after his appointment. Any vacancy occurring in said Commission by reason of failure to qualify as above provided, or by reason of death or resignation, shall be filled by the Secretary of Agriculture. Before the issuance of bonds, as hereinabove provided, each member of the Commission shall give such bond as may be fixed by the Chief of Bureau of Public Roads of the Department of Agriculture, conditioned upon the faithful performance of all duties required by this act. The cost of such surety prior to and during the construction of the bridge shall be paid or reimbursed from the bond proceeds and thereafter such cost shall be deemed an operating expense. The Commission shall elect a Chairman and a Vice Chairman from its members, and shall establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

"SEC. 8. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this act. The members of the Commission shall be entitled to a per diem compensation for their services of $10 for each day actually spent in the business of the Commission, but the maximum compensation of the Chairman in any year shall not exceed $1,200, and of each other member shall not exceed $600. The members of the Commission shall also be entitled to receive traveling-expense allowance of 10 cents a mile for each mile actually traveled on the business of the Commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this act. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the Arkansas interest and the Mississippi interest, as herein provided, or otherwise disposed of, as provided herein, the Commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Helena, Ark., notice of time and place of which hearing and the purpose thereof shall have been published once, at least 30 days before the date thereof, in a newspaper published in the cities of Helena, Ark., and Clarksdale, Miss. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided and distribution made between the interests of the States as may be determined by the Chief of the Bureau of Public Roads of the United States.

"SEC. 9. Notwithstanding any of the provisions of this act, the Commission shall have full power and authority to negotiate and enter into a contract or contracts with the State Highway Commission of Arkansas and the State Highway Commission of Mississippi, the cities of Helena, Ark., and Clarksdale, Miss., or any county or municipality in the State of Arkansas and State of Mississippi, whereby the Commission may receive financial aid in the construction or maintenance of the bridge and approaches thereto, and said Commission, in its discretion, may avail itself of all of the facilities of the State Highway Commissions of the State of Arkansas and the State of Mississippi with regard to the construction of said bridge, and the Commission may make and enter into any contract or contracts which it deems expedient and proper with the State Highway Commissions of Arkansas and Mississippi, whereby said highway departments, or either of them, may construct, operate, and maintain or participate with the Commission in the construction, operation, and maintenance of said bridge constructed hereunder and the approaches thereto. It is hereby declared to be the purpose of Congress to facilitate the construction of a bridge and proper approaches across the Mississippi River at or near Helena, Ark., and Friars Point, Miss., and to authorize the Commission to promote said object and purpose, with full power to contract with either the State Highway Commission of Arkansas or the State Highway Commission of Mississippi, or with any agency or department of the Federal Government, or both, in relation to the construction, operation, and maintenance of said bridge and approaches.

"SEC. 10. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create or obligate or incur any liability other than such obligations and liabilities as are dischargeable solely from funds contemplated to be provided by this act. No obligation created or liability incurred pursuant to this act shall be a personal obligation or liability of any member or members of the Commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this act be an indebtedness of the United States.

"SEC. 11. The design and construction of any bridge which may be built pursuant to this act shall be in accordance with the standard specifications for highway bridges adopted by the American Association of State Highway Officials.

"SEC. 12. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "An act creating the Arkansas-Mississippi Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to contruct, maintain, and operate a bridge across the Mississippi River at or near Friars Point, Miss., and Helena, Ark.; and for other purposes."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EDUCATIONAL ORDERS FOR MUNITIONS OF WAR

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6246) to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character, with a Senate amendment, disagree to the Senate amendment and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MAY, Mr. THOMASON of Texas, Mr. HARTER, Mr. CLASON, and Mr. ARENDS.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed without

amendment a concurrent resolution of the House of the following title: "House Concurrent Resolution 53 providing for the appointment of a committee of Senators and Representatives to participate in the one hundredth anniversary of the birth of the late John Hay, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2711) entitled "An act to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 865. An act for the relief of Alceo Govoni;

S. 2413. An act for the relief of the Boston City Hospital and others;

S. 2474. An act to provide a uniform method for examinations for promotion of warrant officers;

S. 2770. An act for the relief of Elizabeth F. Quinn and Sarah Ferguson;

S. 3373. An act to provide for holding terms of the district court of the United States at Hutchinson, Kans.; and

S. 3379. An act for the relief of Arthur T. Miller.

MEMORIAL TO THE LATE NEWTON D. BAKER

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 656, to provide for the erection of a memorial to the memory of Newton D. Baker.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. MASON. Mr. Speaker, I object.

NATIONAL FIREARMS ACT

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9610, to amend the National Firearms Act, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

"That the first sentence of section 2 (a) of the National Firearms Act is amended by striking out the period at the end thereof and inserting a colon and the following: '*Provided*, That manufacturers and dealers in guns with two attached barrels from which only a single discharge can be made from either barrel without manual reloading shall pay the following taxes: Manufacturers, $25 per year; dealers, $1 per year.'

"SEC. 2. The first sentence of section 3 (a) of such act is amended by striking out the period at the end thereof and inserting a colon and the following: '*Provided*, That the transfer tax on any gun with two attached barrels, 12 inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, shall be at the rate of $1.'"

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

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to, and a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

PRODUCTION OF WINES, BRANDY, ETC.

Mr. BUCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10459, to amend certain provisions of law relative to the production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions; to facilitate the collection of internal-revenue taxes thereupon; and to provide abatement of certain taxes upon wines, brandy, and fruit spirits where lost or evaporated while in the custody and under the control of the Government without any fault of the owner, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the bill H. R. 10459 with a Senate amendment thereto and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 8, after line 3, insert:

"SEC. 8. (a) The last paragraph of section 610 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. III, title 26, sec. 1310 (d)), is amended by inserting after the words 'apricot wines' a comma and the following: 'prune wines, plum wines, pear wines'; and by striking out 'or (6)' and inserting in lieu thereof the following: '(6) prunes, (7) plums, (8) pears, (9).'

"(b) Section 612 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. III, title 26, sec. 1301 (a), (b), (c), and (d)), is amended by inserting after the words 'apricot wines', wherever they appear, a comma and the following: 'prune wines, plum wines, pear wines'; and by inserting after the words 'apricot brandy', wherever they appear, a comma and the following: 'prune brandy, plum brandy, pear brandy.'

"(c) Section 613 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. III, title 26, sec. 1300 (a), (2)), is amended by inserting after the words 'apricot wine', wherever they appear, a comma and the following: 'prune wine, plum wine, pear wine'; and by inserting after the words 'apricot brandy', wherever they appear, a comma and the following: 'prune brandy, plum brandy, pear brandy.'

"(d) The last paragraph of section 42 of the act entitled 'An act to reduce the revenue and equalize duties on imports, and for other purposes', approved October 1, 1890, as amended (U. S. C., 1934 ed., Supp. III, title 26, sec. 1301 (e)), is amended by inserting after the words 'apricot brandy', where they first appear in such paragraph, a comma and the following: 'prune brandy, plum brandy, pear brandy'; by inserting after the words 'apricot wines' a comma and the following: 'prune wines, plum wines, pear wines'; and by striking out 'and (5)' and inserting in lieu thereof the following: '(5) no brandy other than prune brandy may be used in the fortification of prune wine and prune brandy may not be used for the fortification of any wine other than prune wine, (6) no brandy other than pear brandy may be used in the fortification of pear wine and pear brandy may not be used for the fortification of any wine other than prune wine, (6) no brandy other than plum brandy may be used in the fortification of plum wine and plum brandy may not be used for the fortification of any wine other than plum wine and (8).'

"(e) The first proviso of section 3255 of the Revised Statutes, as amended (U. S. C., 1934 ed., Supp. III, title 26, sec. 1176), is amended by inserting after the words 'apricot wine', wherever they appear, a comma and the following: 'prune wine, plum wine, pear wine'; and by inserting after the words 'apricot brandy' a comma and the following: 'prune brandy, plum brandy, pear brandy.'

"(f) Section 618 (b) of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., Supp. III, sec. 1304), is amended by inserting after the words 'apricot wines' a comma and the following: 'prune wines, plum wines, pear wines.'"

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to; and a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

YACHTS, TUGS, AND TOWBOATS

Mr. BLAND. Mr. Speaker, I present a conference report and statement upon the bill (H. R. 7158) to except yachts, tugs, and towboats and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, for printing under the rule.

AGRICULTURAL APPROPRIATION BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report upon the agricultural appropriation bill, 1939.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter addressed to me by Admiral E. S. Land, Chairman of the United States Maritime Commission.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by myself before the Republican Women's State Committee meeting held in Burlington, Vt., on May 11, 1938.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an article by H. I. Phillips on Home Finances and the Government Plan.

The SPEAKER. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert an address delivered by W. E. Dodd.

The SPEAKER. Is there objection?

There was no objection.

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered by my colleague Hon. A. WILLIS ROBERTSON to the graduating class of Westhampton and the University of Richmond on Tuesday evening last.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two letters, and also, to include an address delivered by the Hon. Aubrey Williams.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a short article on the W. P. A.

The SPEAKER. Is there objection?

There was no objection.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a newspaper story from the June 3 issue of the Wall Street Journal concerning Government finances.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER. The Clerk will report the following order.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 6, 1938.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 146) to require contractors on public-building projects to name their subcontractors, materialmen, and supply men, and for other purposes.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a compilation of veterans' legislation enacted during the Seventy-fifth Congress.

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

There was no objection.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech I made over the radio on Philippine freedom.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter received by our colleague the gentleman from Georgia [Mr. RAMSPECK] from the Civil Service Commission in connection with a bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short article on Government finances.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, Mr. J. Warren Madden, Chairman of the National Labor Relations Board, has much to say about the dilatory tactics used by employers seeking to protect what they claim their constitutional rights.

He told the Senate committee which conducted hearings on Senator WAGNER's bill, S. 3390, that "justice delayed is justice denied"—a true statement.

It is regrettable he does not practice what he preaches. Has any employer ever been as guilty of dilatory tactics as has the N. L. R. B.?

Has it not frequently, not only against employers but against employees, deprived them of the right of election guaranteed by the National Labor Relations Act? Has it not time and again by delay deprived employees of the right of collective bargaining through representatives of their own choosing by refusing to call an election?

Has it not time and again arbitrarily injured employers as well as employees by refusing to act when delay favored the C. I. O.?

Let me quote from a letter of June 3, 1938, written by Edward W. Hamilton, an attorney representing employees, to the N. L. R. B., which shows in detail the conduct of this Board where the rights of employees are at stake. I quote:

BUFFALO, N. Y., *June 3, 1938.*

Mr. NATHAN WITT,
Secretary, National Labor Relations Board, Washington, D. C.

Re: Calco Chemical Co., Inc.
Case No. C–468.

DEAR MR. WITT: The order of the Board in this case dated April 28, although directed only against the Calco Chemical Co., Inc., affects the Calcocraft directly and vitally. The right of the Calcocraft to be recognized as the collective bargaining agency for its members at least until it has been legally proved that it is not entitled to act as the sole and exclusive bargaining agency of all Calco employees, is a right guaranteed it by the National Labor Relations Act. There cannot be the slightest doubt that the Calcocraft is aggrieved by this order within the meaning of the National Labor Relations Act.

It is now over 6 weeks since the Supreme Court rendered its decision in *Morgan* v. *United States*, April 25, 1938—to the effect that such an order as yours of April 28 violates the due process provision of our Federal Constitution.

It will soon be 11 months since the Calcocraft presented certificates of membership signed by a great majority of the employees of the Calco Chemical Co., Inc., and petitioned your Board for a certificate of representation, July 13, 1937.

It is over 7 months since the Calcocraft filed a charge duly verified by it—October 23, 1937—against the Calco Chemical Co., Inc., for the commission of an unfair labor practice, which has been held up pending your determination of this case.

On October 8, 1937, Mrs. B. M. Stern, assistant secretary to the Board, advised me that the formal request of the Calcocraft dated October 4, 1937, to argue its case orally, would "be held in reserve"—pending your receipt of the intermediate report of the trial examiner—and assuring me "we shall communicate further with you regarding it." Although nearly 8 months have elapsed, I have received no communication from the Board on this subject.

The Calcocraft filed exceptions to the intermediate report of the trial examiner and record February 17, 1938; and I have your statement to the effect that the Board "does not consider that there remains any need for ruling on these exceptions" because of the "agreement of settlement" signed by the company with the A. F. of L. and the attorney for the Board.

I am satisfied from my examination of the law that the Calcocraft has 3 months from the service of the order of the Board on me—April 30, 1938—within which to appeal, and I have definitely decided to appeal from the order before my time expires, unless an election is ordered and held by the Board before that time and results favorably to the Calcocraft. I will not permit these delays, and what I regard as denials of justice, to prevent the Calcocraft from exercising the right it became entitled to when it filed its petition for a certificate of representation—at least without placing its case before the Circuit Court of Appeals.

However, for reasons I have given the Board in my letter of May 2 to Mrs. Stern and May 12 to you, and on the excellent opinion of Mr. Justice Roberts in "Ex parte N. L. R. B.," decided May 31, 1938, and *Morgan* v. *United States*, decided April 25, 1938, I submit that the order of April 28, should have been withdrawn long since, and the Calcocraft relieved of the effect of that order on it through the action of the company. I also submit that an election should be ordered without further delay in which the employees of the Calco Chemical Co. may express

their choice between the Calcocraft and Chemical Workers Local, No. 20923, as to the bargaining agency they desire.

If the Board is of the opinion that the Calcocraft should file another petition to permit its name to be placed on the ballot at an election, showing a new factual situation resulting from the election of new officers by the union last fall and their administration of it since, in order to warrant the Board to order and allow the election desired by it, I should be glad to submit such a petition to the Board for it. I shall also be glad to cooperate with the Board in any way I best can to settle this whole matter amicably and without further delay.

Very truly yours,

EDWARD W. HAMILTON.

Mr. Speaker, frequently on the floor of the House charges of bias and partisanship have been made against the National Labor Relations Board. That Board and its examiners, those conducting hearings throughout the country, have repeatedly been charged with unfairness, with so conducting themselves, their investigations, the hearings and subsequent proceedings, as to demonstrate that the effect of their activities was to assist the organizing campaigns of the C. I. O.

True, they have, on occasion, rendered decisions favorable to the A. F. of L., but, on the whole, they have indicated in no unmistakable fashion by their actions that they believe that employees should be forced to forsake membership in independent unions and in the A. F. of L. and to join the C. I. O. In fact, officers of the A. F. of L. have frequently and in language which could not be misunderstood charged the N. L. R. B. with unduly favoring the C. I. O.

Those attending hearings have been amazed and shocked at the utter disregard on many occasions of the ordinary principles of fair play.

One of the favorite methods used by the N. L. R. B. is, in those cases where it is apparent that opponents of the C. I. O. are in the majority among the employees, to delay either the holding of an election or the certifying of the collective-bargaining agent selected by the employees.

An illustration of this procedure I gave you in the case of Calco Chemical Co., Inc., Case No. C–468.

A case where another procedure of delay has resulted in a denial of justice to the employees is that entitled "In the Matter of Pacific Gas & Electric Co. and United Electrical and Radio Workers of America," known as Labor Board Case R–274.

C. I. O. asked to be certified as sole bargaining agent for the employees of that company. After a hearing, an election was ordered to determine whether the C. I. O. organization or the independent union, the California Gas and Electric Employees' Union, should be designated as the collective bargaining agent for the employees.

The intermediate report of the regional director of the twentieth region, Alice M. Rosseter, shows that, prior to the counting of the ballots, representatives of both unions signed a statement which acknowledged that the election, which was held during the period of December 6 to December 15, 1937, inclusive, was fair.

When the ballots were counted, it was found that the total number who voted was 5,930; for the C. I. O. affiliate, United Electrical and Radio Workers of America, 2,254; for the independent union, California Gas and Electric Employees' Union, 3,550. Those not desiring to be represented by either union numbered 126. There were 982 votes challenged, mainly by representatives of the C. I. O. union; and 10 ballots were declared void.

The regional director, under date of December 21, 1937, certified that the—

Secret ballot was fairly and impartially conducted and that the ballots cast were duly and fairly counted under her supervision.

Here is a case where it appears from the report of the N. L. R. B.'s own regional director that, after an election which was acknowledged by the C. I. O. affiliate to have been fairly held, the independent union was, under the Wagner Act, selected by a majority of the employees to represent them in collective bargaining.

Notwithstanding these facts, the Board has not yet declared the independent union to be the collective-bargaining agent. Why the delay? Says a representative of the Board because the C. I. O. has now challenged the validity of the election, although it previously admitted that it had been fairly conducted.

One of the grounds on which the election is now challenged is that the company had interfered with the election by dominating the independent union, this although the Board had in May 1937 dismissed a charge made by the C. I. O. that the company had sponsored and was dominating the California Gas & Electric Employees' Union.

When, subsequent to the election, the C. I. O. made its charge that the company had interfered with the election which it before had declared to have been fairly held, additional extensions of time were granted to the C. I. O. and the regional director recommended to the Board that a formal complaint be issued against the company. This was done.

Hearings on this complaint have been ordered, but, although 6 months have elapsed since December 15, 1937, when the election was held, those hearings have not yet been held.

Do you recall what J. Warren Madden, Chairman of the N. L. R. B., said—"Justice delayed is justice denied"?

Here is a delay on the part of the Board and its regional director which results in a denial of the right of collective bargaining—a right given by the Wagner Act—and, in the meantime—and here is the point—the C. I. O. is enabled to point with pride to the fact that it has prevented a majority of the employees in this industry from exercising their right of collective bargaining.

Nor should we lose sight of the fact that this delay on the part of the Board and its regional director enables the C. I. O. to continue its coercion, intimidation, and strong-arm methods of organizing.

This is just another illustration of one of the ways by which the Board can and does favor the C. I. O.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BOEHNE, indefinitely, on account of important business.

To Mr. SCRUGHAM, for 1 week, on account of official business.

The SPEAKER. Under the previous order of the House the gentleman from California [Mr. VOORHIS] is recognized for 8 minutes.

THE FUTURE OF THE NEW DEAL

Mr. VOORHIS. Mr. Speaker, no nation has ever remained great unless its people had a deep, passionate faith in their nation's way of life. In all history we find such a faith existing only where nations have asked and the people have freely made some sacrifices of individual privilege for the sake of the common good. This has been quite as necessary in peacetime as in time of war.

Most Americans sincerely believe they are a deeply patriotic people. I wonder whether we are. For the test of our love of country comes not when that country is giving us a chance to become wealthy quickly and easily, but when it is asking us to do all things necessary, even at some cost to ourselves, to preserve the resources, the institutions, and the fundamental rather than the superficial human rights of our fellow citizens.

When people talk about preserving our democratic form of government I wonder how often they really mean what they say. Do they mean preserving the real fundamentals of democracy, which are free speech, freedom from arbitrary arrest, civil liberties, trial by jury, control of the purse strings by an elected legislature, and complete liberty of conscience and religion? Or do they mean preserving the license of monopolies to continually restrict the production of needed goods, of the stock exchanges to continue to fleece innocent investors, and of private finance to lead the very

sovereign government of the nation about by the nose? And when people talk about restoring opportunity to the people of America do they mean restoring the basic right to work and earn a living to 13,000,000 unemployed? Or do they mean removing the major portion of its taxes from a giant corporation even when it exercises the privilege of laying off 30,000 men at a moment when its treasury bulges with a surplus of over $300,000,000?

I have supported national-defense measures since I came to Congress. But I know that the defense of democracy in our country today does not rest on guns and battleships; it rests on the awakening of a militant faith on the part of the people of this Nation that democracy can and will solve the economic problem of unemployment and poverty in the midst of plenty with which it is now face to face. That faith can only be built on the evident demonstration that we are on our way toward that solution. Here primary responsibility rests on government. For the past 5 years faith in democracy on the part of the people of America has been bound up with the progress of the program known as the New Deal. The future of that New Deal will determine the fate of American democracy. The time has come for us to cease talking about emergencies and to cease expecting that a business boom is going to save us. We have new problems to meet and they can only be met by new measures. We have fundamental problems to solve, and they will not be solved merely by temporarily relieving 40 percent of the most extreme distress. I am convinced that even those who might not agree with all our measures would welcome a frank pronouncement on the part of the Government today that we are through with emergency measures and from now on will proceed with such legislation as attacks the causes of those conditions which today we choose to call emergencies, and which for generations have been called depressions. The democratic people of America have to feel that they are marching forward on a road that leads somewhere.

This session of Congress is virtually at an end. Another session will begin in January 1939. Before that time a campaign must be fought. For my part I shall make my campaign on a platform of five planks. And if I am returned to my seat in Congress by the people of my district I shall work primarily during my next term for the enactment of these five measures. I believe they constitute a forward-looking, hopeful program for our Nation and one whose enactment would not only bring relief but would actually correct in basic fashion some of the fundamental diseases from which our body politic now suffers.

THE FIVE ESSENTIAL MEASURES FOR THE NEXT CONGRESS

Those five measures are the following:

MONEY

First. Establishment of an effective Government control over and use of the money and credit system in order to restore to Congress its constitutional right to coin money and to make the credit of the Nation an instrument in the hands of government to be directly employed in breaking the existing credit monopoly, stabilizing the price level, and bringing the total consuming power of the people into line with their power to produce.

PENSIONS

Second. The establishment of a system of Federal old-age pensions paid as a matter of right and not of charity, and a broadening and improvement of the Social Security Act for all groups who cannot or should not be employed.

ABUNDANCE

Third. Legislation to bring about, through the cooperation of Government, business, and labor, a coordinated expansion of industrial production and an effective control over both monopoly price increases and monopolistic curtailment of production of needed goods and services.

FAIR FARM PRICES

Fourth. A simple agricultural bill to put a floor under the price of staple farm commodities, end gambling and speculation, and effectively assure the farmer cost of production for his crops.

PUBLIC WORKS

Fifth. A long-range flexible program of public works, set up by congressional enactment, made self-liquidating to the largest possible extent, capable of expansion and contraction in accordance with the needs of our people for employment and of our business for assistance in stabilizing its market, and aimed primarily to meet such outstanding national needs as slum elimination and low-cost housing and the need for conservation and development of natural resources.

To pursue resolutely that sort of program seems to me, from this moment forward, to be our evident duty. [Applause.]

The SPEAKER pro tempore (Mr. SCHULTE). Under the previous order of the House, the gentleman from Ohio [Mr. FLETCHER] is recognized for 10 minutes.

GOOD NEWS FOR REPUBLICANS

Mr. FLETCHER. Mr. Speaker, when we look for the bad in people, we are punished by finding it.

When we do the unusual and look for the good and the worth-while qualities in people, we are sure to be rewarded by finding what we are looking for.

So many outstanding Republican leaders have come out openly and frankly with admissions that they find much good in our foreign-trade-agreement program that I feel it is only fair to these forward-looking Republican statesmen that the stand they have taken should be properly appreciated by both Republicans and Democrats alike.

So with your permission, I should like to address the Members of this Congress today on the subject Good News for Republicans, which I trust will be equally good news for Democrats and good news for the rank and file of all political parties throughout the Nation.

THE FIRST PUBLIC MAN I EVER SAW OR HEARD

Recently I have been talking with one of the most cultured and scholarly gentlemen it has been my privilege to know since coming to Washington—your friend and mine, the distinguished William Tyler Page.

As you know, Mr. Page was here when William McKinley and William Jennings Bryan were Members of Congress. They were his friends; and in this House Mr. Page heard McKinley and Bryan deliver tariff speeches that made them famous.

My boyhood was spent on a farm not far from McKinley's home. He was the first noted man in public life I ever saw and the first political speaker I ever heard. The personality and the eloquence of the man held me spellbound. From that day until now McKinley has remained an inspiration to me. Among the heroes of my boyhood McKinley stands near the top of the list.

M'KINLEY'S FINANCIAL TRAGEDY

McKinley was a fine man of the highest character, but he was a poor businessman and lost all of his money. The McKinley tariff was supposed to bring prosperity. The tin-plate industry was protected by a tariff sky high.

McKinley advised one of his closest friends, Mr. Walker, to go into the high-tariff protected tin-plate manufacturing business. Mr. Walker took McKinley's advice.

Under the McKinley high tariff, Mr. Walker went broke, and Mr. McKinley, who had loaned him money, went broke with him.

PANICS IN THOSE DAYS WERE FINANCIAL EARTHQUAKES

Down in the country where we toiled, drudged, skimped, and saved on our mortgaged farms, we heard much about the McKinley tariff bringing prosperity and protection to everybody.

So naturally, we were greatly surprised to learn that under the McKinley protective tariff, Mr. McKinley, the author of the bill, and his high-tariff tin-plate friends had lost all their property.

When McKinley failed financially and lost everything he had, his friends came to his rescue, collected money and paid his debts. My father rode horseback over the county helping to collect dollar contributions for the McKinley fund.

Friends of William McKinley did me the honor on one occasion to invite me to deliver the annual McKinley memorial address, and for this privilege I shall ever be deeply grateful.

As history shows, some of our worst panics and financial depressions that have rocked the Nation have occurred under high-tariff protection that enriched the rich and impoverished the poor.

I am not a free trader, far from it. But when a tariff is manipulated by a few to rob the many, it becomes a menace.

WHAT I LEARNED AS A LABORER IN THE STEEL MILLS

At the time McKinley was murdered in Buffalo, I was a student working as a day laborer in the steel mills trying to get enough money ahead to continue in school.

The owners of the steel mills were protected by the high tariff against competition with foreign-made goods produced by what they called the pauper labor of Europe.

But those of us who were the laborers, working 12 long hours a day amid the dirt and grime of the steel mills, had no such protection. The mill owners brought carloads of the so-called pauper laborers of Europe over here and put them into the mills to compete with us and take our places.

The mills were packed with foreigners willing to work like slaves for almost nothing. These foreign laborers were brought over duty free to take our jobs.

But the politicians tried to fool us into thinking that the tariff protected our jobs which they took away from us and gave to imported foreigners, most of whom could not read or write.

PUBLISHED DAILY NEWSPAPER IN M'KINLEY'S CONGRESSIONAL DISTRICT

After leaving the steel mills I got a job as a newspaper reporter and later published a daily newspaper in McKinley's congressional district.

So having been brought up in an environment where the McKinley high tariff was a frequent topic of conversation and debate, I naturally became interested in the subject. At this session I have listened attentively to a number of my able colleagues discuss our foreign trade or tariff agreements.

MY NEWSPAPER CONDUCTED TARIFF SCHOOL

When I removed to Marion, Ohio, my present home, to engage in the newspaper publishing business there, I originated what we called a tariff school, or tariff forum. I brought to Marion as a special writer the well-known tariff authority, Lee Francis Lybarger, who wrote for us a series of tariff articles and conducted the tariff school or forum under the auspices of my newspaper.

The late President Warren G. Harding, who was my friendly neighbor and newspaper competitor in Marion, had not then been elected to the Presidency. Mr. Harding attended several sessions of our tariff school, which was held once each week.

At the conclusion of the series Mr. Harding wrote to me expressing his appreciation and telling me of the benefits which he felt all had gained from Mr. Lybarger's discussions of what he called the get and give of the tariff.

SPEECHES IN CONGRESS SEEM OUT OF HARMONY WITH THE NEWER VIEWPOINT

These facts I mention as a prelude to what I wish to say to those members of the party of McKinley and Harding, now in Congress, who have made speeches at this session on the tariff or foreign trade agreement program. If I have correctly understood them, their opinions seem out of harmony with the later views of McKinley and Harding and the more modern views of the Republican Party's progressive leaders of today.

As a matter of fact, most of the speeches and the extension of remarks appearing in the RECORD at this session, and sponsored by our friends across the aisle, appear to be out of harmony with what nearly three-fourths of the millions of the rank and file of Republicans throughout the Nation think and want, according to the American Institute of Public Opinion, or the so-called Gallup poll.

I refer you to the Gallup poll printed in the Washington Post, Wednesday, March 16, 1938.

"THEY NEVER SEEM TO LEARN," SAYS FRANKLYN WALTMAN

Of these unconvinced reactionaries, Mr. Franklyn Waltman, now the Republican publicity director, November 23, 1937, said:

They never seem to learn.

It will be good news to all thinking Republicans everywhere and to all progressive Democrats as well, to know that an able writer of Mr. Waltman's wide reputation has been chosen to aid in reeducating what would seem to be the misdirected thinking of these backward-looking gentlemen, who have expressed themselves in opposition to what the poll shows the rank and file of Republicans want.

AWAKENING THE RIP VAN WINKLES A NATIONAL PROBLEM

The Rip Van Winkles of all political parties are sound sleepers. To awaken them to the realities of changing conditions in a rapidly changing world is a consummation devoutly to be wished. In fact their awakening is a political and economic necessity.

If Mr. Waltman, Mr. Hamilton, Mr. Hoover, and Dr. Glenn Frank can achieve the awakening of the slumbering few in the G. O. P., and if men of similar ability can awake the Rip Van Winkles in the Democratic Party also, the accomplishment of these desirable objectives should bring rejoicing throughout the land.

Such an accomplishment would indicate a growing trend toward the liberalism essential to the solving of some of the challenging problems confronting the Nation today.

I suggest the rereading of President McKinley's last public utterance in which he said:

Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.

His statement is doubly true today although some Republicans as well as Democrats have repudiated McKinley's position.

If he were living now, is there any doubt about his joining with Hughes, the younger Mr. Taft, of my home State, Ohio, in their advocacy of the principle underlying our foreign-trade program?

WHAT FRANKLYN WALTMAN SAYS

In the Washington Post November 23, 1937, Mr. Franklyn Waltman, the newly chosen publicity director for the Republican Party, wrote:

Few people, perhaps, will find any news in the statement that the Republicans never seem to learn. Yet their adherence to shibboleths and false issues is truly amazing. Because many years ago the Republicans managed to remain in power for a long period by thumping the full dinner pail, they apparently feel that they can make a winning issue of the present Democratic tariff policies.

After the country's reaction in last year's Presidential campaign to Governor Landon's babassu nuts and Cheddar cheese speech, one would imagine that Capital Republicans would shoot on sight anyone who suggested raising the question of the New Deal's reciprocal-tariff program. Instead, however, they rush in where the economists fear to tread, and they rush into a buzz saw in the person of Secretary of State Cordell Hull.

Thus wrote Mr. Franklyn Waltman who has been engaged to lend first aid in reeducating whatever reactionaries are open to persuasion.

WHAT THE MASSES THINK ON THIS SUBJECT

The Gallup poll research experts asked two questions. First, Do you approve of Secretary Hull's policy in seeking a reciprocal-trade agreement with Great Britain? Second, If Great Britain reduces tariffs on American goods should we reduce tariffs on British goods?

In publishing the results, the report stated:

The surveys also reveal the highly significant fact that a majority of the voters in the Republican Party, the party which has consistently favored high tariffs, today approve reciprocal tariff reductions with England, even though this policy is one fostered by a Democratic Secretary of State.

The revelations of a basic change in Republican sentiment may lead the party into a complete about-face in its historic attitude toward the tariff. * * *

The dramatic manner in which the reciprocal-trade issue cuts across party lines is indicated by the fact large majorities of Republican voters join the Democrats in voting "yes" to both questions.

GIVE CREDIT WHERE CREDIT IS DUE

Some of the opponents of the present reciprocity program have recently claimed that real reciprocity is a Republican doctrine.

Those who have sponsored the present Democratic program freely admit that it does have Republican antecedents; that both in its economic and legal aspects there has been a long line of Republican advocacy and legislation well justifying the present program.

For example, March 8–14, 1934, Secretary Hull said before the Committee on Ways and Means:

In the effort of our Government to offer leadership with a program calculated resolutely and as soon as possible to bring about these vast humanitarian accomplishments, there need be no occasion for partisan differences.

AGAIN I QUOTE PRESIDENT M'KINLEY

President McKinley had the welfare of every American citizen uppermost and exclusively in his mind when, in his last utterances, he said:

The period of exclusiveness is past. Commercial wars are unprofitable; reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

This broad utterance of a noble statesman was never more thoroughly vindicated than during the past 2 years and today.

PAY LIP SERVICE TO THE PRINCIPLE

In this speech I am having some of the greatest outstanding leaders in the Republican Party answer a number of points of criticism frequently made by the vociferous minority of their own party. At the outset it should be recognized that the opposition which attacks the general phases of the program are actually motivated by some specific action already taken or some future action which they fear may be taken under the program.

They do not dare come out in the open and say that absolutely no rates of duty should be lowered; that no reciprocal trade agreements should be made.

They pay lip service to the principle of reciprocity while lending their leadership or support to attacks on the procedure or policies of the present program.

These attacks, if successful, would, as they are only too well aware, so cripple and stultify the program as to make it impossible to conclude any worth-while trade agreements.

This is what they want, since it would satisfy the special interests that have for so many years enjoyed high-tariff subsidies at the expense of our exporters of farm products and manufacturers and of consumers generally.

They know that there can be no real reciprocity without some reductions in excessively high duties.

WHO STARTED THIS RECIPROCITY IDEA?

When the original Trade Agreement Act was being discussed a famous Republican, whose name has appeared among those mentioned as a possible candidate for President, spoke in favor of the trade-agreements program and justified his position by citing the Republican origin of reciprocity.

He said:

I am willing to stake my republicanism on the stand taken by that great Republican President, William McKinley, and from his speech in Buffalo I quote the following:

"A system which provides a mutual exchange of commodities is manifestly essential to the continued and helpful growth of our export trade. We must not repose in the fancied security that we can forever sell everything and buy little or nothing."

Remember, that quotation is what President McKinley said.

Then continuing, our Republican friend said:

Farther back in our tariff history, I point to Alexander Hamilton himself, and to James G. Blaine; to a line of legislation reaching as far back as 1794; all in support of trade agreements with foreign nations.

William McKinley did not pioneer when he pointed out the advisability of reciprocity and tariff. Neither was he the last of the Republicans to realize and state the necessity for using our tariffs to stimulate and promote our export trade, instead of mainly to foster monopolies of already overfed industries, and to build up certain industrial sections and industries at the expense of other sections and of agriculture.

It is a matter of regret to me that there are those who consider this a partisan measure but to anyone who may insist that the test of republicanism consists in opposing this measure, I will only say that to my mind the Republican tariff document of the future will be more nearly in line with the principle and objectives of this measure and that a Republican leadership which refuses to recognize the necessity of modifying the Republican tariff policy of recent years—that leadership is due for a downfall.

The old leadership will be replaced by a leadership which will pick up the tariff principles of Hamilton, of Blaine, of McKinley, aye, and of Taft.

And I would suggest to them that they face that fact and act accordingly. I say this as one who always has been a stanch supporter of the protective-tariff principle and who will continue to support it.

Thus spoke one of America's leading Republican statesmen.

WHAT OGDEN MILLS, REPUBLICAN SECRETARY OF TREASURY, SAID

At Topeka, Kans., Ogden Mills, Secretary of the Treasury, in the Hoover administration, and frequently mentioned as a Republican candidate for President, in his speech said:

We will have to abandon our present policy of isolation and intense nationalism and to some extent modify recent tariff practices.

This may sound strange, coming from an orthodox Republican, but I have never understood that a sound system of protection, based upon the cost of production at home and abroad, if intelligently applied, means the erection of impassable tariff barriers, the destruction of our commerce with the rest of the world, and the sacrifice of the efficient farmer to save the inefficient manufacturer.

It will be good news to millions of Republicans to know that Mr. Mills, one of the most brilliant and acknowledged to be one of the greatest Republican statesmen of his generation did not agree with the present Republican Members in Congress today who, at this session, have been making speeches against the Foreign Trade Agreements.

WHAT PRESIDENT HOOVER DID ABOUT SHOES

This principle objected to by some Republicans under a Democratic administration was the practice followed under the so-called flexible-tariff provisions of the Tariff Act of 1922.

The same equality of treatment policy was followed in the act of 1930.

One illustration, taken from the investigations carried out under the flexible provisions of the Tariff Act of 1930 should suffice to explain the actual working of equal treatment under Republican legislation.

The Tariff Commission carried on an investigation in 1931 relative to the cost of production of shoes at home and abroad. The chief supplier of turned shoes at that time was Czechoslovakia.

It was found, under the cost-of-production formula, that certain rates of duty might be lowered.

Strange as it may seem, Mr. Hoover placed in effect in January 1932 a lower rate of duty on such shoes.

This lower rate of duty was applied under the law, not only to imports of those shoes from Czechoslovakia, but also to similar shoes coming in from all other countries.

Actually, Switzerland, the United Kingdom, and France were about the only other countries interested in the trade in this particular type of shoe.

This general application of every rate of duty increased or decreased under the flexible provisions of the two acts was in line with the traditional policy of equality of treatment in tariff matters.

ENDORSED BY REPUBLICAN SECRETARY OF STATE STIMSON

Another illustrious Republican, Henry L. Stimson, former Secretary of State, went further than Mr. Mills, who sat in the Cabinet with him. Mr. Stimson, in addition to approving the objectives of this measure, endorsed the measure itself and urged that it be enacted into law.

Mr. Stimson takes the view that resumption of world trade through reciprocal-trade agreements is much preferable to the regimentation and Government control of industry that will be necessary if we are to continue our isolationist policy.

He doubts the practicability of arriving at these trade agreements through congressional action.

HUGHES WRITES TO LODGE

You will be interested in the letter to Senator Henry Cabot Lodge, March 13, 1924, from Charles Evans Hughes on the flexible provisions, or equality of treatment principle. (Reciprocity, William S. Culbertson, p. 102.)

Hughes wrote:

As we seek pledges from other foreign countries that they will refrain from practicing discrimination, we must be ready to give such pledges and history has shown that these pledges can be made adequate only in terms of unconditional most-favored-nation treatment. We should seek simplicity and good will as the fundamental conditions of international commerce.

WHAT PRESIDENT HARDING WROTE TO HUGHES

The letter of President Harding to Secretary of State Hughes February 27, 1923 (Reciprocity, William S. Culbertson, p. 259), will interest you.

Wrote President Harding:

I am well convinced that the adoption of unconditional most-favored-nation policy is the simpler way to maintain our tariff policy in accordance with the recently enacted law and is probably the surer way of effectively extending our trade abroad. If you are strongly of this opinion you may proceed with your negotiations upon the unconditional policy. If this commitment is not sufficient I shall be glad to have you take up the matter with me in a personal interview.

It may be recalled that the United States was receiving certain preferences from Brazil at the time of the passage of the Tariff Act of 1922.

These preferences we voluntarily gave up. Following are excerpts from official documents relating to this matter.

HOOVER'S LETTER TO HUGHES

The letter of Herbert Hoover, Secretary of Commerce, to the Secretary of State (Hughes), January 3, 1923 (Reciprocity, William S. Culbertson, p. 268), is revealing.

Hoover wrote:

I am inclined to agree with the policy suggested in your letter and would be in favor of confining representations on the part of the United States to a request for most-favored-nation treatment which would give us the advantages enjoyed by Belgium. I would suggest that such a request be made only after the expiration of the usual period for the issue of proclamation applying preferential treatment to the United States.

HUGHES SENDS A TELEGRAM

The telegram from the Secretary of State (Hughes) to American Embassy in Rio de Janeiro, January 6, 1923 (Reciprocity, William S. Culbertson, p. 274), is important.

Hughes wired:

In view of existing preferences granted by Brazil to certain products of Belgium, most-favored-nation treatment to the commerce of the United States would mean treatment equal to that now or hereafter accorded to Belgium or to any other nation the most favored. If Brazil should voluntarily renew the present preferences without suggestion by the Ambassador they would be accepted, but the Department of State considers that any suggestion of or request for them would be inconsistent with the policy embodied in section 317 of the new tariff act and further that this policy offers larger advantages of amity and trade in the long run.

WHAT REPUBLICANS PROMISED

It may be noted also that the Republican platform of 1932 carried the following under the section entitled "Friendship and Commerce:"

* * * The historic American policy known as the most-favored-nation principle has been our guiding program and we believe that policy to be the only one consistent with a full development of international trade, the only one suitable for a country having as wide and diverse a commerce as America and the one most appropriate for us in view of the great variety of our industrial, agricultural, and mineral products and the traditions of our people. * * *

WHAT ROBERT LINCOLN O'BRIEN DID

Mr. Robert Lincoln O'Brien, recent Republican Chairman of the Tariff Commission, attempted in 1936 to persuade his party to endorse the reciprocal trade-agreements program and the principle of equality of treatment. Do you recall the reciprocal tariff plank proposed by Robert Lincoln O'Brien, Republican Shift on Tariff Is Urged, New York Times, April 11, 1936?

"This method, if properly employed, has an advantage which the flexible-tariff law in itself did not possess in giving us a concession for our exports in exchange for any that we yield to the foreigner. By the application of the most-favored-nation principle we obtain from other countries all the advantages which they give to anybody in the way of access to their markets, while at the same time we accord them a similar relation to ours," said Mr. O'Brien.

WHERE HOOVER STANDS

Mr. Hoover recently reaffirmed his approval of the most-favored-nation principle in the following words: "The world needs tariffs which treat all nations alike." This was not just an isolated statement from his speech; he further stated that we need international economic cooperation and that—

The nations should be called again to organize a searching inquiry into the methods of reducing barriers and the making of currency stability.

SHOOT AT SIGHT

The point surely does not need to be further labored. As Franklyn Waltman, director of publicity of the Republican National Committee, has indicated, one would imagine that Capital Republicans would "shoot at sight" anyone who suggested raising again the question of the unconditional most-favored-nation principle which underlies the New Deal's reciprocal-tariff program.

RATIFICATION

From time to time opponents of the trade-agreements program claim that the Trade Agreements Act is not constitutional because the agreements are placed in effect without being ratified by the Senate.

The legal precedents for the act were the Tariff Acts of 1890 and 1897 and 1922 and 1930.

The courts passed upon the delegation of authority for making agreements without Senate ratification in cases arising from the first two acts and passed upon the provisions for a 50-percent change in the rates of duty in the latter two acts.

A majority of those who criticize trade agreements on this basis are not primarily concerned with the constitutional question.

Some of them frankly admit that they do not want anything done in the way of lower duties and realize that the requirement for Senate ratification would almost certainly kill any efforts at reciprocity.

HENRY L. STIMSON

The Honorable Henry L. Stimson, former Republican Secretary of State, in a radio speech (April 30, 1934) in support of the bill then being discussed, which later became the Trade Agreements Act, said:

I think that some such legislation should be promptly passed to meet the emergency which confronts us. I am not impressed with the objection that it would give undue or dictatorial powers to our Executive. It does not seem to me that such objections are well founded. The legislation is for the purpose of meeting temporarily an emergent situation. I see no reason to believe it will be abused. I do not think it impossible to enact such legislation in a shape which will conform to the limitations of our Constitution, and under which agreements can be negotiated without violating our present most-favored-nation treaties. * * *

WILLIAM S. CULBERTSON

The Honorable William S. Culbertson, former Ambassador to Chile and former Republican member of the Tariff Commission, where he thoroughly studied a better basis for an enlightened commercial policy, recently wrote a book largely in support of the present program. In that great book he claims Republican antecedents for almost every phase of the program. As respects the legal precedents he said in part:

* * * Congress has fixed tariff rates and limited the percentages of change which the Executive can make—not arbitrarily but in bargaining with another government to remove undue burdens on our trade.

Congress has denied to the Executive the right to change articles from the dutiable to the free list and vice versa.

A hearing is granted to interested parties. In judging the constitutionality of the act, I feel confident that the courts will give weight not only to these limitations but also to two general conditions.

The first is the fact that we are dealing in the Trade Agreements Act with a field in which the President has large powers of his own by virtue of the Constitution.

We see, in fact, in the Government process of the making of an agreement with foreign governments a commingling, as it were, of legislative and executive powers.

The second condition which will weigh is that the orderly processes of government must go on and they cannot go on without such an act.

Later he said before the Senate Finance Committee in testifying in favor of a 3-year extension of the Trade Agreements Act:

The Republicans themselves, in the Tariff Act of 1890 and the Tariff Act of 1897, established, so far as our commercial policy was concerned, the principle of systematic reciprocity; namely, a law in which Congress defines the principle on which reciprocity is to proceed and to develop, and then leaves it to the Executive to carry out the details.

RELATIONSHIP TO PEACE

Some critics of the trade-agreements program say that it has no relationship whatever to peace.

It seems odd, if these critics are right, that the National Council for the Prevention of War, the National League of Women Voters, and other organizations, such as church federations, would support the program if there were no element of peace in it.

Here, too, we can find expressions of progressive leaders in the Republican Party and of newspapers that support the program as an aid to peace as well as prosperity. Of course, no one holds that a pending war can be prevented by the making of a commercial trade agreement such as is envisioned by the Trade Agreements Act.

Those who advocate the measure as an aid to peace do so because they realize that increased trade, free of harmful discriminations, means less unemployment, less social unrest, less pressure in the direction of forceful acquisition of needed materials and markets.

Following are a few typical views concerning the peace aspect of the program.

I call your attention to James P. Warburg's letter to the Secretary of State, October 13, from J. P. Warburg Goes Back to Roosevelt, New York Times, October 18, 1936:

WHAT JAMES P. WARBURG SAYS

National self-sufficiency means a permanent Government-directed economy, and a permanent Government-directed economy means at length dictatorship; moreover, economic nationalism sooner or later means war; this has been and is your view, and those to whom the preservation of the American form of government and the American way of life is more than a mere phrase share your views and are happy to observe your successful efforts.

You have started the world on the way to peace for the first time since 1914. You have held fast to your beliefs and principles, and, thanks to your patience and perseverance in the face of frequent opposition within and without the administration, you have made progress.

YOU AND I—AND ROOSEVELT

Again I quote Mr. Waltman—see Politics and People, by Franklyn Waltman, the Washington Post, Washington, D. C., August 1, 1936:

Charles P. Taft, the head of the Landon personal research staff, in his recent book, You and I—And Roosevelt, asserts that "the present policy of bilateral trade agreements is sound, and the men at the State Department who are working on the problem are among the best in the administration"; and, he adds, "the only possible alternative for those who condemn the policy is economic isolation."

WHAT ROGER W. BABSON SAYS

Republican Roger Babson, in News-Times, South Bend, Ind., December 17, 1937, says:

The best protection for the American standard of living is to stimulate world commerce. Tariffs, quotas, and other trade barriers must be lowered if the world is to escape a complete economic and moral break-down. Hence, I believe that Secretary of State Hull's reciprocal-trade policy is the most encouraging development in world affairs.

WHAT THE WASHINGTON STAR SAYS

The Washington Evening Star, March 9, 1938, said:

The latest jewel in Mr. Hull's diadem of reciprocal agreements, the bargain just sealed with Czechoslovakia, typifies the ideal which motivates the Secretary of State's program of economic disarmament. It is a thoroughly 50–50 proposition. * * *

* * * * * * * *

The pact is important and valuable in itself. It is gratifying new evidence that, given the spirit of fair play and the square deal, trade reciprocity can be converted from an aspiration into a mutually profitable peace-breeding reality.

I REST MY CASE

Mr. Speaker, I am content to rest my case for reciprocity on the evidence of outstanding personalities of the Republican Party. They have spoken frequently and convincingly in favor of the principles.

In these quotations the case has been ably argued by Republicans. I have quoted only a few of them in these remarks. Other important Republicans such as Col. Frank Knox, Winthrop W. Aldrich, David Lawrence, Eliot Wadsworth, William Allen White, Harper Sibley, and Alfred P. Sloan may also be classed as supporters of the program. Editorials from Republican papers such as the Kansas City Star, the Washington Post, the Boston Herald, the Springfield Republican, and the Washington Evening Star might also be submitted in approval of the program.

THE VOTERS DECIDED THIS ISSUE IN 1936

According to Franklyn Waltman, reciprocity was passed upon by American voters in 1936. In this connection he said:

Contentions that in reelecting President Roosevelt, the electorate approved this or that New Deal measure undoubtedly will be the basis of dispute and controversy for many months to come. But it seems there can be no dispute that the country unequivocally placed its seal of approval on the Hull reciprocal-trade agreements.

MUSEUM OF ECONOMIC FOLLY

If it were not for the reactionary third in the G. O. P. which still reverts to the dim and distant past, possibly in terms of 1787, 1887, or even 1927, it would not be necessary for one to discuss this matter.

Unfortunately, there are those who still are living in the eighteenth and nineteenth centuries as well as in the "roaring twenties" of this century. They still believe that the sky-high tariff tax or what is known to many as the robber tariff tax is the pillar of prosperity.

Apparently these few who are out of step with the majority of their own party have learned nothing from our sad experience under the "robber tariff acts" of 1922 and 1930 which were supposed to bring us perpetual prosperity, but which helped to bring us heart-crushing disaster and financial wreckage.

The obsolete ideas of antiquated thinkers eventually will be relegated to the museum of economic folly or some other depository of things ancient and discarded.

The profound, yet obvious changes, caused by the great World War and subsequent developments apparently have made no impression on some minds that are handicapped by standpatism.

POLITICAL DINOSAURS

The dinosaurs could not adjust themselves to changed conditions. Their skeletons now repose in museums of natural history. Only a few Neanderthal stand-patters cling to the worn-out tariff shibboleths.

It can be said now as truthfully as when it was said by President McKinley that "Reciprocity treaties are in harmony with the spirit of the times."

If McKinley were alive today would he not join with Hughes, Waltman, Stimson, Knox, Mills, O'Brien, Babson, White, Taft, Culbertson, and other illustrious Republicans whose statements lend support to the Roosevelt New Deal program of Foreign Trade Agreements?

When will the few remaining die-hards ever learn that President McKinley spoke the truth when he said, "Reciprocity treaties are in harmony with the spirit of the times?"

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Illinois [Mr. MASON] is recognized for 10 minutes.

UNCLE SAM'S EDUCATIONAL RESPONSIBILITY

Mr. MASON. Mr. Speaker, a little over a year and a half ago President Roosevelt appointed an Advisory Committee on Education to make a survey of the educational problems that confront this Nation; to study the needs of education; to determine just what part the Federal Government should take in providing support for education in the various States; and to recommend to the Congress, for consideration and action, a permanent program of Federal aid for education. This Advisory Committee on Education was composed of out-

standing leaders in the various fields of knowledge, including the educational field. The very character and standing of the members of the Committee guaranteed that the task assigned to them would be well done. That Committee has completed its work, and has made its report to the Congress. I say without hesitation that the report is one of the most comprehensive reports ever made in the field of education in the United States. It is a beacon light that marks the way we have come; it illuminates the serious situation that confronts American education today; and it points the way that education must travel if substantial progress is to be made. A bill based upon the recommendations in that report has been introduced into the Congress, and is now in committee awaiting consideration and action. In view of the recommendations made in that report, and the provisions of the bill now pending, I offer the following brief discussion of the subject:

Mr. Speaker, I begin my discussion by asking a question: What great American industry employs 1,000,000 workmen, has an annual pay roll of $3,000,000,000, and handles each year some 30,000,000 delicate, sensitive, complicated, impressionable, priceless pieces of machinery, no two of which are alike and no two of which can be treated alike? The only answer to that question is, "The American public-school system"; the greatest industry in the Nation today; the most important industry in the Nation today; the industry that has charge of, and is responsible for, the Nation's greatest asset, our boys and girls. This industry like all others has been hard hit by the so-called depression. It has suffered a 30-percent reduction in its pay roll, a reduction of nearly $1,000,000,000. Along with this pay-roll reduction, school terms have been shortened, school subjects have been eliminated, night schools have been closed, extension courses stopped, and many other curtailments in educational opportunities have been forced upon the school system of America. During this time of school distress, Uncle Sam has stood by with folded arms, has looked on, and has done nothing. Uncle Sam has taken the position that this was not his problem; that the education of his citizens, or the lack of it, was not his responsibility; that the responsibility for providing educational opportunities belonged entirely to the States.

However, during this same period, Uncle Sam did decide that he had a responsibility toward finance, toward labor, toward agriculture, toward industry, toward the unemployed, and he has advanced in loans and gifts to these various activities some $17,000,000,000. The only excuse offered for this action has been that the States have been unable to ccpe with the situation, so Uncle Sam had to step in to prevent ruin, suffering, and starvation. I am not criticizing, I am just stating facts.

Mr. Speaker, the best thought on the subject of relief has always been that relief is primarily and fundamentally a local responsibility; that each local community should first do its best to take care of its own needy people before calling upon the State for help; that each State should in turn be required to do its utmost to care for its own needy before calling upon the Federal Government for help. I have long advocated this principle as the only sound and sane one to apply to the problem of relief. I believe our greatest mistake in the handling of relief was made when the Federal Government assumed a large part of the relief load that rightfully and properly belongs to the States and local communities. I am convinced that when we place the duty and responsibility for relief back where it belongs, the problem of relief will be on its way to a proper solution.

But you ask, "What have the mistakes of Uncle Sam in the handling of relief got to do with education? What is the relation between the two problems?" My answer is, there is a very close parallel between the two problems.

In education, outside of a few advanced States, such as New York, North Carolina, California, and a few others, the local communities have been forced to carry 85 percent to 95 percent of the total educational load. The States have assumed the balance, and Uncle Sam has helped practically not at all. This is directly opposite to the way the relief load has been distributed. If we should apply the same principle of Government aid to each of these great national problems, relief and education, we would take from Uncle Sam that part of his relief load that properly belongs to the States and local communities, and take from the States and local communities that part of their educational load that properly belongs to the Federal Government.

The Harrison-Thomas-Fletcher bill now before the Congress provides a program of Federal aid for education that would establish the principle of Federal responsibility for public education. The passage of this bill would mean that the Federal Government at last has decided to assume its proper share of the financial support of our public schools.

Briefly, Mr. Speaker, the arguments in favor of Federal aid for education are as follows:

First. In theory this Nation is composed of 48 separate States united upon questions of general welfare. In fact, however, these 48 separate States have become a single unit socially, economically, and culturally. Modern transportation and communication have brought about this unity, this compactness, this interdependability. Because of this unity, if one State breeds ignorance, lawlessness, or vice, every other State is affected thereby because of the mobility of our people; and so education has become in reality a national responsibility, a national problem.

Second. There is no equality among the States in their ability to finance a proper educational program. Our States vary about as much in their ability to support education as the various communities within each State. When a community is unable to provide adequate educational opportunities for its children it becomes the duty of the State to help out. When the State is unable to shoulder the load the Federal Government must assume its responsibility and shoulder its part of the load.

Third. Educational responsibilities, expenditures, and demands have been materially increased through the action of our Federal Government. The child-labor clause of the N. R. A. prohibited the employment of boys and girls under 16 years of age. Other parts of the code made the employment in industry of boys and girls under 18 years of age practically impossible. The 40-hour week means more leisure time for millions of adults, and the problem of leisure time has become acute and must be solved. The New Deal program therefore has thrown an added burden upon our State school systems which they are unable to bear. These increased educational responsibilities and expenditures are the result of Federal action and logically should be accompanied by Federal aid.

Fourth. The Federal Government is the best agency for the collection of certain fruitful taxes. Certain sources of revenue are difficult to reach through State tax systems but comparatively easy to reach through a Federal tax system. The revenue from such Federal taxes, above the cost of collection, should be returned to the States for the support of education. Therefore our States are justified in asking the Federal Government to act as a tax-collecting agency for the support of education in the various States.

In conclusion, Mr. Speaker, if we are to survive and prosper as a Nation, we must see to it that educational opportunities are provided for all the children of America. If the child in Arkansas is to be given the same educational opportunity that the child in New York now enjoys, the Federal Government must become the equalizing agency to provide the necessary money. Uncle Sam should assume his part in the task of providing educational opportunities for all the children. He has neglected this responsibility altogether too long. Favorable action by Congress upon the Harrison-Thomas-Fletcher bill will make amends for Uncle Sam's long neglect.

SENATE BILLS REFERRED

Bills of the Senate of the following title were taken from the Speaker's table, and under the rule, referred as follows:

S. 2165. An act to amend the act entitled "An act to provide conditions for the purchase of supplies and the making

of contracts by the United States, and for other purposes; to the Committee on the Judiciary.

S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 9995. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 593. An act for the relief of the estate of W. K. Hyer;

S. 821. An act for the relief of Lawson N. Dick;

S. 988. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927, as amended;

S. 1220. An act for the relief of Josephine Russell;

S. 1274. An act for the relief of John H. Owens;

S. 1340. An act for the relief of A. D. Weikert;

S. 1694. An act authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land;

S. 1878. An act for the relief of Mary Way;

S. 2009. An act to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission;

S. 2023. An act for the relief of Charles A. Rife;

S. 2051. An act for the relief of John F. Fitzgerald;

S. 2208. An act for the relief of Bruce G. Cox and Harris A. Allister;

S. 2368. An act to provide funds for cooperation with school district No. 2, Mason County, State of Washington, in the construction of a public-school building to be available to both white and Indian children;

S. 2409. An act for the relief of certain officers of the United States Navy and the United States Marine Corps;

S. 2417. An act for the relief of Samuel L. Dwyer;

S. 2553. An act for the relief of E. E. Tillett;

S. 2566. An act for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans.;

S. 2643. An act for the relief of Mr. and Mrs. James Crawford;

S. 2655. An act for the relief of Lt. T. L. Bartlett;

S. 2709. An act for the relief of Mr. and Mrs. Joseph Konderish;

S. 2742. An act for the relief of Mrs. C. Doorn;

S. 2798. An act for the relief of Edith Jennings and Patsy Ruth Jennings, a minor;

S. 2802. An act for the relief of Carl Orr, a minor;

S. 2956. An act for the relief of Orville D. Davis;

S. 2979. An act for the relief of Glenn Morrow;

S. 2985. An act for the relief of John F. Fahey, United States Marine Corps, retired;

S. 3002. An act for the relief of the holders of the unpaid notes and warrants of the Verde River irrigation and power district, Arizona;

S. 3040. An act for the relief of Herman F. Krafft;

S. 3056. An act for the relief of Dorothy Anne Walker, a minor;

S. 3095. An act authorizing the Secretary of War to grant to the Coos County Court of Coquille, Oreg., and the State of Oregon an easement with respect to certain lands for highway purposes;

S. 3102. An act for the relief of the estate of Raquel Franco;

S. 3111. An act for the relief of the estate of Lillie Liston, and Mr. and Mrs. B. W. Trent;

S. 3126. An act authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes;

S. 3147. An act for the relief of Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy;

S. 3166. An act to amend section 2139 of the Revised Statutes, as amended;

S. 3188. An act for the relief of the Ouachita National Bank, of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.;

S. 3209. An act to authorize the Secretary of War to grant an easement to the city of Highwood, Lake County, Ill., in and over certain portions of the Fort Sheridan Military Reservation, for the purpose of constructing a waterworks system;

S. 3223. An act for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy;

S. 3242. An act to aid in providing a permanent mooring for the battleship *Oregon;*

S. 3300. An act for the relief of Pearl Bundy;

S. 3365. An act for the relief of Joseph D. Schoolfield;

S. 3410. An act for the relief of Miles A. Barclay;

S. 3416. An act providing for the addition of certain lands to the Black Hills National Forest in the State of Wyoming;

S. 3417. An act for the relief of the State of Wyoming;

S. 3543. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Earle Lindsey;

S. 3820. An act to authorize membership on behalf of the United States in the International Criminal Police Commission;

S. 3822. An act to authorize an increase in the basic allotment of enlisted men to the Air Corps within the total enlisted strength provided in appropriations for the Regular Army;

S. 3849. An act authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money;

S. 3882. An act amending the act authorizing the collection and publication of cotton statistics by requiring a record to be kept of bales ginned by counties;

S. J. Res. 243. Joint resolution to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior;

S. J. Res. 247. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands; and

S. J. Res. 289. Joint resolution to provide that the United States extend an invitation to the governments of the American republics, members of the Pan American Union, to hold the Eighth American Scientific Congress in the United States in 1940 on the occasion of the fiftieth anniversary of the founding of the Pan American Union; to invite these governments to participate in the proposed Congress; and to authorize an appropriation for the expenses thereof.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 9995. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes;

H. R. 9996. An act to authorize the registration of certain collective trade-marks;

H. R. 10291. An act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes; and

H. J. Res. 667. Joint resolution to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battles of Chickamauga, Ga., Lookout Mountain, Tenn., and Missionary Ridge, Tenn.; and

commemorate the one hundredth anniversary of the removal from Tennessee of the Cherokee Indians, at Chattanooga, Tenn., and at Chickamauga, Ga., from September 18 to 24, 1938, inclusive; and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Thursday, June 9, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a full open hearing before the Committee on Naval Affairs at 10 a. m. Thursday, June 9, 1938, on S. 1131, a bill affecting the oil-shale reserves.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 9 a. m., Friday, June 10, 1938, on H. R. 10726, relating to the Omaha-Council Bluffs Bridge over the Missouri River.

EXECUTIVE COMMUNICATIONS, ETC.

1420. Under clause 2 of rule XXIV a communication from the President of the United States, transmitting supplemental estimate for the Works Progress Administration in the amount of $175,000,000 (H. Doc. No. 703), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. QUINN: Committee on Interstate and Foreign Commerce. S. 3756. An act to prohibit the use of communication facilities for criminal purposes; with amendment (Rept. No. 2656). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 2827. An act to authorize the purchase of certain lands for the Apache Tribe of the Mescalero Reservation, N. Mex.; without amendment (Rept. No. 2657). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 3415. An act to purchase certain private lands within the Shoshone (Wind River) Indian Reservation; without amendment (Rept. No. 2658). Referred to the Committee of the Whole House on the state of the Union.

Mr. DICKSTEIN: Committee on Immigration and Naturalization. House Joint Resolution 681. Joint resolution to amend the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended; with amendment (Rept. No. 2659). Referred to the House Calendar.

Mr. DICKSTEIN: Committee on Immigration and Naturalization. House Joint Resolution 714. Joint resolution for the relief of certain aliens; without amendment (Rept. No. 2660). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. H. R. 10846. A bill to create the office of the Librarian Emeritus of the Library of Congress; without amendment (Rept. No. 2661). Referred to the Committee of the Whole House on the state of the Union.

Mr. PEARSON: Committee on Interstate and Foreign Commerce. S. 3. An act to regulate commerce in firearms; with amendment (Rept. No. 2663). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN of Minnesota: A bill (H. R. 10866) authorizing the States of Minnesota and Wisconsin, jointly or separately, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Winona, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. DISNEY: A bill (H. R. 10867) to provide a right-of-way; to the Committee on Military Affairs.

By Mr. MAY (by request): A bill (H. R. 10868) making inapplicable certain reversionary provisions in the act of March 4, 1923 (42 Stat. 1450), and a certain deed executed by the Secretary of War, in the matter of a lease to be entered into by the United States for the use of a part of the former Fort Armistead Military Reservation for air-navigation purposes; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 10869) to amend the Communications Act of 1934 so as to prevent monopolies and to prohibit excessive duplication of broadcast programs in any area; to the Committee on Interstate and Foreign Commerce.

By Mr. VOORHIS: A bill (H. R. 10870) to consolidate the United States Employment Service and the Bureau of Unemployment Compensation; to the Committee on Ways and Means.

Also, a bill (H. R. 10871) to amend the Social Security Act, and to amend the Federal retirement laws, and for other purposes; to the Committee on Ways and Means.

By Mr. BLAND: A bill (H. R. 10872) to authorize contingent expenditures, United State Coast Guard Academy; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTINGTON: A bill (H. R. 10873) to authorize the conveyance to the Arthur Alexander Post No. 68, American Legion, of Belzoni, Miss., of the improvements and site containing 18 acres of land, more or less, at lock and dam No. 1, on the Sunflower River, Miss.; to the Committee on Military Affairs.

By Mr. MAAS: A bill (H. R. 10874) to exempt resident inmates of the United States Soldiers' Home, Washington, D. C., and the Naval Home, Philadelphia, Pa., from pension reduction as prescribed by Veterans Regulation No. 6 Series; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY of Pennsylvania: A bill (H. R. 10875) granting a pension to Cecilia Wank; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10876) granting a pension to Tillie D. Entrikin; to the Committee on Invalid Pensions.

By Mr. LORD: A bill (H. R. 10877) for the relief of Carmelo Leo; to the Committee on Immigration and Naturalization.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 10878) granting an increase of pension to Annie M. Dill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5322. By Mr. HAVENNER: Resolution of the Board of Supervisors of the City and County of San Francisco, opposing the passage of Senate Joint Resolution 208, petroleum reserve, tidewater lands, as inimical to the interests of the said city and county, and of the State of California; to the Committee on the Judiciary.

5323. By Mr. KENNEDY of New York: Petition of the Transport Workers Union of Greater New York, urging passage of House bill 6449; to the Committee on the Judiciary.

5324. Also, petition of the National Maritime Union, requesting favorable action on House bill 6449; to the Committee on the Judiciary.

5325. Also, petition of the United Furniture Workers of America, New York City, concerning House bill 6449; to the Committee on the Judiciary.

5326. Also, petition of the National Agricultural Conference, that a new and permanent prosperity for agriculture,

labor, and business can be effected through the increase in agricultural cash income through such monetary legislation and the shifting of the burden of taxation and the elimination of the capital-gains tax; to the Committee on Ways and Means.

5327. By Mr. PLUMLEY: Resolutions adopted by the people of Rochester, Vt., at their town meeting, opposing the building of the flood-control dam at Gaysville, Vt., as proposed; to the Committee on Flood Control.

5328. By Mr. WADSWORTH: Petition of the citizens of the city of Rochester, N. Y., urging the enactment into law of House bill 1659 of the Seventy-fifth Congress; to the Committee on Banking and Currency.

SENATE

THURSDAY, JUNE 9, 1938

(Legislative day of Tuesday, June 7, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 8, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, the pending motion requires the presence of a quorum. I note the absence of a quorum and suggest a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Dieterich	King	Norris
Andrews	Duffy	La Follette	O'Mahoney
Austin	Frazier	Lee	Overton
Bankhead	Gerry	Lewis	Pittman
Barkley	Gibson	Lodge	Pope
Berry	Glass	Logan	Reames
Bilbo	Green	Lonergan	Russell
Borah	Guffey	Lundeen	Schwartz
Bulow	Hale	McAdoo	Schwellenbach
Burke	Hatch	McGill	Sheppard
Byrd	Hayden	McKellar	Shipstead
Byrnes	Herring	McNary	Smith
Capper	Hill	Miller	Townsend
Caraway	Hitchcock	Milton	Truman
Connally	Hughes	Minton	Vandenberg
Copeland	Johnson, Calif.	Murray	Van Nuys
Davis	Johnson, Colo.	Neely	Wheeler

Mr. LEWIS. I announce that the Senator from Ohio [Mr. BULKLEY], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Oklahoma [Mr. THOMAS] are detained from the Senate on important public business.

I ask that this announcement be recorded for the day.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

PETITIONS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Kings County Consolidated Civic League and the Sheepshead Bay Property Owners Association, of Brooklyn, N. Y., praying for the enactment of House bill 9059, to provide a 2-year moratorium on principal payments where home owners keep up interest and tax payments, and also other pending legislation in the interest of home owners, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the Board of Supervisors of Mariposa County, Calif., favoring the enactment of House bill 4199, the so-called General Welfare Act, which was referred to the Committee on Finance.

Mr. BONE. I send to the desk 17 petitions signed by citizens of the State of Washington, which are a part of a large petition containing some 4,000,000 names, on a main petition asking Congress to keep the United States out of war. This is a part of the petition of the Veterans of Foreign Wars. I ask that these petitions be made of record and that an appropriate reference be made.

The VICE PRESIDENT. Without objection, the petitions will be received and referred to the Committee on Foreign Relations.

FLOOD-CONTROL DAMS—RESOLUTION OF CITIZENS OF ROCHESTER, VT.

Mr. GIBSON. Mr. President, I present and ask to have printed in the RECORD, and appropriately referred, a certified copy of a resolution adopted in town meeting by the citizens of Rochester, Vt., on March 2, 1937, relating to the proposed construction by the Federal Government of a flood-control dam at Gaysville.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the people of Rochester are greatly alarmed over the possibility that the Federal Government may build a flood-control dam at Gaysville; and

Whereas if this dam is built 186 feet high, as proposed by engineers, it will flood some of our best agricultural land; and

Whereas the Federal Government has already optioned about 10,000 acres of land in this town for the Federal forest, which, with the land proposed to be flooded, would leave the town only a skeleton of a grand list on which to raise its tax; and

Whereas competent engineers agree that if the proposed dam at Gaysville is for flood control only, then the same results could be obtained by building smaller dams on the tributaries of the upper White River; and

Whereas the building of a dam at Gaysville, as proposed, would ruin the scenic attractions of this valley, and would tend to influence summer visitors, who have already begun to buy homes in the valley, to seek other places of rest and recreation: Therefore be it

Resolved by the voters in town meeting assembled, That we are opposed to the building of the flood-control dam at Gaysville, as proposed; be it further

Resolved, That a duly certified copy of these resolutions be placed in the hands of our town representative, for use in the general assembly, if and when a bill is introduced into that assembly, giving Vermont's consent to the building of the dam in question, another copy to be placed on file in the town clerk's office; be it further

Resolved, That if a bill is introduced into Congress to form a Connecticut river authority, that a certified copy of these resolutions be sent to the two Vermont Senators and our Representatives in Congress for their use before their respective bodies.

[Presented by Wallace H. Wing and adopted at town meeting March 2, 1937.]

I hereby certify that the above is a true copy of the resolution as presented and adopted March 2, 1937.

Attest:

M. J. POLLARD, *Town Clerk.*

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3957) for the relief of James Thow, Charles Thow, and David Thow, reported it with amendments and submitted a report (No. 2037) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6374. A bill for the relief of Lena R. Burnett (Rept. No. 2038);

H. R. 8375. A bill for the relief of Roscoe B. Huston (Rept. No. 2039);

H. R. 8567. A bill for the relief of Margaret B. Nonnenberg (Rept. No. 2040);

H. R. 8683. A bill for the relief of Gus Vakas (Rept. No. 2041);

H. R. 8744. A bill for the relief of J. G. Bucklin (Rept. No. 2042); and

H. R. 9297. A bill for the relief of Dr. Samuel A. Riddick (Rept. No. 2043).

Mr. MILTON, from the Committee on Claims, to which was referred the bill (H. R. 1363) for the relief of the estate