

7540. Also, petition of the Federation of Flat Glass Workers of America, opposing the Norton and Smith amendments to the Labor Relations Act; to the Committee on Labor.

7541. Also, petition of E. H. Kellogg & Co., of New York City, advocating home production to fulfill our sugar requirements; to the Committee on Agriculture.

7542. Also, petition of the State, County, and Municipal Workers of America, opposing amendments to the National Labor Relations Act; to the Committee on Labor.

7543. Also, petition of the New York Committee to Aid Agricultural Workers, opposing the Barden amendments to the Wages and Hours Act; to the Committee on Labor.

7544. Also, petition of the Transport Workers Union of America, representing 90,000 members employed on public transportation facilities throughout the United States, opposing the Norton and Smith bills for amendment of the Wagner Labor Relations Act; to the Committee on Labor.

7545. By Mr. KEOGH: Petition of the United Office and Professional Workers of America, opposing the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7546. Also, petition of the Utility Workers Organizing Committee, New York City, opposing the Norton and Smith bills amending the National Labor Relations Act; to the Committee on Labor.

7547. Also, petition of the Steel Workers Organizing Committee, Pittsburgh, Pa., opposing the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7548. Also, petition of the Quarry Workers International Union of North America, Barre, Vt., opposing the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7549. Also, petition of the Farm Equipment Workers Organizing Committee, Chicago, Ill., opposing the Smith and Norton bills amending the National Labor Relations Act; to the Committee on Labor.

7550. Also, petition of the International Union Playthings and Novelty Workers of America, New York City, opposing the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7551. Also, petition of the International Union of Mine, Mill, and Smelter Workers, Denver, Colo., opposing the Norton and Smith amendments to National Labor Relations Act; to the Committee on Labor.

7552. Also, petition of the American Legion of Kings County, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar-refinery workers; to the Committee on Agriculture.

7553. By Mr. LAMBERTSON: Petition of F. H. Beers and 77 other residents of Leavenworth County, urging the enactment of House bills 7980 and 7950 into law to provide for disabled veterans and their dependents; to the Committee on World War Veterans' Legislation.

7554. By Mr. LUDLOW: Petitions of employees of the Veterans' facility at Indianapolis, Ind., supporting House bill 7708, for the abolition of compulsory payments for quarters, subsistence, and laundry; to the Committee on Expenditures in the Executive Departments.

7555. By the SPEAKER: Petition of the American Legion of Kings County, Department of New York, petitioning consideration of their resolution with reference to House bill 7239, concerning immigration and naturalization; to the Committee on Immigration and Naturalization.

7556. Also, petition of the American Legion of Kings County, Department of New York, petitioning consideration of their resolution with reference to importation of refined sugar made in the tropical islands; to the Committee on Agriculture.

7557. Also, petition of the Baptists of Puerto Rico, Ponce, P. R., petitioning consideration of their resolution with reference to our President in sending to the Vatican a personal emissary; to the Committee on Foreign Affairs.

7558. Also, petition of Local Union No. 3, International Brotherhood of Electrical Workers, New York City, N. Y., petitioning consideration of their resolution with reference to the appropriations for the Department of Justice; to the Committee on the Judiciary.

7559. Also, petition of the Philadelphia City Council, City Hall, Philadelphia, Pa., petitioning consideration of their resolution with reference to Senate bill 2009, known as omnibus transportation bill; to the Committee on Interstate and Foreign Commerce.

7560. Also, petition of Lodge 700, of the International Workers Order at East Pittsburgh, Pa., petitioning consideration of their resolution with reference to un-American actions; to the Committee on Rules.

7561. Also, petition of the United Mine Workers of America, District 50, Local 12120, East Chicago, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7562. Also, petition of Local Union No. 414, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America, Fort Wayne, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7563. Also, petition of B. R. C. of A., New Leaf Lodge, No. 1221, Terre Haute, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

## SENATE

MONDAY, APRIL 22, 1940

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal God and Father of us all, in whom is our hope, our joy, and from whom is our inspiration: Be graciously pleased to keep in the hollow of Thine hand the destiny and welfare of America. At this sacred moment of approach to Thee we invoke Thine especial blessings upon our President, Vice President, the Members of the Congress, the judiciary, and all others in authority, that they may be earnest in their personal devotion to the high demands of character, generous and free in public service and in the promotion of the noble causes of mankind. As a people give to us the vision of truth that no falsehood can defeat; of right that no wrong can crush; of goodness that no evil can overpower, for we know that Thou art on the side of every soul that seeks the righteous life and joins Thee in service for the coming of Thy kingdom. Thus, in these dark and difficult days, we acknowledge Thee to be the Lord, and bless Thee for the hope of a world redeemed, for the dream that hears again the song of the morning stars and the shout of the sons of God that shall herald the new creation of love and peace in the hearts of men. In our dear Redeemer's name we ask it. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 19, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Bone	Chandler	Downey
Ashurst	Bridges	Chavez	Ellender
Austin	Brown	Clark, Idaho	George
Bailey	Bulow	Clark, Mo.	Gerry
Bankhead	Burke	Connally	Gibson
Barbour	Byrd	Danaher	Gillette
Barkley	Byrnes	Davis	Glass
Bilbo	Caraway	Donahey	Green

Gurney	Lodge	Pepper	Tobey
Hale	Lucas	Pittman	Townsend
Harrison	Lundeen	Reed	Truman
Hatch	McKellar	Russell	Tydings
Hayden	McNary	Schwartz	Vandenberg
Herring	Maloney	Schwellenbach	Van Nuys
Hill	Mead	Sheppard	Wagner
Holman	Miller	Shipstead	Walsh
Hughes	Minton	Slattery	Wheeler
Johnson, Calif.	Murray	Stewart	White
Johnson, Colo.	Neely	Taft	Wiley
King	Norris	Thomas, Idaho	
La Follette	O'Mahoney	Thomas, Okla.	
Lee	Overton	Thomas, Utah	

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. HOLT], the Senator from Nevada [Mr. McCARRAN], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate on public business.

Mr. AUSTIN. I announce the necessary absence of the Senators from North Dakota [Mr. FRAZIER and Mr. NYE].

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

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McGill, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, Mr. HOBBS, Mr. GUYER of Kansas, and Mr. GWYNNE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944).

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3406) for forest protection against the white-pine blister rust, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution in which it requested the concurrence of the Senate:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes; and

H. J. Res. 431. Joint resolution to extend to the 1940 New York World's Fair and the 1940 Golden Gate International Exposition the provisions according privileges under certain customs and other laws to the expositions of 1939.

#### REDUCTION OF CAPITAL FUNDS OF CERTAIN CREDIT CORPORATIONS (S. DOC. NO. 184)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States in relation to Senate Resolution 243 (submitted by Mr. BYRD and agreed to April 8, 1940), calling on the Director of the Bureau of the Budget for information concerning the proposed reduction of the capital funds of certain "credit corporations," and pertaining to proposed reduction in the capital of various credit agencies of the Government, which was referred to the Committee on Banking and Currency and ordered to be printed.

#### EMPLOYMENT OF PANAMANIAN CITIZENS ON THE CANAL (S. DOC. NO. 183)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to section 2 of the bill (H. R. 8668) making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, as passed by the Senate on the 17th instant, relative to the employment of citizens of Panama in connection with work on the Panama

Canal, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

#### REPORT OF BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Twenty-sixth Annual Report of the Board of Governors of the System, covering operations for the year 1939, which, with the accompanying report, was referred to the Committee on Banking and Currency.

#### REPORT OF THE TEXTILE FOUNDATION

The VICE PRESIDENT laid before the Senate a letter from the chairman of the board of directors of the Textile Foundation, transmitting, pursuant to law, the annual report of the Foundation for the year 1939, which, with the accompanying report, was referred to the Committee on Commerce.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate petitions of several citizens of Ogden, Utah, and vicinity, praying that Government construction work be performed by construction companies rather than under the W. P. A., which were referred to the Committee on Appropriations.

He also laid before the Senate memorials of sundry citizens of East Chicago, Ind., and vicinity, remonstrating against amendment of the national labor relations or the wage and hour laws, which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by homesteaders of Waiakea Homesteads in the vicinity of Hilo, county of Hawaii, T. H., praying for the enactment of such sugar-quota legislation as will be most beneficial to the Territory of Hawaii, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the Irish-American National Club of New York City, N. Y., endorsing the so-called Walsh resolution, being the joint resolution (S. J. Res. 157) authorizing the President of the United States to present to Eire on behalf of the people of the United States a statue of Commodore John Barry, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the American Legion of Kings County, Brooklyn, N. Y., favoring the enactment of House bill 7239, to authorize the naturalization of Filipinos who are permanent residents of the United States, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution of the National Aviation Day Association, favoring the creation of standing committees of the Senate and House of Representatives on aviation affairs, which was referred to the Committee on Rules.

Mr. WALSH presented resolutions of Peter A. Bowler Camp, No. 63, United Spanish War Veterans, of Rockland; Columbia Post, No. 51, of South Boston; Earle T. Wardell Post, No. 12, of Beverly; Old Dorchester Post, No. 65, of Dorchester; and Merrill L. Simonds Post, No. 130, of Palmer, all of the American Legion, in the State of Massachusetts, favoring the erection of a general hospital and diagnostic center in the vicinity of Boston, Mass., which were referred to the Committee on Finance.

Mr. GREEN presented the following resolution of the General Assembly of the State of Rhode Island, which was referred to the Committee on Foreign Relations:

Resolution requesting the Senators and Representatives from Rhode Island in the Congress of the United States to use their earnest efforts to have passed the bill now pending in Congress, introduced by Congressman RUDOLPH G. TENEROWICZ, calling for an appropriation of \$50,000,000 by the United States Government for the aid of Polish war refugees

Whereas there is now pending in the Congress of the United States a bill of the greatest importance to the life of a stricken country, namely, the bill presented by Congressman RUDOLPH G. TENEROWICZ, calling for an appropriation of \$50,000,000 by the United States Government for the aid of Polish war refugees; and

Whereas by all the rules of humanity and civilization this great and generous country of ours should come to the assistance of these stricken peoples: Now, therefore, be it

*Resolved*, That this general assembly respectfully requests the Senators and Representatives from Rhode Island in the Congress of the United States to make every effort to have passed the pending legislation introduced by said Congressman TENEROWICZ, calling for an appropriation of \$50,000,000 by the United States Government for the aid of Polish war refugees; and be it further

*Resolved*, That the secretary of state be authorized to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States.

#### REPORTS OF COMMITTEES

Mr. BARKLEY, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 385) establishing a Greenville Memorial Commission to formulate plans for the construction of a memorial building to commemorate the Treaty of Greene Ville, at Greenville, Ohio, reported it without amendment.

Mr. HILL, from the Committee on Military Affairs, to which was referred the bill (S. 3266) to provide pensions, compensation, retirement pay, and hospital benefits to certain Reserve officers of the Army of the United States, reported it with an amendment to the title and submitted a report (No. 1458) thereon.

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

S. 2909. A bill for the relief of Dexter and Elizabeth Shiomi (Rept. No. 1459);

H. R. 7246. A bill for the relief of Madeline Vera Bucholz (Rept. No. 1460); and

H. R. 7814. A bill for the relief of Gerald Henry Simpson (Rept. No. 1461).

Mr. HOLMAN also, from the Committee on Immigration, to which was referred the bill (H. R. 2948) for the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim, reported it with an amendment and submitted a report (No. 1462) 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. 3256. A bill to enable Sadao Tanaka to remain permanently in the United States (Rept. No. 1463); and

S. 3373. A bill to enable Kurt Frings to enter and remain permanently in the United States (Rept. No. 1464).

Mr. MALONEY also, from the Committee on Immigration, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2760. A bill for the relief of Mijo Stanisic (Rept. No. 1465); and

S. 2995. A bill for the relief of John Horvath (Rept. No. 1466).

Mr. HUGHES, from the Committee on Immigration, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 2969. A bill for the relief of Louise Thorne (Rept. No. 1467);

S. 3412. A bill for the relief of John Nicholas Chicouras (Rept. No. 1468);

S. 3442. A bill to authorize the cancellation of deportation proceedings in the case of Minas Kirillidis (Rept. No. 1478); and

H. R. 5827. A bill to authorize the cancellation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder (Rept. No. 1479).

Mr. SMATHERS, from the Committee on Immigration, to which was referred the bill (S. 2774) for the relief of Jose Mauri, reported it with an amendment and submitted a report (No. 1469) thereon.

Mr. AUSTIN, from the Committee on Immigration, to which was referred the bill (S. 2775) for the relief of Henry Gideon Schiller, reported it with an amendment and submitted a report (No. 1470) thereon.

Mr. HERRING, from the Committee on Immigration, to which was referred the bill (S. 3245) for the relief of Maria

Teresa Valdes Thompson, reported it without amendment and submitted a report (No. 1471) thereon.

Mr. KING, from the Committee on Immigration, to which was referred the bill (H. R. 6965) for the relief of Stina Anderson, reported it with an amendment and submitted a report (No. 1472) thereon.

He also, from the same committee, to which was referred the bill (S. 3204) for the relief of Louise Hsien Djen Lee Lum, reported it without amendment and submitted a report (No. 1480) thereon.

Mr. STEWART, from the Committee on Immigration, to which was referred the bill (S. 2768) authorizing the naturalization of Thomas A. Lambie, reported it without amendment and submitted a report (No. 1477) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2757. A bill for the relief of Bonifacio Suso (Rept. No. 1475); and

S. 2964. A bill for the relief of Joseph L. Lipsher and Esther Mila Lipsher (Rept. No. 1476).

Mr. SCHWELLENBACH, from the Committee on Immigration, to which was referred the bill (S. 2148) for the admission of Ruth Molimau Kenison to American citizenship, reported it without amendment and submitted a report (No. 1481) thereon.

He also, from the same committee, to which was referred the bill (S. 2669) to admit Mrs. Orris R. Grimmesey permanently to the United States, reported it with amendments and submitted a report (No. 1473) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3094) for the relief of Luise Ehrenfeld, reported it with an amendment and submitted a report (No. 1474) thereon.

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

H. R. 6964. An act for the relief of Mr. and Mrs. Nathan Kaplan (Rept. No. 1482).

H. R. 7306. An act for the relief of John R. Elliott (Rept. No. 1483); and

H. R. 8317. An act for the relief of the Hermosa-Redondo Hospital, C. Max Anderson, Julian O. Wilke, Curtis A. Wherry, Hollie B. Murray, Ruth M. Laird, Sigrid I. Olsen, and Stella S. Guy (Rept. No. 1484).

Mr. SCHWARTZ, from the Committee on Military Affairs, to which was referred the bill (S. 3131) to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes, reported it without amendment and submitted a report (No. 1485) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 1432) authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes, reported it with amendments and submitted a report (No. 1486) thereon.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on April 18, 1940, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 2993. An act to authorize an exchange of lands between the city of San Diego, Calif., and the United States, and acceptance by gift of certain lands from the city of San Diego, Calif.;

S. 3067. An act authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes;

S. 3440. An act to amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of

the chief inspector and assistant chief inspectors of locomotive boilers; and

S. J. Res. 218. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

#### BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. SLATTERY:

S. 3821. A bill to authorize an appropriation to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Ill., during 1940; to the Committee on the Library.

By Mr. HALE:

S. 3822. A bill to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to marine schools in the State of Maine; to the Committee on Naval Affairs.

By Mr. BURKE:

S. 3823. A bill for the relief of Fred A. Bailey; and

S. 3824. A bill for the relief of Arthur C. McCune and Caroline McCune; to the Committee on Claims.

By Mr. McNARY:

S. 3825. A bill to amend the Internal Revenue Code, as amended, for the purpose of imposing a tax on santonin and salts thereof imported into the United States; to the Committee on Finance.

By Mr. GIBSON:

S. 3826 (by request). A bill for the restriction and control of immigration for the protection of American homes and industry; to the Committee on Immigration.

By Mr. ADAMS:

S. 3827. A bill to amend the act for the preservation of American antiquities, approved June 8, 1906 (34 Stat. 225), and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. STEWART:

S. 3828. A bill to amend section 107 of the Judicial Code, as amended, to eliminate the requirement that suitable accommodations for holding the court at Winchester, Tenn., be provided by the local authorities; to the Committee on the Judiciary.

By Mr. TRUMAN:

S. 3829. A bill to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes; to the Committee on Interstate Commerce.

By Mr. TYDINGS:

S. 3830. A bill to authorize members of the Police Force and Fire Department of the District of Columbia to reside at a distance of not more than 12 miles from the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEELY:

S. 3831. A bill to extend indefinitely the time before which valid applications may be filed for disabled emergency officers' retirement benefits, and for other purposes; to the Committee on Finance.

By Mr. PEPPER (for himself, Mr. HILL, Mr. ELLENDER, Mr. LEE, Mr. MEAD, Mr. MURRAY, Mr. GUFFEY, Mr. SCHWARTZ, Mr. WAGNER, Mr. MINTON, Mr. GREEN, and Mr. SCHWELLENBACH):

S. J. Res. 250. Joint resolution to authorize the Work Projects Administration to maintain in employment not less than the number of persons employed by it on April 1, 1940; to the table.

#### HOUSE BILL AND JOINT RESOLUTION PLACED ON CALENDAR OR REFERRED

The following bill and joint resolution were each read twice by their titles and ordered to be placed on the calendar or referred as indicated below:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes; to the calendar.

H. J. Res. 431. Joint resolution to extend to the 1940 New York World's Fair and the 1940 Golden Gate International Exposition the provisions according privileges under certain customs and other laws to the expositions of 1939; to the Committee on Finance.

#### CHANGE OF REFERENCE

Mr. GLASS. Mr. President, with the consent of the proponents of the Senate bill (S. 3638) to permit the Smithsonian Gallery of Art Commission to purchase a model of the winning design for the proposed Smithsonian Gallery of Art, and for other purposes, which was erroneously referred to the Committee on Appropriations, I move that the Committee on Appropriations be discharged from the further consideration of the bill, and that it be referred to the Committee on the Library.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

The motion was agreed to.

#### AMENDMENT TO RIVER AND HARBOR BILL—CHANNEL TO HOG ISLAND, HINGHAM BAY, MASS.

Mr. WALSH submitted an amendment intended to be proposed by him to House bill 6264, the river and harbor authorization bill, which was ordered to lie on the table and to be printed.

#### SUPPLEMENT TO COMPILATION OF LAWS RELATING TO REGULATION OF CARRIERS

Mr. TYDINGS (by request) submitted the following resolution (S. Res. 259), which was referred to the Committee on Interstate Commerce:

*Resolved*, That the Interstate Commerce Commission is hereby requested to prepare in such manner as is deemed by it to be necessary and desirable in the circumstances and transmit to the Senate a manuscript in form suitable to be printed, to supplement and bring as closely to date as is practicable Senate Document No. 166, Seventieth Congress, first session, and Senate Document No. 139, Seventy-third Congress, second session, entitled "Compilation of Federal Laws Relating to the Regulation of Carriers Subject to the Interstate Commerce Act, with Digests of Pertinent Decisions of the Federal Courts and the Interstate Commerce Commission and the Text of or Reference to General Rules and Regulations," and that such manuscript when transmitted by the Commission to the Secretary of the Senate be printed as a Senate document.

#### COMPILATION OF OUTSTANDING LEGISLATION AND IMPORTANT COURT DECISIONS, 1933-40 (S. DOC. NO. 187)

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed as a Senate document a digest of all the outstanding laws enacted since the 4th of March 1933, together with the decisions of the Supreme Court with respect thereto, and other pertinent data, in which the Senate will find much interest, prepared by the Legislative Reference Service of the Library of Congress.

The VICE PRESIDENT. Without objection, it is so ordered.

#### REEXAMINATION OF WILLAMETTE RIVER, OREG. (S. DOC. NO. 185)

Mr. McNARY. Mr. President, at the request of the Senate Committee on Commerce, I ask unanimous consent that a report of the Chief of Engineers, War Department, on the reexamination of Willamette River, Oreg., with a view to flood control on Pudding River, be printed, with the accompanying illustration, as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

#### AMENDMENT OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 3800) to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMAS of Oklahoma. I move that the Senate insist upon its amendments, 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 Vice President appointed Mr. SMITH, Mr. THOMAS of Oklahoma, Mr. BANKHEAD, and Mr. McNARY conferees on the part of the Senate.

## ADDRESS BY THE PRESIDENT TO YOUNG DEMOCRATIC CLUBS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the President of the United States on April 20, 1940, to various young Democratic clubs, which appears in the Appendix.]

## ADDRESS BY SENATOR WALSH ON LEGAL JUSTICE

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address on the subject of legal justice, delivered by him at the dedication of the new courthouse at Waltham, Mass., April 21, 1940, which appears in the Appendix.]

## CHINESE SILVER SOUGHT TO STRENGTHEN JAPAN'S HOLD ON NORTH CHINA

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a statement prepared by him, and entitled "Chinese Silver Sought To Strengthen Japan's Hold on North China," which appears in the Appendix.]

## ADDRESS BY REPRESENTATIVE C. ARTHUR ANDERSON TO DEMOCRATIC STATE CONVENTION AT ST. LOUIS

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an address delivered by Representative C. ARTHUR ANDERSON as permanent chairman of the Democratic State convention at St. Louis, Mo., April 15, 1940, which appears in the Appendix.]

## RADIO NEWS INTERVIEW WITH REPRESENTATIVE DEMPSEY, OF NEW MEXICO

[Mr. HATCH asked and obtained leave to have printed in the RECORD a radio news interview with Representative DEMPSEY, of New Mexico, concerning the so-called Hatch bill, which appears in the Appendix.]

## ADDRESS BY WENDELL L. WILLKIE BEFORE TOLEDO CIVIC FORUM AND ROTARY CLUB

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by Wendell L. Willkie before the Toledo Civic Forum and Rotary Club on March 4, 1940, which appears in the Appendix.]

## THE UNITED STATES AND THE PHILIPPINES—ADDRESS BY SALVADOR ARANETA

[Mr. GIBSON asked and obtained leave to have printed in the RECORD a radio address delivered by Salvador Araneta on the United States and the Philippine Islands, which appears in the Appendix.]

## AIR SAFETY BOARD

[Mr. AUSTIN, for Mr. McCARRAN, asked and obtained leave to have printed in the RECORD a letter from Paul M. Norman, a telegram from the Air Pilots of Denver, Colo., and editorials from the Wyoming State Tribune, the New York Times, the San Diego Union, the Los Angeles Times, and the New York Sun, all relating to the Civil Aeronautics Authority and the Air Safety Board, which appear in the Appendix.]

## DAVID SAPOSS

[Mr. GREEN asked and obtained leave to have printed in the RECORD a letter from Mary Bartlett, chief, division of women and children, State of Rhode Island, in commendation of David Saposs, Director, Division of Economic Research for the National Labor Relations Board, which appears in the Appendix.]

## ARTICLE BY HERBERT HOOVER ON RECOGNITION OF SOVIET RUSSIA

Mr. VANDENBERG. Mr. President, ex-President Herbert Hoover, writing in the current Collier's Weekly, defines our recognition of Soviet Russia as a gigantic political and moral mistake. I wholly agree with him. He thinks the least we should do about it is to sever our ambassadorial relations. Again I agree, as I have repeatedly stated on the floor of the Senate. But whether we all agree in detail or not, there certainly must be new acknowledgment that treachery and seduction—the old Trojan horse technique—are now glaringly seen as favorite weapons of the Berlin-Moscow axis. Such being the case, America is put on stern, sharp notice to review her own potential jeopardies in this respect, and one of the greatest of these jeopardies is our acknowledged infiltration of world revolutionists under inspiration and orders from

Moscow, in direct and contemptuous violation of the Litvinoff-Roosevelt agreement of 1933.

Our national defense is not alone a matter of ships and men. It is equally a matter of excising the roots of internal treason. It "can happen here." Eternal vigilance is the price of peace.

I ask that Mr. Hoover's discussion of what he calls Russian Misadventure be printed in the RECORD.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

[From Collier's Weekly of April 27, 1940]

## RUSSIAN MISADVENTURE

(By Herbert Hoover)

The safety and defense of the United States in a world armed to the teeth does not wholly consist of being properly armed ourselves nor of maintaining our neutrality in the present wars.

It depends upon maintaining the respect of other nations. It depends upon our giving vigorous moral support to decent standards of conduct between nations. It depends upon our freedom from the pitfalls of power politics. It depends upon our keeping free of propaganda and interference in our domestic affairs by foreign governments and foreign ideologies.

In other words, our safety and defense depends greatly upon the wisdom of our foreign policies.

In these lights I propose to analyze Mr. Roosevelt's recognition of the Communist Government of Soviet Russia, and its consequences to the American people and to mankind.

The events of the past 6 months have further illuminated this policy and point to two major reasons for a reexamination now.

Errors in foreign policies often cannot be fully corrected. But because errors are made is no sign that nothing can be done about it. When we see that the consequences result in continued disintegration of decent standards in the world and at home, we should at least reassert our position on these standards.

The recognition of Russia is a test of statesmanship. With two-thirds of the world at war, vast problems will arise daily, the solution of which will determine our peace abroad and our peace at home. The capacity and judgment in the past should be examined before we elect leadership for the difficult years before us.

Recognition or nonrecognition of new governments and the exchange of ambassadors or ministers is one of the protections to international decency that nations have developed over centuries. These measures are not merely to provide afternoon teas for cocky pushers in foreign service or avenues for the red tape of ponderous verbiage in communications. These are measures designed to safeguard nations from grave consequences.

At once let me make it quite clear that in analyzing the recognition of Russia and its consequences I am not advocating war with Russia. Nor am I advocating that we in the remotest degree interfere with the internal affairs of Russia. That is the business of Russia alone.

When our neighbors choose to live a life of disrepute, we do not shoot them up. But we can hold up the moral and social standards in the community a little better if we do not associate with them. Or take part in their parties. Or invite them into our homes. Or present them to our children.

Recognition of new governments is thus more than a reestablishment of legalistic or trade relations. It is a sign that we believe they are respectable members of the family of nations. It gives to them right of entry into our homes. It gives them a recommendation to our neighbors.

Further, let me say that I am not interested in "red" baiting. I have no anxiety that the Communists will pull off a Communist revolution in the United States. That is not what happens. What does happen is that a people get annoyed and indignant over Communist sabotage of national life and poisoning of the wells of liberty. Then in a rage they go Fascist and put the Communists down by cruelty and violence. Or in milder form they go vigilante. Both of these reactions are the defeat of liberty. That is the Communist contribution to the abandonment of democracy in a number of nations outside Russia. Communism everywhere has paved the way for fascism. And daily we see the two systems approach the same form of sheer tyranny and despotism.

We may summarize some first-hand history.

For a number of years before the Great War I, as an American engineer, practiced my profession in Russia. In the building of large industrial works I came to know only too well the sufferings of a people under the Czarist despotism. I came to know the gentle character of the great mass of the Russian people. I knew their strivings toward better family and community life. I saw their rising aspirations of liberty. I saw their frustrations against the repression of an intolerable aristocracy.

Finally, in 1916, due to the internal demoralization of the Great War, the Czar was compelled to recall the Parliament (the Duma) of the people to ward off rebellion. At that I rejoiced. In March 1917 the courageous men of this Parliament overthrew the Czarist government. These were not Communists—they were liberal-minded patriots. They created a representative republic under Kerensky. I felt that even the dreadful losses of the Great War might have compensations in the glow of rising liberty that dawned across the bleak Russian steppes.

In November 1917, however, the Communists, as the Bolshevik Party, in cooperation with Czarist forces, overthrew the democratic government. A bloody curtain descended upon the Russian people. The hope of liberty in Russia had been assassinated. The four modern Horsemen of Hate, Terror, Atheism, and Imperialism were started on the march in the world.

#### MASSACRE, NOT REVOLUTION

The Communist revolution was not a revolt against the Czarist regime. It was a massacre under the softer word "liquidation" of all the liberal men and liberal women in Russia. Nearly every member of those brave parliaments who raised the banner of liberty against the Czarist regime was executed without a semblance of justice or compassion. The remaining few still live in exile abroad.

Incidentally, this Communist Government deserted the United States in the Great War and gave support to our enemy.

We move on to 1919.

With the armistice arose the question of the recognition of the Communist Government of Russia by the United States. President Wilson requested from me a memorandum upon the matter. It contained these lines:

"\* \* \* The Bolsheviks most certainly represent a minority \* \* \* as such they constitute a tyranny that is the negation of democracy \* \* \* they have resorted to terror, bloodshed, and murder to a degree long since abandoned even amongst reactionary tyrannies. \* \* \* We cannot even remotely recognize this murderous tyranny \* \* \* without transgressing on every national ideal of our own. \* \* \*"

Woodrow Wilson, in fact, needed no such advice. In August 1920 his views and those of the Democratic Party were already reviewed by Secretary of State Bainbridge Colby—which I condense:

"\* \* \* at the moment when the work of creating a popular representative government based upon universal suffrage was nearly completed, the Bolsheviks \* \* \* an inconsiderable minority of the people, by force and cunning seized the powers and machinery of government, and have continued to use them with savage oppression. \* \* \*"

"\* \* \* The responsible spokesmen \* \* \* have declared that \* \* \* the very existence of bolshevism \* \* \* depends \* \* \* upon revolution in all the other great civilizations, including the United States."

"Moreover, it is within the knowledge of the Government of the United States that \* \* \* the Third International \* \* \* is heavily subsidized by the Bolshevik Government from the public revenues of Russia, has for its openly avowed aim the promotion of the Bolshevik revolution throughout the world."

"\* \* \* There can be no confidence \* \* \* if pledges are to be given \* \* \* with a cynical repudiation \* \* \* already in the mind of one of the parties."

"We cannot recognize \* \* \* a government which is determined and bound to conspire against our institutions."

#### IN THE NAME OF HUMANITY

And now we come to 1921, and the 12 years of Republican administrations.

A great famine descended upon south Russia. The lives of 20,000,000 people were threatened. This famine was in large part due to the undermining of national productivity by the Communist Government. But the Communist leaders appealed to America in the name of humanity. They had expropriated hundreds of millions of American savings invested in Russia. They had repudiated their debt to our Government. But we, being a democracy, listened only to the cry for compassion. We had no desire to punish the Russian people for the wickedness of their oppressors. It fell to me to organize and direct the distribution of more than \$75,000,000 worth of American food to those helpless people. We saved the lives of those millions.

And now, after all these years, opens a revealing incident. It appears, from disclosures before the Dies Committee, that during that famine, under a false-front organization, "The Friends of Soviet Russia," absolutely controlled from Moscow, the Communists in the United States in competition with the American relief organizations raised \$1,000,000 from the American public for relief of Russia. They now confess that they never sent a cent to Russia but used it for Communist propaganda in the United States. There is no better commentary on the morals or cruelty of the Soviet Government.

During this period from 1919 to 1933 the Moscow Government was busy everywhere in the effort to destroy democratic governments. These destructions were a large part of the rise of nazi-ism in Germany and of fascism in Italy. In England Soviet officials were arrested and expelled for conspiracy against the Government.

The Republican administrations for 12 years refused to give the Soviet Government recognition, despite constant propaganda on its part and that of its fellow travelers.

During this time we held to the ground, first, that the Communist Government of Russia, with its foundations in cruelty, terror, destruction of liberty and religion, and murder, should not be given the dignity and respectability of recognition from freemen. Such recognition would increase its destructive power against all free nations and all freemen.

Second, that such recognition would open the floodgates of Russian-subsidized Communist propaganda and conspiracy upon the American people.

And third, we knew from a thousand evidences that promises were valueless from a government that openly flaunted all the decencies of men.

While it was not our business, yet such recognition would further cement the hold of 2,000,000 Communists upon 150,000,000 suffering people in their own country.

Thus four Presidents and four Secretaries of State concurred in these views.

We move on to November 16, 1933.

On that date President Roosevelt recognized Soviet Russia.

The same conditions still prevailed in Russia as when President Wilson denied recognition and they had been confirmed by 14 years of bloody terror. They had been confirmed by the constant effort of Moscow to destroy democratic government everywhere.

Upon that recognition by President Roosevelt there was this explicit agreement:

"\* \* \* the Government of the Union of Soviet Socialist Republics (agree) to respect scrupulously \* \* \* to refrain from interfering in any manner in the internal affairs of the United States \* \* \* to refrain and to restrain all persons \* \* \* under its direct or indirect control \* \* \* from any act \* \* \* liable in any way whatsoever to injure the tranquility, prosperity, order, or security \* \* \* or any organization or propaganda \* \* \* in any part of the United States, its Territories, or possessions. \* \* \* Not to permit the formation \* \* \* of any organization or group \* \* \* which has as an aim the overthrow \* \* \* of the political or social order \* \* \* of the United States. \* \* \*"

President Roosevelt in announcing this great step said:

"I trust that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world."

#### SIX YEARS OF OUR GOOD NEIGHBOR

We move on to 1940 and inspect the consequences.

We have now had 6 years of these good-neighbor relations with the Soviet Government.

Overnight we were flooded with conspiracy to overthrow our institutions. The number of actual members of the Communist Party in our country increased at once by 100 percent. But these numbers were trivial. Of more importance is that under the sympathetic attitude of this recognition a score of camouflaged fellow-traveler and front organizations grew apace, controlled by inner cells of Communists. A dozen of them have been exposed, which influenced ideas among millions of people who did not know their origins and control. I need not relate the whole horrid chapter.

As to the fidelity of the Communist Government to its agreement, the unanimous report of the Dies committee, based upon exhaustive research and testimony, says:

"\* \* \* The Communist Party is a foreign conspiracy masked as a political party. \* \* \* The party's activities constitute a violation of the treaty of recognition."

That is the one made by President Roosevelt in 1933. The report continues:

"\* \* \* The Communist Party under instructions from the Comintern (Moscow) has from time to time pursued policies in direct violation of the laws of the United States. \* \* \* Moscow has from the very beginning of the Communist Party in the United States supplied the party here with funds for its subversive activities."

Now, let us look at the Communist Government at work against nations of freemen in its "cooperating \* \* \* for the preservation of the peace of the world."

On August 22, 1939, the world was startled by an alliance of Fascist Hitler and Communist Stalin. This was no surprise to thinking people to whom the blood brotherhood was well known. It was embarrassing to a vast number of pseudoliberals who had tried to envisage fascism as the sole living devil of civilization.

Nine days after this junction these governments simultaneously attacked independent Poland. They destroyed the freedom of a great people.

Fourteen days later the independence of Latvia and Estonia was destroyed.

We move on again for 60 days. On November 30 last came the unprovoked attack by Russia upon little Finland. Here the might of 160,000,000 Russians was thrown against 3,500,000 peace-loving and liberty-loving Finns. Do I need to describe these scenes? Where before in all civilized time has the slaughter of women and children been applied in an attempt to force the surrender of courageous men?

Is all this "cooperation for the peace of the world"?

We may explore certain other consequences of this recognition of Soviet Russia directly upon American life.

As a sop for the recognition, an appeal was made to the cupid-ity of the American people. We were told in 1933 that upon this recognition Russia would buy a vast amount of American goods. A good part of American business was brought to support recognition by huge promises of new business.

What is the record? During the almost exactly 6 years from the day of Russian recognition down to the day Poland was attacked we sold a total of about \$200,000,000 worth of goods to 160,000,000 people in Russia. That is less than 7 percent of what we sold 10,000,000 people in Canada in the same period. It is a curious commentary that in the 6 years prior to the recognition we sold Russia almost \$500,000,000, or more than twice as much.

The copybooks one time said that good does not come out of evil.

Nor should I neglect to mention another item. Prior to 1934 we refused to allow the import of Russian gold. Since recognition we have bought directly and indirectly over \$300,000,000 in

gold from Russia at \$35 per ounce. A large part of this gold is produced by the bleeding fingers of hundreds of thousands of farmers who have been condemned to Siberia for no reason but that they wanted to farm their own farms. That gold is produced by forced labor. It helps the Soviet Government finance the destruction of small nations.

And another commentary on this whole bloody trade is that in the 5 months since Poland was attacked our sales of goods to Russia have increased 300 percent. That represents a large addition of gasoline, copper, alloys, etc., to aid in the subjugation of the liberties of the Finns and the Poles or other peoples.

#### LABOR PAYS THE PRICE

But there are still more overriding consequences. One result of recognition of the Soviet Government is its interference in American domestic life.

That recognition in 1933 was vigorously protested by such responsible leaders of American labor as William Green, John Froy, Matthew Woll, and others as endangering the whole American labor movement. It was protested by thinking men and women everywhere.

Benjamin Stolberg, in a notable article a few months ago, gave an illuminating exposure of the subsequent Communist penetration of American labor unions under Moscow's direction and the consequences:

"They organize whispering campaigns of unprintable character-assassination against critics. They bring pressure to bear on every worker. \* \* \* In unions which have employment departments they never send a known anti-Communist to a job. \* \* \* They try their best to get him fired. \* \* \* Their two principal techniques are organized confusion and organized terrorism. \* \* \* The Communists have never hesitated either to break strikes or to precipitate irresponsible walk-outs. \* \* \* The Communists called almost 200 unauthorized sit-downs."

Similar evidence has been given by labor leader after labor leader struggling on one hand to maintain the fundamentals of free men against the Communists and on the other to maintain the rights of labor with employer.

The free speech and free press that are essential to liberty give the Communists the full right to expound a fantastic philosophy under which free speech would be suppressed. But they have not been content with peaceful exposition. They have repeatedly organized disturbances of the public order as a means of propaganda.

Hunger marches of well-fed men, stimulating riots, were a specialty of the Communist front unemployed councils in various parts of the country.

#### THE TRUTH ABOUT THE BONUS MARCH

It is now established by their own confessions that it was the Communist front Workmen's Ex-Service League that organized the bonus march of deluded veterans on Washington. After Congress had refused their proposals and the administration had paid the fare home of all veterans who had come in good faith, the Communists provoked attacks upon the police in the streets of the National Capital. At that time we identified hundreds of Communists among them who were not veterans at all.

The District authorities finally demanded troops to prevent the killing of men in these riots. After the troops took charge not one shot was fired, not one man injured.

The lie that a Republican administration had slaughtered innocent veterans of the American Army was made a part of the campaign in 1932.

These are only samples.

There has been much interference in our American political life. Not content to follow Democratic processes by organizing their own open political party and seeking change of government through the ballot, they, their fellow travelers, and their false-front organizations have been active within other political parties. I do not for a moment suggest that the New Deal is Communist. But it has neither refused their aid nor properly exorcised them from New Deal support. It is unnecessary to recite the now publicly known labors of Earl Browder, Moscow, and the Communist press to attain this end.

And not the least of their services were as distributors of sewer literature, lies, smears, slander, and libel, with which they flooded the ignorant. They emerged into the role of organized poisoners of the minds of the American people.

If it were not for the back drop of tragedy there might be grim humor in President Roosevelt's wishes and warm congratulations to the Soviet Government on its seventeenth anniversary.

Of far deeper importance than all this is the corruption of the spirit of liberalism itself. The basic philosophy of our national life is liberalism in its historic sense. The first pillars of liberalism are intellectual and spiritual liberty. That is freedom of thought, speech, press, and worship. Through representative government, equality of rights, government by law, not by men, we sought that minorities and individuals may live in security. Around this structure were built all the details of justice, of trial by jury, of regulation against oppression and exploitation.

Essential to intellectual and spiritual liberty is also economic freedom. That is the right of men to choose their own jobs, to undertake their own adventures, to receive and enjoy the reward of their own efforts, to save for their families and for their old age.

We stand for economic liberty, for free enterprise regulated to prevent abuse, not because it is a property system or a capitalist system or a profit system or a chamber of commerce slogan. We

are for it because we know that it is inseparable from intellectual and spiritual freedom. It has been proved a thousand times that economic liberty cannot be suppressed without suppressing every other liberty. And the most monumental proof of all time is communism, and its great exemplar is Soviet Russia.

Liberalism calls for more than even intellectual, spiritual, and economic liberty and the security of these rights. It calls for respect for the dignity of men. It calls for the development of the individual character in men and women, free of fear and filled with hope. It calls for mercy, for compassion, for tolerance. It holds that the sum of individual accomplishments and character of men makes the sum of human progress.

Having stated these perhaps commonplaces of liberalism, does anything of this sort exist in Russia under communism?

What have been the reflexes of this clash in fundamentals upon American liberalism? We have always possessed a large group of sympathetic, idealistic minds who are impatient with the slow and oftentimes discouraging processes of democracy in remedy of injustices. They sincerely welcome each new human hope.

From the outbreak of communism in Russia, the ranks of American liberals were at once split. A considerable group gave sympathy and credulity to the Communist revolution, sincerely believing it was the new hope for Russia. Soon they were justifying every atrocity, every phase of this despotism. From the gradual drinking of this poison men who believed themselves liberals fell into support of collectivism in some form. At once went up the cry of "Recognize Russia." It became a slogan whereby those who did not bow down were denounced as reactionary.

In any event we have seen a strange hybrid that can be called "totalitarian liberalism." We have seen it in so-called liberal publications. We have seen it in some college professors. We have seen it in some misled youth. We have seen it in the Halls of Congress. We have seen statism planted in the American Government.

#### THE NEED AND THE REMEDY

This attitude of the mind—the belief that the expansion of Government dictation creates liberty—appears to be the philosophy of these "totalitarian liberals."

And yet many such people become indignant if one suggests they are not liberals. Some of them in the past few months have drawn back in horror from the picture now exposed. Our newspaper columns are full of explanations, and some forthright apologies.

Today the need among intellectuals in the United States is to conserve liberalism from this totalitarian aberration. For a demon has entered into the minds of many liberal men and women that, like the demon of the Gadarene swine, will plunge them and us over a precipice.

What does all this add up to?

Soviet Russia, since the New Deal formally granted recognition to Stalin's government, has been poisoning vigorously the intellectual and spiritual life of this country. Moscow has maintained in this country a vast propaganda machine, not to make us friendly to Russia, but to control and dominate the political and economic life of America. It seeks to foment race hatred among those of our own citizens whom they call the minorities—that is, the Negroes and the foreign-born. It seeks to stir up class hatred among the American people.

Soviet Russia, through this machine, seeks to influence the attitude of the United States in its relations to other countries that would involve us in power politics.

The facts that I have related become plainer every day. Yet we are holding in friendship the red hand that grabbed a part of Poland and forced a treaty that despoiled Finland.

The recognition of Soviet Russia was a gigantic political and moral mistake. It was not a mistake proved from change of circumstance. It was a mistake obvious from the beginning.

Would it not establish self-respect, would it not contribute to reestablish moral standards in a sorry world, if we took some action?

To withdraw technical recognition at this time of a world aflame might be misinterpreted as warlike. But the moral equities would be at least reasserted if we withdrew our Ambassador and left the technical representation of a chargé d'affaires. Why are we more tender of tyranny in Communist Russia than in Nazi Germany?

We criticize some of our youth because we say they are "red." We criticize certain labor unions because we say that they are dominated by Communists. We arrest certain Americans because they serve Soviet Russia in this country illegally. Yet we do not stop to think that it was our own Government that set the mark of respectability on Soviet Russia and the things these people advocate.

#### THE CALENDAR

Mr. BARKLEY. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The clerk will state the first measure on the calendar.

The first business on the calendar was the resolution (S. Res. 58) providing that a calendar day's notice shall suffice in connection with suspension of a rule.

Mr. VANDENBERG. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 74) providing for a Committee on Civil Aviation was announced as next in order.

Mr. VANDENBERG. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 45) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes," was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over. The bill (S. 783) to amend the act, as amended, entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," approved February 7, 1925, was announced as next in order.

Mr. KING. Mr. President, several of these Indian bills are on the calendar. We are not ready to report on them. Let them go over. They are Senate bills 783, 790, 1222, 767, and 864.

The VICE PRESIDENT. The bills will be passed over.

The bill (S. 1303) to amend the Agricultural Adjustment Act of 1938, as amended, with respect to cotton, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 795) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 570) to regulate interstate and foreign commerce in agricultural products; to prevent unfair competition; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes, was announced as next in order.

Mr. McKELLAR (and other Senators). Over. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1305) to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2203) to amend certain sections of the Social Security Act was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 34) for the relief of W. K. Richardson was announced as next in order.

Mr. KING. Let the joint resolution go over.

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

The bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio was announced as next in order.

Mr. KING. I should like an explanation of the bill.

The PRESIDENT pro tempore. An explanation is requested.

SEVERAL SENATORS. Over. Over.

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

The bill (S. 1730) to amend the civil-service law to permit certain employees of the legislative branch of the Government to be transferred to positions under the competitive classified civil service was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 1650) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

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

The bill (S. 915) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, the House has passed a bill substantially the same in character.

Mr. ASHURST. Mr. President, pardon me—the House has passed House bill 6324.

Mr. KING. Yes; and I shall move that the House bill be placed upon the calendar; and at a later date, after conferring with our leader, I shall ask for the consideration of the House bill.

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

The bill (S. 1740) to promote business and economic research in the United States by establishing and maintaining in connection with State university schools of business administration, research stations to cooperate with the Department of Commerce was announced as next in order.

Mr. CHANDLER. Let the bill go over.

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

The joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United States relating to old-age assistance was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (S. 1296) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

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

The joint resolution (S. J. Res. 84) proposing an amendment to the Constitution of the United States for a referendum on war was announced as next in order.

Mr. VANDENBERG. Let the joint resolution go over.

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

The joint resolution (S. J. Res. 140) proposing an amendment to the Constitution relating to the power of the Congress to declare war was announced as next in order.

Mr. VANDENBERG. Let the joint resolution go over.

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

The bill (S. 2687) to establish a circuit court of appeals for patents was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

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

The bill (S. 409) to protect American labor and stimulate the employment of American citizens on American jobs was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

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

The bill (H. R. 5643) to invest the circuit courts of appeals of the United States with original and exclusive jurisdiction to review the order of detention of any alien ordered deported from the United States whose deportation or departure from the United States otherwise is not effectuated within 90 days after the date the warrant of deportation shall have become final; to authorize such detention orders in certain cases; to provide places for such detention; and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (S. 2573) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in rice and providing for the orderly marketing of rice at fair prices in interstate and foreign commerce was announced as next in order.

Mr. CHANDLER. Let the bill go over.

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

The bill (S. 1970) to eliminate certain oppressive labor practices affecting interstate and foreign commerce, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (S. 2830) to provide for the registration of aliens was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

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

The bill (S. 2510) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public kindergarten or kindergarten and nursery-school education was announced as next in order.

Mr. LODGE. Let the bill go over.

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

The joint resolution (H. J. Res. 367) to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The resolution (S. Res. 168) providing for an investigation of the immigration of aliens into the United States was announced as next in order.

Mr. SCHWELLENBACH. Let the resolution go over.

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

#### PHOSPHATE RESOURCES

The joint resolution (S. J. Res. 199) amending Public Resolution 112 of the Seventy-fifth Congress, and Public Resolution 48 of the Seventy-sixth Congress, was announced as next in order.

Mr. BARKLEY. May we have an explanation of the joint resolution? It was reported by the Senator from South Carolina [Mr. BYRNES].

Mr. KING. Let it go over.

Mr. BYRNES. Mr. President, the Senator from Florida [Mr. PEPPER] wanted to make a statement about the joint resolution. He is not here. I suggest that it go over.

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

Mr. BYRNES subsequently said: I ask unanimous consent to return to Senate Joint Resolution 199, which was passed over only a few moments ago. I make that request because the Senator from Florida [Mr. PEPPER] may not return before the call of the calendar has been completed.

The joint resolution, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate, simply provides for an extension of time within which the Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States can report its findings. The joint resolution does not appropriate any additional money. It simply extends the time for the filing of the committee's report.

Mr. KING. It does not continue in force the authority and power of the committees to hold hearings and make investigations, but merely extends the time within which it shall report?

Mr. BYRNES. That is all.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. Without objection, the Senate will return to the joint resolution.

The joint resolution (S. J. Res. 199) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.,* That the life of the committee provided for by Public Resolution No. 112 of the Seventy-fifth Congress creating a Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States, and Public Resolution No. 48 of the Seventy-sixth Congress, and the time for making its final report is extended to January 15, 1941.

#### BILLS PASSED OVER

The bill (S. 3130) relating to the citizenship and compensation of certain employees on military construction work in the Panama Canal Zone was announced as next in order.

Mr. BARKLEY. Let the bill go over.

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

The bill (H. R. 7941) relating to the citizenship and compensation of certain employees on military construction work in the Panama Canal Zone was announced as next in order.

The PRESIDENT pro tempore. This bill and the preceding one are identical bills.

Mr. KING. Let them both go over.

The PRESIDENT pro tempore. The two bills will be passed over.

The bill (H. R. 169) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cleveland National Forest in San Diego County, Calif., was announced as next in order.

Mr. MCKELLAR. May we have an explanation of the bill? Let the bill go over.

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

The bill (H. R. 2009) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest was announced as next in order.

Mr. WHITE. Let the bill go over.

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

The bill (H. R. 2417) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Sequoia National Forest, Calif., was announced as next in order.

Mr. WHITE. Let the bill go over.

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

The bill (S. 3226) to facilitate and simplify national-forest administration, was announced as next in order.

Mr. ADAMS. Let the bill go over.

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

The bill (S. 3136) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws, was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

#### JOHN C. CROSSMAN

The bill (S. 3339) for the relief of John C. Crossman was announced as next in order.

Mr. MCKELLAR. Mr. President, may we have an explanation of the bill?

Mr. SHEPPARD. Mr. President, the Committee on Claims, in reporting the bill, state that after looking into it carefully they believe that it is very meritorious, and should be approved. Mr. Crossman was at maneuvers held by the National Guard, and while in the line of duty he sustained these injuries.

Mr. MCKELLAR. Mr. President, did the Department recommend the passage of the bill?

Mr. SHEPPARD. The Secretary of War did not recommend it, but the Committee on Claims had his recommendation before it when it passed on the matter.

Mr. McKELLAR. Let the bill go over, if the Secretary did not recommend its passage.

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

#### BILL PASSED OVER

The bill (H. R. 5089) 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 was announced as next in order.

Mr. AUSTIN. Let the bill go over.

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

#### BILL INDEFINITELY POSTPONED

The bill (S. 2455) to confer jurisdiction on the Court of Claims to hear and determine the claim of Mount Vernon, Alexandria & Washington Railway Co., a corporation, was announced as next in order.

The PRESIDENT pro tempore. This bill has been adversely reported.

Mr. KING. I presume we should take some action upon it.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

#### RESOLUTIONS AND JOINT RESOLUTION PASSED OVER

The resolution (S. Res. 232) limiting debate on general appropriation bills was announced as next in order.

Mr. VANDENBERG. Let the resolution go over.

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

The joint resolution (S. J. Res. 114) authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry was announced as next in order.

Mr. VANDENBERG. Let the joint resolution go over.

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

The resolution (S. Res. 240) further continuing Senate Resolution 711, Seventy-fourth Congress, authorizing an investigation of railroad financing and certain other matters was announced as next in order.

Mr. WHITE. Let the resolution go over.

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

#### EXTENSION OF COMMODITY EXCHANGE ACT TO HIDES

The Senate proceeded to consider the bill (S. 2377) to amend the Commodity Exchange Act as amended, to extend its provisions to hides, which was read as follows:

*Be it enacted, etc.,* That the third sentence of subsection (a) of section 2 of the Commodity Exchange Act, as amended, is amended to read as follows: "The word 'commodity' shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, *Solanum tuberosum* (Irish potatoes), wool tops, and hides."

Mr. BARKLEY. May we have an explanation of the bill?

Mr. LODGE. Mr. President, I shall be very glad to explain the bill. It is a measure to put hides under the Commodity Exchange Act. That is all that the bill proposes to do. It is endorsed by the Acting Secretary of Agriculture and by all the Government authorities concerned.

When other commodities were put under regulation hides were left out. Speculation developed in hides which caused a very abnormal price situation. The bill, if enacted into law, would subject hides to the same type of regulation. It would result in the consumer paying less and the producer receiving a better price, and I think would be satisfactory to all concerned.

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

Mr. LODGE. I yield.

Mr. ASHURST. The fact that the bill originated in the Senate gives assurance that it does not in any way look toward free trade in hides. I am very much opposed to any movement being taken looking toward the reduction of the tariff duty on hides.

Mr. LODGE. I can assure the Senator that such an idea is furthest from my mind.

Mr. ASHURST. I was about to say, the fact that it is a Senate bill gives such assurance. But we have to be on guard for it will be recalled that a leading Republican statesman of bygone days, a man of transcendent genius and great power, was always eager to have free trade in hides. I refer to James G. Blaine. I am opposed to any movement looking toward free trade in hides or any other product of the farm. I have not had time to examine the bill, but I am glad to take the assurance of the able Senator from Massachusetts that it will assist the cattle raisers in getting a higher price for the hides he produces.

Mr. LODGE. I think that would be the result. I am not so eloquent a protectionist as is the Senator from Arizona, but I am just as convinced a one.

Mr. ASHURST. I believe that.

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

Mr. LODGE. I yield.

Mr. BARKLEY. If I understand the bill, it subjects hides to the same regulation with respect to the commodity markets that is now in force with respect to other commodities under the control of the Department of Agriculture and other agencies of the Government pertaining to that problem.

Mr. LODGE. That is correct.

Mr. BARKLEY. It has no relationship whatever to duties on importations, or anything like that. It is purely a domestic regulation.

Mr. LODGE. Purely and simply.

Mr. KING. Mr. President—

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

Mr. LODGE. I yield.

Mr. KING. Would the bill permit any organization of the Department of Agriculture, or of the Federal Government, to fix the prices which shall be paid in the sale of hides?

Mr. LODGE. Oh, no; I do not think that would be the effect at all.

Mr. KING. It is not intended to make any agency of the Government a price-fixing agency?

Mr. LODGE. Not in the slightest degree. Nothing is further from the thought behind the bill than that.

Mr. McNARY. Mr. President, the bill would place hides in the category with the other commodities, and permit the corporation to make loans, that is all. It contains no price-fixing factor at all.

Mr. LODGE. It is a bill very limited in its scope.

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

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

#### PAYMENTS TO COUNTIES UNDER THE TENNESSEE VALLEY AUTHORITY ACT

The bill (S. 2925) to amend the Tennessee Valley Authority Act of 1933 was announced as next in order.

Mr. KING. Let us have an explanation of the bill.

Mr. DANAHER. Mr. President, would the Senator from Nebraska be willing to explain the bill?

Mr. NORRIS. Mr. President, I have tried to make a full explanation of the bill in the report. The object is to permit the Tennessee Valley Authority to pay certain amounts of money derived from power activities in lieu of taxes. It is important now particularly because of the acquisition several months ago of the Tennessee Electric Power Co.'s property.

The only provision in the Tennessee Valley Act as now written in regard to the payment of money in lieu of taxes is in section 13 of the original act. That does not permit the payment of money in lieu of taxes in any of the States except Tennessee and Alabama, and there only to a limited extent. This bill would repeal section 13 of the original act, and enact a new section 13, intended to apply to the entire territory covered by the Tennessee Valley Authority Act, and it would make applicable to all of the States a provision similar to that now applicable to the two States.

Does the explanation cover the question in the mind of the Senator from Connecticut?

Mr. DANAHER. Mr. President, I thank the Senator from Nebraska sincerely for his courteous cooperation with me in this particular. However, I have expressed to him in private conference with reference to the matter phases of doubt which it seems to me ought to be explored. Particularly, if we look at page 1, line 10, of the bill, we find an amendment which would authorize and direct payments to counties within the States.

Mr. NORRIS. Will the Senator permit me to say a word?

Mr. DANAHER. Certainly.

Mr. NORRIS. I have tried to explain to the Senator privately that there are several amendments which, if agreed to, would result in the T. V. A. paying the money raised by T. V. A. sale of power to the States, permitting the States to distribute it as they would distribute any other tax money to the counties and other subdivisions of the States.

Experts appeared before the committee, representatives of the Governors of two or three of the States, and, while they were all in favor of the bill, they wanted to have the Tennessee Valley Authority pay the money directly to the counties in the States, and thus obviate the necessity of the States' dividing the money up as they would divide up tax money. There was agreement among the experts of the States who participated in the discussion and study of the question, who did not want the States to handle the matter; and under section 13 as it now stands there is provision for the payment to the State of Alabama and to the State of Tennessee of a certain percentage in lieu of taxation. It was intended by Congress, I take it—I know it was my thought—that by State law the States would provide for dividing the money as they would divide any other money if it were paid as direct taxes, but the States did not do that, and the counties did not get any of the money.

The Senator remembers that in the bill as it was introduced there is a statement that it is the intention of Congress that the States should divide the money as if it were real tax money. But, of course, Congress has no jurisdiction to compel the States. It was simply an expression that it was the intention of Congress when it passed the law that that should be done.

The counties represented are not satisfied with that. They would be satisfied if the money were divided as the law intended it should be divided, but the States have not divided it; and what assurance have we now that they would divide it? The result is that all the money provided in lieu of taxes would go to the States, and the States would not give the counties any of it. Especially in two or three counties in Tennessee and one or two in Georgia a hardship would result if that should occur. So they ask that the law be amended so that the money would be paid directly to the counties instead of the States, and the amendments proposed are intended to carry that out.

I have no objection to the matter being taken care of in that way. It would create a little more work for the Tennessee Valley Authority; but they can do it. Two or three counties are struck very hard when the taxes are taken away from them by States. I have stated the object of the amendment. The Senator from Alabama has some amendments to offer in addition to what I have referred to, carrying out the same idea, to which I have no objection.

Mr. DANAHER. My apprehension arises from a deviation from principle, even from the principle of the original T. V. A. Act, which is contemplated by the pending bill. The Senator has in his answer to me already remarked upon the fact that Congress itself has no jurisdiction to tell the States how to apportion the money, or even to cause or force the States to distribute the money fairly. Yet, if we pass the bill in its present form, we will say that the Congress, which confessedly has no such power, will authorize the T. V. A. to do that very thing.

Mr. NORRIS. There is no question, in my judgment, and I have never heard of a doubt being entertained, that Congress can pass a law covering the situation. These are not my amendments. If I knew that the States would perform

the duty which we intended and wanted them to perform, I should be opposed to the amendments. But I have no objection to having the matter taken care of in the way proposed, if that is the only hope of the counties getting the money. It is a real hardship to some of the counties to carry on their schools, because it happens that in taking over the property of the Tennessee Electric Power Co. there were a few small counties in which the major portion of the taxes came from generating plants within the counties, and the taxes collected on the remainder of the property was not sufficient to pay the running expenses of the county. All the bill attempts to do is to provide that those counties would not suffer that hardship. If the States should not pass laws providing for division of the money, they would continue to suffer, and would, I think, have to close down some of their necessary activities, such as the operation of their schools.

Mr. DANAHER. I would have more confidence in the bill and the amendments if the amendments had been offered by the Senator, but if we can delegate to the Tennessee Valley Authority the power to allocate these funds among the suffering counties rather than to have the States themselves do it, I apprehend that the next step will be for us to allocate funds from the Tennessee Valley income, as provided by the bill, to a particular county.

It seems to me, Mr. President, that if we transcend what has hitherto been established as the principle in section 13 of the original Tennessee Valley Authority Act, we extend to an inordinate degree the principle of delegating to the T. V. A. an authority which we ourselves do not have. The complaint of the counties which are affected properly should lie against their own States.

Mr. NORRIS. I admit that. They do, of course, make such complaint. But they say "The State does not perform its duty. We fear that it will not perform its duty, and if it does not do so we will continue to suffer."

Mr. DANAHER. Before we act on the committee amendments to the bill, is the Senator from Nebraska able to explain to us the purport of the amendments of the Senator from Alabama [Mr. BANKHEAD], which the Senator from Nebraska said would be forthcoming?

Mr. NORRIS. Yes.

Mr. DANAHER. Would the Senator please do so?

Mr. NORRIS. I think I am sufficiently familiar with the amendments offered by the Senator from Alabama, which I think are printed. They are not contained in the report. They were offered after the report was submitted. They simply carry out in two or three instances certain objectives which, in the judgment of the Senator from Alabama, the committee amendments do not carry out. The amount of payments is not increased by those amendments. The amount of payments is not changed in any way. While I think the amendments are unnecessary—and I told the Senator from Alabama so—yet they cannot do any harm. I think they are harmless. They all have a tendency only to increase the amount of labor—and that increase will be considerable—on the part of the T. V. A. However the T. V. A. is not objecting. The consumers of the T. V. A. power are paying the taxes now. That matter was all considered when the rates were fixed. There will be no change in the rates. There will be no change in the wholesale rates. The purpose is simply to give to those counties which are going to suffer, the compensation they would get in the way of taxes, if this property were privately assessed, that is all. There is nothing else to the proposal.

Mr. DANAHER. Let me say to the Senator from Nebraska that in the committee report we read this sentence:

The experts representing the various localities and States and the experts of the Tennessee Valley Authority have worked out a solution, however, which is satisfactory to all parties concerned, and this bill is intended to carry out and give effect to the agreement so reached.

What it amounts to, as I understand, is that the affected counties and the Tennessee Valley Authority have, dehors the Congress, so to speak, entered into an arrangement of their own which we are to make effective by passing this

bill, as amended. Accordingly I wrote to the Tennessee Valley Authority a few weeks ago, posing a series of questions based on that agreement, and asked them if they would give me the facts with reference to the agreement. To that letter I have received no reply.

It seems to me that if the agreement had been worked out I should have had a reply by now. I am not criticizing the Tennessee Valley Authority, for the obstacles may be greater than I supposed, but I was basing my letter on the report before us. I ask the Senator from Nebraska if he does not feel that the principle involved is such that we should have all the light possible on the matter, and therefore not act on the bill or the amendments to it at this time?

Mr. NORRIS. I shall have no objection if the Senator from Connecticut wants further time. The necessity for having the proposed legislation passed sometime during the present session is very great, because the counties will commence to suffer when they fail to receive the taxes which they otherwise would receive. The purpose of the bill is to afford relief to the counties.

This matter has been the subject of discussion and analysis among T. V. A. officials for more than 2 years, as I recall, and they have worked out an agreement. It is something that the T. V. A. lawyers intended to comply with, something that the original act intended they should do, and the purpose of the pending legislation is to relieve localities on which a severe burden has been placed by reason of the peculiar circumstances existing in several counties.

I am sorry the Senator has not received a reply to his letter from the authorities of the T. V. A., and I cannot understand why he has not received a reply. I have been in constant touch with the matter for the last couple of years. I have devoted a great deal of time to correspondence and discussion with State organizations and State authorities. They have all finally come to one conclusion. They had divergent opinions at different times, but they have all come to a conclusion as to what is the proper way to divide the money which the T. V. A. is anxious to pay in lieu of taxes. The T. V. A. is not making an agreement it has no authority to make. It was faced with a certain situation. It has met it. After long deliberation, and considerable expense, the T. V. A. reached a conclusion, and in the bill I am simply trying to carry out that conclusion, not because the T. V. A. agreed to it, but because it is a part of the intention expressed in the original Tennessee Valley Authority Act.

Mr. President, it always has been my belief that when property, which had theretofore been taxed, was taken over by public authorities for the generation and sale of power, there should be paid in lieu of taxes an equivalent sum of money. The Senator can understand—

Mr. DANAHER. I do.

Mr. NORRIS. That one of the things I have contended all the time is that Congress would never, for a moment, subject the property of the United States to taxation by local authorities. I think the Senator will not disagree with me on that proposition at all.

Mr. DANAHER. No.

Mr. NORRIS. When the Government of the United States is itself making a profit from the transaction, we want to make fair provision in lieu of taxes, and that should be done under the theory of the T. V. A. Act itself.

Mr. DANAHER. Mr. President, let me conclude by saying for the RECORD that when confessedly the Congress has no power to tell the States how to apportion the money, and when confessedly the remedy at present lies between the counties and the States, I am apprehensive that local authorities in the future may easily make an agreement with the creature of the Congress, if you please, with reference to the allocation of taxes, and we will have no further authority over them.

Mr. NORRIS. That could not be done unless—

Mr. DANAHER. That is inherent in this proposal.

Mr. NORRIS. That could not be done unless we pass this measure.

Mr. DANAHER. I understand.

Mr. NORRIS. There is no intention of doing it without the approval of Congress.

Mr. DANAHER. I know, but if we, who lack the authority to tell the States what to do, give the Tennessee Valley Authority power to do what we cannot do, we open up the possibility of a situation which conceivably can be fraught with real difficulty. There is the argument as a matter of principle.

Mr. NORRIS. It is true we as a Congress cannot do that, and we are authorizing the T. V. A. to do something which the States could do, which we want the States to do, and what we intend shall be done. There is not anything wrong in it except that it is not so straight a route. It is a little more circuitous to provide that the money should be paid direct to the counties, instead of being paid to the States and then to the counties.

The Senator does not think for a moment, does he, that there is any intention of trying to do something here that is not square, or fair, or anything of that kind?

Mr. DANAHER. Oh, Mr. President, obviously not. My conversations with the Senator from Nebraska in private on this very matter must have convinced the Senator of the earnestness of my inquiry.

Mr. NORRIS. Yes.

Mr. DANAHER. My thought with reference to it is that it is so important a matter—and we have never before taken such action in our history—that we ought to know all the facts and circumstances involved before we pass the bill.

Mr. NORRIS. If the Senator wants more time, or anything of that kind, I shall agree that the bill go over, provided it does not go over beyond the present session of the Congress, or remain unacted upon anywhere near the end of the session. If the Senator desires, let the bill go over.

Mr. DANAHER. Then, Mr. President, let the bill go over, and I will renew my inquiry and see what the situation is.

Mr. NORRIS. Very well.

Mr. DANAHER. I thank the Senator from Nebraska.

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

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 2635) to amend the Federal Crop Insurance Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3840) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. HARTER of Ohio, Mr. ANDREWS, and Mr. ARENDS were appointed managers on the part of the House at the conference.

#### BILLS AND RESOLUTION PASSED OVER

The bill (H. R. 6480) to amend the Agricultural Adjustment Act of 1933 was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of the bill?

Mr. McNARY. The able Senator from North Dakota [Mr. FRAZIER] is necessarily absent.

Mr. KING. Perhaps we ought not to proceed until the Senator from North Dakota is present. I have no personal objection to the measure, but I think it is important that an explanation be made of it, and, therefore, I ask that it be passed over.

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

The bill (S. 3368) to amend the Civil Service Retirement Act and other retirement acts was announced as next in order.

Mr. KING. I ask that the bill be passed over.

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

The bill (H. R. 5784) to provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

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

The bill (H. R. 7643) to facilitate and simplify national-forest administration was announced as next in order.

Mr. ADAMS. I ask that the bill be passed over.

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

The resolution (S. Res. 231) favoring the deletion from the Sixteenth Census population schedule of inquiries Nos. 32 and 33, relating to compensation received, was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (H. R. 6751) to repeal certain laws with respect to manifest and vessel permits was announced as next in order.

Mr. KING. Mr. President, may we have an explanation?

The PRESIDENT pro tempore. The chairman of the Committee on Commerce is not in the Chamber at the moment.

Mr. KING. Let the bill be passed over.

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

The bill (S. 735) to repeal the Silver Purchase Act of 1934, to provide for the sale of silver, and for other purposes, was announced as next in order.

Mr. KING. Let that bill be passed over.

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

The bill (H. R. 6884) to encourage travel in the United States, and for other purposes, was announced as next in order.

Mr. VANDENBERG. I ask that the bill be passed over.

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

#### EMPLOYEES ENGAGED IN CONSTRUCTION OF PANAMA CANAL

The bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal was announced as next in order.

Mr. KING. Mr. President, let us have an explanation.

Mr. TOWNSEND. I ask that the bill be passed over.

Mr. PEPPER. Mr. President, was objection made to Calendar No. 1388?

The PRESIDENT pro tempore. Objection was made.

Mr. PEPPER. I should like to make a brief explanation of that bill if the objector would be gracious enough to withhold his objection.

Mr. TOWNSEND. I shall be glad to withhold my objection while the Senator makes his explanation.

Mr. PEPPER. I made a brief explanation of the bill when the calendar was called last week. The bill simply provides for recognition of those employees of the Panama Canal who were in residence upon the Isthmus itself, and who were actually engaged for as long as 3 years upon the construction of the Canal.

The fact that this class of employees has been discriminated against by not having had any recognition, while officers of the Public Health Service and of the Army and Navy have had recognition, is attested, in the first place, by a letter from Theodore Roosevelt. I do not know whether or not the Senator heard the letter read during the previous call of the calendar. President Theodore Roosevelt had the following to say in 1916, in a letter to Mr. C. O. Simmons, Washington representative of the Panama Canal Employees Association:

In view of the action taken by Congress in substantially rewarding certain officers of the United States Army, Navy, and Public

Health Service who served for more than 3 years in the construction of the Panama Canal by providing for their promotion and retirement upon application, I can see no reason why the civilian employees who served for a similar period and who in any event would not benefit by the liberal pension arrangements provided for the service men, should not be rewarded by a like recognition.

As one who was instrumental in getting this work under way and who has followed its progress with deep interest and keen satisfaction, I am greatly concerned in seeing proper recognition accorded the civilian employees. General Goethals has designated these men as the real builders of the Panama Canal. I sincerely trust that prompt action will be taken by Congress toward the early enactment of legislation to this end.

I have another letter, which I shall not read in detail, from General Goethals, dated January 22, 1916, in which he says in part:

In the organization that accomplished the result, the work was so divided as to bring the service men in competition with the civilians, and the latter can truthfully claim that they accomplished results just as efficiently as, and in some instances more efficiently than the men who were selected for reward; and yet even in a blanket provision they are denied the recognition of Congress.

I also have testimony before the Interoceanic Canals Committee by a physician who was in the Panama Canal Zone as Assistant Chief of the Health Service. He points out that every one of these employees either had malaria or yellow fever, or lived in constant hazard of one or the other of those diseases.

If the Senator will read the report of the committee which has reported the bill, I think he will be disposed to withhold his objection.

Mr. TOWNSEND. I withdraw my objection.

Mr. PEPPER. I thank the Senator very much.

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

Mr. REED. I object.

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

#### BILLS PASSED OVER

The bill (H. R. 5584) to amend the Canal Zone Code, was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (H. R. 8150) providing for the barring of claims against the United States, was announced as next in order.

Mr. McNARY. Let the bill go over.

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

#### ADMINISTRATIVE PROCEDURE

The resolution (S. Res. 248) authorizing the printing as a Senate document of certain monographs published by the Attorney General's Committee on Administrative Procedure relative to the practices and procedures of several agencies of the Government was announced as next in order.

Mr. HAYDEN. Mr. President, this resolution appears upon the calendar because when it was reported by the committee the Senator from Utah [Mr. KING] said he wished to look into it. I understand he now has no objection to it.

Mr. KING. Mr. President, I ought to supplement that statement by the observation that I have had prepared a memorandum dealing with the same subject, which at a later date I may also ask to have printed as a public document.

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

There being no objection, the resolution was considered and agreed to as follows:

*Resolved*, That the monographs published by the Attorney General's Committee on Administrative Procedure embodying the results of the investigations made by the staff of said Committee relative to the practices and procedures of the Division of Public Contracts, Department of Labor; the Veterans' Administration; the Federal Communications Commission; the United States Maritime Commission; the Federal Alcohol Administration; the Federal Trade Commission; the Administration of the Grain Standards Act, Department of Agriculture; the Railroad Retirement Board; the Federal Reserve System; the Bureau of Marine Inspection and Navigation, Department of Commerce; the Administration of the Packers and Stockyards Act, Department of Agriculture; the Post Office Depart-

ment; the Bureau of the Comptroller of the Currency, Treasury Department; and the Federal Deposit Insurance Corporation, be printed as a Senate document; and that 1,300 additional copies be printed for the use of the Joint Committee on Printing.

#### BILLS PASSED OVER

The bill (H. R. 3838) to protect trade-mark owners, producers, distributors, and the general public against injuries and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, etc., was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. VANDENBERG. Let the bill go over.

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

The bill (S. 1460) to provide uniform reciprocal hospitalization in any Army or Navy hospital for retired personnel of the Army, Navy, Marine Corps, and Coast Guard was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. REED. Let the bill go over.

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

#### HOSPITALIZATION BENEFITS FOR CERTAIN RETIRED ARMY ENLISTED MEN

The bill (S. 1461) to remove discrimination against retired Army enlisted personnel and to equalize hospitalization and domiciliary benefits of retired enlisted men of the Army, Navy, Marine Corps, and Coast Guard was announced as next in order.

Mr. KING. May we have an explanation of the bill?

The PRESIDENT pro tempore. An explanation is called for with respect to Calendar 1416, Senate bill 1461.

Mr. JOHNSON of Colorado. Mr. President, the purpose of the proposed legislation is to grant to retired enlisted men of the Army hospitalization and domiciliary care on a parity with that now enjoyed by retired enlisted men of the Navy, Marine Corps, and Coast Guard. This bill would entitle enlisted men to enter any Army or Navy hospital without cost. That is the object of the bill.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That hereafter retired enlisted men of the Army, Navy, Marine Corps, and Coast Guard, when hospitalized or domiciled in either an Army or Navy hospital or United States naval or United States soldiers' home, shall be extended such treatment or domiciliary care without cost.

That no charge, directly or indirectly, shall be made against the retired pay or allowances of retired enlisted personnel while hospitalized or domiciled in any Army or Navy hospital or United States naval or soldiers' home facility.

The preamble was agreed to.

#### BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 3243) to provide for a customhouse building at Miami, Fla., was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (H. R. 7233) to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Over. Over.

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

The bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

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

The joint resolution (S. J. Res. 228) for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, was announced as next in order.

Mr. REED. Let the joint resolution go over.

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

The bill (H. R. 801) to assure to persons within the jurisdiction of every State due process of law and equal protection of the laws and to prevent the crime of lynching, was announced as next in order.

Mr. MCKELLAR. Let the bill go over.

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

The bill (S. 3550) to make unlawful the transportation of convict-made goods in interstate and foreign commerce, was announced as next in order.

Mr. MILLER. Let the bill go over.

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

The bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, was announced as next in order.

Mr. REED. Let the bill go over.

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

The bill (H. R. 57) to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes, was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. MILLER. Let the bill go over.

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

#### AMENDMENT TO SUBSISTENCE EXPENSE ACT OF 1926

The bill (S. 3373) to amend the Subsistence Expense Act of 1926, as amended by the act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405), was announced as next in order.

Mr. KING. May we have an explanation of the bill?

The PRESIDENT pro tempore. An identical House bill, House bill 8508, is now before the Committee on Expenditures in the Executive Departments.

Mr. VAN NUYS. Mr. President, I ask unanimous consent that the Committee on Expenditures in the Executive Departments be discharged from further consideration of House bill 8508, and that the House bill be substituted for the Senate bill and be now considered.

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

There being no objection, the bill (H. R. 8508) to amend the Subsistence Expense Act of 1926, as amended by the act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405), was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3373 is indefinitely postponed.

#### INSTALLATION AND USE OF TELEPHONES IN FOREIGN SERVICE

The bill (S. 3527) to amend the act of August 23, 1912 (37 Stat. 414; U.S.C., title 31, sec. 679), was announced as next in order.

The PRESIDENT pro tempore. The Senate bill is the same as House bill 8772, Calendar 1495. Is there objection to the substitution of the House bill for the Senate bill?

There being no objection, the bill (H. R. 8772) to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679), was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3527 is indefinitely postponed.

#### ESTHER COTTINGHAM GRAB

The bill (H. R. 8530) for the relief of Esther Cottingham Grab was considered, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2890) to permit per diem employees of the Naval Establishment to work more than 8 hours per day under certain circumstances was announced as next in order.

Mr. MCKELLAR. May we have an explanation of the bill? If not, let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over. Mr. WALSH subsequently said: Mr. President, what disposition has been made of Calendar No. 1470, Senate bill 2890, page 11 of the calendar, a bill to permit per diem employees of the Naval Establishment to work more than 8 hours per day under certain circumstances?

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. McKellar] objected to its consideration.

Mr. WALSH. I am glad to have that disposition made of the bill, because I desired to have it remain on the calendar for an amendment.

The bill (S. 2891) to amend the act of October 6, 1917, "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service" was announced as next in order.

Mr. McKellar. May we have an explanation of the bill? If not, let the bill go over.

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

#### TRANSFER OF UNITED STATES PRISONERS IN CERTAIN CASES

The bill (H. R. 9047) to provide for the transfer of United States prisoners in certain cases was considered, ordered to a third reading, read the third time, and passed.

#### PURCHASE OF CLOTHING AND OTHER SUPPLIES ISSUED TO VETERANS

The bill (H. R. 7660) to amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities was considered, ordered to a third reading, read the third time, and passed.

#### JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 265) authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry was announced as next in order.

Mr. KING. May we have an explanation, Mr. President?

Mr. REED. Let the joint resolution go over.

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

#### ADDISON B. HAMPSEL

The bill (S. 3093) for the relief of Addison B. Hampel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Addison B. Hampel, former postmaster at Greenville, Ind., such portion of the sum of \$1,429.21 as the Comptroller General finds that the said Addison B. Hampel has paid to the United States on account of the claim of the United States against him arising out of the payment of salary to him as postmaster while he was also employed as a substitute railway postal clerk. The said Addison B. Hampel is hereby released from all liability to the United States arising out of payments to him for salaries during the period he was so employed as postmaster and as substitute railway postal clerk: *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.

#### GEORGE O. ELLIOTT AND WINSLOW FARR SMITH

The bill (S. 3424) for the relief of George O. Elliott and Winslow Farr Smith was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George O. Elliott and Winslow Farr Smith, both of Salt Lake City, Utah, the sums of \$1,000 and \$2,000, respectively, in full satisfaction of their claims against the United States, such sums representing fines imposed upon and paid by said claimants on February 2, 1937, in a certain cause in the District Court of the United States in and for the District of Montana (No. 5833), the judgment in said cause having been reversed by the United States Circuit Court of Appeals for the Ninth Circuit (95 Fed. 2d 669) as to said claimants' codefendants (but not as to said claimants since they did not join in said appeal) and said claimants having subsequently received a pardon from the President because of such reversal: *Provided*, That no part

of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### JOHN L. PENNINGTON

The bill (S. 3581) for the relief of John L. Pennington was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Pennington, of Seattle, Wash., the sum of \$168.40, in full satisfaction of his claim against the United States for reimbursement of expenses incident to official travel during period of employment as field agent, Railroad Retirement Board: *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.

#### JOSEPH DOLAK

The Senate proceeded to consider the bill (S. 3123) for the relief of Joseph Dolak, father of Gene Dolak, deceased, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the words "the sum of", to strike out "\$5,000" and insert in lieu thereof "\$1,000", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Joseph Dolak, of Benton County, Iowa, father of Gene Dolak, deceased minor, in full settlement of all claims against the United States on account of the death of said Gene Dolak, who was struck and killed at Fort Des Moines, Iowa, while a member of the Citizens' Military Training Camp, by a United States Army truck, on July 30, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

#### DR. HUGH G. NICHOLSON

The Senate proceeded to consider the bill (S. 881) for the relief of Dr. Hugh G. Nicholson, which had been reported from the Committee on Claims, with an amendment, on page 1, line 9, after the word "*Provided*", to strike out:

That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

And in lieu thereof to insert:

That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Hugh G. Nicholson the sum of \$3,300, in full settlement of all claims against the Government of the United States for medical services rendered to the Indians of Alaska from June 5, 1929, to January 8, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or

attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

CAPT. ROBERT W. EVANS

The bill (S. 3400) for the relief of Capt. Robert W. Evans, was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill?

Mr. SHEPPARD. Mr. President, Captain Evans was the head of a C. C. C. camp. He was paying off the enrollees during a pay day and had \$77 left. He placed the amount in the company's safe, as he was required to do, locked the safe, and put the key in his pocket. During the night the safe was robbed, and the \$77 was taken. The War Department favors the bill, and the Board of Investigators favor it. Captain Evans was held to be not guilty of negligence.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims, with an amendment, at the end of the bill to add a proviso so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$77 to Capt. Robert W. Evans, commanding Headquarters Company 878, Civilian Conservation Corps, Work Camp SCS-37-T, as a refund of amount paid by him to make good a shortage resulting from robbery of safe in said camp on the night of June 30, 1939: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

EPES TRANSPORTATION CORPORATION

The bill (S. 3502) for the relief of Epes Transportation Corporation was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

The PRESIDENT pro tempore. An explanation is requested.

Mr. BYRD. Mr. President, the bill provides for the relief of the Epes Transportation Corporation. It had some cigarettes and tobacco in trucks in transit for export. The trucks were highjacked and the cigarettes stolen. It was conclusively proven, I think, that a part of the cigarettes was recovered, and the remainder destroyed. This bill was passed unanimously on a previous occasion. The Senator from Michigan [Mr. BROWN] made a very careful investigation of the case and he has authorized me to say that he is fully in accord with the bill.

Mr. McKELLAR. I have no objection.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Epes Transportation Corporation, of Virginia, the sum of \$6,537.95, in full satisfaction of all claims of such corporation against the United States, such sum representing taxes (with interest and penalty) paid to the United States by such corporation on account of certain cigarettes and tobacco products which were withdrawn from bonded warehouse in Winston-Salem, N. C., by such corporation for export to foreign consignees, but which were not exported due to the fact that such cigarettes and tobacco products were stolen from the trucks of such corporation en route to the intended exportation point: *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 serv-

ices 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.

ACME DIE-CASTING CORPORATION

The Senate proceeded to consider the bill (S. 1635) for the relief of Acme Die-Casting Corporation, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$8,166.50 to the Acme Die-Casting Corporation, as equitable reimbursement and in full and final settlement and satisfaction of the damages and losses incurred and suffered by it, and for which it has not yet been reimbursed, in complying with the United States Navy commandeer order No. N-3255, dated June 18, 1918: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

CHARLES B. CHRYSTAL

The Senate proceeded to consider the bill (S. 1678) for the relief of Charles B. Chrystal, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,830.99 to Charles B. Chrystal as equitable reimbursement and in full and final settlement and satisfaction of the damages and losses incurred and suffered by him, and for which he has not yet been reimbursed, in moving his equipment from the space in the Bush Terminal buildings to his new location, and in otherwise complying with the United States Navy commandeer order No. N-3255, dated June 18, 1918: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

JESUS LEYVAS

The Senate proceeded to consider the bill (S. 1356) for the relief of the heirs of Jesus Leyvas, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "\$10,000" and insert "\$569"; in line 7, after the word "claims", to insert "against the United States"; and at the end of the bill to add a proviso, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$569, to the heirs of Jesus Leyvas, in full satisfaction of all claims against the United States arising out of the death of Jesus Leyvas as a result of his being struck by a Government truck on May 6, 1935, said truck having been driven by Julio Francisco, a Pima Indian: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

PROMOTION SYSTEM OF THE ARMY

The bill (S. 3712) to provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes, was announced as next in order.

Mr. JOHNSON of Colorado. I ask that the bill go over.

Mr. SHEPPARD. Mr. President, will the Senator who objected withhold his objection in order that I may submit a brief explanation?

Mr. JOHNSON of Colorado. I withhold the objection for that purpose.

Mr. SHEPPARD. Mr. President, the efficiency of our Regular Army depends upon leadership. Today we must look to the future and provide an adequate plan for the development of leaders.

Our present system is faulty in that it retards development of leaders through stagnation in promotion.

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

Mr. SHEPPARD. I yield.

Mr. MCKELLAR. Are leadership and promotion synonymous terms?

Mr. SHEPPARD. Without fair and proper promotion we would have a demoralizing situation in the Army.

Mr. MCKELLAR. I suggest to the Senator that there are no promotions, or very infrequent promotions, in the Senate, and yet we have a pretty good body here.

Mr. SHEPPARD. I will say that the Senator from Tennessee deserves the highest promotion that could come to a Senator.

Mr. MCKELLAR. I thank the Senator.

Mr. SHEPPARD. Mr. President, we are striving for an adequate national-defense system from every angle, and one of the most important features is efficient and satisfied officer personnel.

As is well-known to Congress, the so-called "hump" in the promotion list of regular officers was created in 1920 by appointment in the regular service of officers of the World War of varying ages and prior service. Visualization at that time of future requirements might have obviated the creation of the "hump."

We are now faced with a personnel problem the solving of which must include some immediate relief to remedy the situation and lay positive plans which will assure development of leadership in the future.

After long and careful study the War Department has offered a solution to the problem which, even though it will not satisfy all concerned, does not differentiate among classes; does no harm to the individual, but, on the contrary, protects the rights of the individual; and still presents a reasonable solution for the present and the future situation as to general leadership in the Army.

Let me refer to some of the advantages which would accrue by the enactment of the proposed legislation as compared to the present promotion system.

First. It would attain the objective of proper years of service in grade, viz, 3 years, second lieutenant; 7 years, first lieutenant; 7 years, captain; 6 years, major; and 5 years, lieutenant colonel.

Second. It would vitalize the two most important command grades below that of general officer, viz, those of colonel and captain. In the grade of colonel this would be brought about by the mandatory retirement of brigadier generals at the age of 62, and the retirement of other officers of lower grades at the age of 60. The grade of captain would be vitalized by assuring promotion to major after 7 years in that grade, and at an average age of 41.

Third. It would immediately end stagnation in promotion in the grades of major and captain. Promotions in these two grades is becoming increasingly serious and stagnation in these grades eventually ends promotion in all grades.

Fourth. It would provide that all officers shall reach field grades after several years of training in the lower grades and at an age that would enable the Army to receive the full value of their services.

Fifth. It would broaden the field of consideration for the selection of general officers, assure that all officers of proper age could be considered, and also that there always would be a sufficient number of officers of the proper age eligible for selection.

Sixth. It would eventually reduce the total number of field officers, and would limit the number in the grade of colonel to 705.

Seventh. It would cost less than the present system.

Specifically, the bill provides for promotion to first lieutenant, after 3 years' service; promotion to captain, after 10 years' service; promotion to major, after 17 years' service; promotion to lieutenant colonel, after 23 years' service; promotion to colonel, after 28 years' service.

The bill limits the number of colonels to 705, the present number, since appropriate peacetime assignments cannot be found for a greater number of colonels, but excepts from retirement at age 60, 5 percent of the outstanding colonels and carries them until 62.

It makes retirement mandatory in the following grades:

Brigadier generals at the age of 62.

Other officers in lower grades at the age of 60.

Under the bill lieutenant colonels with over 28 years of service are made eligible for selection as brigadier general of the line, or as chief of branch. This assures that about 3,900 of the officers in the "hump" who are less than 54 years of age will become eligible for selection as general officers.

The bill permits any officer with World War service to retire, at any time, with three-fourths pay.

The cost of the bill would be less than the cost under the present system. Additional costs would average about \$300,000 the first 4 years; thereafter savings would run from \$1,400,000 in 1945 to \$4,300,000 in 1956, an average of \$2,300,000 annually for 12 years.

The retirement of officers at the age of 60, from a military standpoint is sound. While an officer of 60 has acquired experience and judgment by years of service and training, it cannot be disputed that his physical development has not kept pace with his mental attainments. In reality his physical condition, as he approaches 60, is on the downgrade, and he has not the physical stamina which is absolutely necessary to field leadership.

Let me quote the present able Chief of Staff, General Marshall, on the characteristics of leadership:

You have to lead men in war by requiring more from the individual than he thinks he can do. You have to lead men in war by bringing them along to endure and to display qualities of fortitude that are beyond the average man's thought of what he should be expected to do. You have to inspire them when they are hungry and exhausted and desperately uncomfortable and in great danger; and only a man of positive characteristics of leadership, with the physical stamina that goes with it, can function under those conditions.

It is to meet this idea that this new promotion bill is offered. A few years ago we vitalized the grades of second lieutenant, first lieutenant, and captain by making it certain that officers would reach those grades within a definite time; but we allowed the "hump" to remain insofar as it affects the higher grades. By this bill it is proposed to vitalize in the same way the grades of major, lieutenant colonel, and colonel. We believe that altogether the enactment of the bill would result in great good to the Army, the country, and the national defense. I hope the Senator from Colorado will withhold his objection.

Mr. JOHNSON of Colorado. I renew my objection.

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

#### UNIFORMS AND EQUIPMENT, OFFICERS' RESERVE CORPS

The bill (S. 3198) to provide allowances for uniforms and equipment for certain officers of the Officers' Reserve Corps of the Army, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That officers of the Officers' Reserve Corps of the Army shall be entitled to an allowance for uniforms and equipment of \$50 per annum upon completion, in separate fiscal years, of each of their first three periods of active-duty training of 3 months or less, following their original appointment, during which periods the uniform is required to be worn.

#### FLAGS FOR DRAPING COFFINS OF CERTAIN DECEASED OFFICERS

The bill (S. 3242) to provide for furnishing the national flag to be used for draping the coffins of deceased members

of the Officers' Reserve Corps of the Army was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War, upon request, is authorized and directed to issue free of cost to the relatives of any member of the Officers' Reserve Corps of the Army a flag to be used for draping the coffin of any such member who dies after the date of enactment of this act. After burial of the deceased, such flag shall be given to his next of kin.

#### TRANSFER OF LANDS WITHIN HAWAII NATIONAL PARK

The bill (S. 3676) to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That a tract of land containing 6,450 acres, more or less, on the island of Hawaii in the Territory of Hawaii, located in the Hawaii National Park, created by the act of August 1, 1916 (39 Stat. 432), as amended, and described as follows, to wit:

Beginning at a place called Na Puu O na Elemakule located at the southeastern corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone, thence by azimuth (measured clockwise from true south) and distances as follows: Eighty-nine degrees twenty-seven minutes thirty seconds, three thousand three hundred feet along the southern boundary of Hawaii National Park; one hundred and seventy-nine degrees twenty-seven minutes thirty seconds, fourteen thousand five hundred and fifty feet over and across Pali to a point on Kau Desert Plateau; two hundred and forty-three degrees fifty-seven minutes no seconds, eighteen thousand four hundred and fifty feet to a point located above Hilima Pali; three hundred and fifty-nine degrees twenty-seven minutes thirty seconds, twelve thousand nine hundred and ninety feet more or less to high-water line; thence in southwesterly direction along the high-water line to the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; is hereby withdrawn from the Hawaii National Park and from the control and jurisdiction of the Secretary of the Interior and is transferred to the jurisdiction and control of the Secretary of War for use as an Air Corps bombing target range, and for such other military purposes and uses as may be prescribed by the Secretary of War.

#### CONCHAS DAM AND RESERVOIR PROJECT, NEW MEXICO

The bill (S. 3377) authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico, was announced as next in order.

Mr. CHAVEZ. Mr. President, a similar bill, House bill 8500, has passed the other body. I move that the House bill be substituted for the Senate bill and be considered at this time.

The PRESIDENT pro tempore. Will the Senator state the calendar number of the House bill?

Mr. CHAVEZ. The bill passed the House on April 15, 1940, and came to the Senate.

Mr. HATCH. Mr. President, will my colleague yield?

Mr. CHAVEZ. Yes.

Mr. HATCH. Probably the House bill was referred to a Senate committee, was it not?

Mr. CHAVEZ. I presume so.

Mr. HATCH. Mr. President, would it not be proper to ask unanimous consent that the committee to which the bill was referred be discharged from further consideration, and that it be now considered?

The PRESIDENT pro tempore. Such a request would be in order, of course.

Mr. HATCH. Then I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of House bill 8500, and that it be considered at this time.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (H. R. 8500) authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico, was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and empowered, under such terms, regulations, and

conditions as are deemed advisable by him, to grant to the State of New Mexico for public recreational purposes an easement for the use and occupation of such lands and water areas owned or controlled by the United States in connection with the Conchas Dam and Reservoir project on the South Canadian River, in New Mexico, as he may designate: *Provided*, That said easement shall be subordinate to the use of said lands and water areas by the War Department as may be necessary in the operation and maintenance of said dam and reservoir project.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Without objection, Senate bill 3377 is indefinitely postponed.

#### PRESENTATION OF DISTINGUISHED FLYING CROSS

The joint resolution (H. J. Res. 275) to authorize the President to present the Distinguished Flying Cross to Frank W. Seifert and Lt. V. Hine, deceased, was considered, ordered to a third reading, read the third time, and passed.

#### WILLIAM T. J. RYAN

The Senate proceeded to consider the bill (S. 3288) for the relief of William T. J. Ryan, which had been reported from the Committee on Military Affairs with an amendment, at the end of the bill to insert certain words, so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the provisions of the act of August 29, 1916 (39 Stat. L. 649), relating to the support of families of enlisted men in the Military Establishment who served during the expedition into Mexico, the claim of William T. J. Ryan, then sergeant, Headquarters Battery, Seventy-sixth Regiment United States Field Artillery, Fort D. A. Russell, Wyo., for Federal support of his wife, Beulah E. Ryan, be held and considered to have been received in the office of the depot quartermaster, Washington, D. C., on or before June 30, 1917, in view of the fact that delay in receipt occurred through no fault of the soldier but through loss or mis-carriage of his application in the mails, and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Beulah E. Ryan, his wife, the sum of \$184, in full satisfaction of said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

#### INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

The joint resolution (H. J. Res. 490) providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts was announced as next in order.

Mr. BARKLEY. Mr. President, will some Senator explain the joint resolution?

The PRESIDENT pro tempore. The present occupant of the chair would like to have the joint resolution go to the end of the calendar, to be explained.

#### WILMINGTON NATIONAL CEMETERY, N. C.

The bill (S. 3675) to authorize the establishment of boundary lines for the Wilmington National Cemetery, N. C., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to enter into and execute an agreement or agreements with the owners or claimants of adjoining land to fix and establish the location of the boundary lines of the Wilmington National Cemetery, N. C., and he may, if he deems it advisable, give to or receive from such owners or claimants appropriate releases, by way of quitclaim deeds or otherwise.

#### SICK LEAVE FOR SUBSTITUTE POSTAL EMPLOYEES

The bill (S. 3019) providing for sick leave for substitute postal employees was announced as next in order.

Mr. MEAD. Mr. President, a similar House bill is at the desk. It is Calendar No. 1516, House bill 7663. I ask that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the House bill will be substituted for the Senate bill.

The Senate proceeded to consider the bill (H. R. 7663) providing for sick leave for substitute postal employees, which was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3019 will be indefinitely postponed.

#### OHIO RIVER BRIDGE, CANNELTON, IND.

The Senate proceeded to consider the bill (S. 3157) to authorize the construction of a bridge across the Ohio River at or near Cannelton, Perry County, Ind., which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "improve", to insert "the", so as to make the bill read:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Indiana State Toll Bridge Commission is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interest of navigation, at or near Cannelton, Perry County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the Indiana State Toll Bridge Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The said Indiana State Toll Bridge Commission is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. In fixing the rates of toll to be charged for the use of such bridge 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 its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including interest at a rate of not to exceed 5 percent per annum and reasonable financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its 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.

Sec. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

#### ALLEGHENY RIVER BRIDGE, PORT ALLEGANY BOROUGH, PA.

The Senate proceeded to consider the bill (S. 3570) to grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at Port Allegany Borough, Liberty Township, in the county of McKean, and in the Commonwealth of Pennsylvania, which had been reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "at", to insert "or near", so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Allegheny River, at a point suitable to the interests of navigation, at or near Port Allegany, Liberty Township, McKean County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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 grant the consent of Congress to the Commonwealth of Pennsylvania

to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Port Allegany, Liberty Township, in the county of McKean, and in the Commonwealth of Pennsylvania."

#### BAYOU LAFOURCHE BRIDGE, GALIANO, LA.

The bill (S. 2999) to legalize a bridge across Bayou Lafourche at Galiano, La., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by John L. Guidry across Bayou Lafourche at Galiano, La.: *Provided,* That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

Sec. 2. That when the location and plans of said bridge have been approved as provided in section 1 of this act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### MISSISSIPPI RIVER BRIDGE, LA CROSSE, WIS.

The bill (S. 3183) to extend the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wis., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wis., authorized to be built by the State of Wisconsin by an act of Congress approved June 19, 1936, as heretofore extended by an act of Congress approved April 26, 1937, is further extended for 1 year, from April 26, 1940.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### MISSISSIPPI RIVER AT FRIAR POINT, MISS.

The bill (S. 3254) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by an act of Congress, approved May 17, 1939, are hereby further extended 1 and 3 years, respectively, from the date of approval of this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### OHIO RIVER BRIDGE, MAUCKPORT, IND.

The bill (S. 3561) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Ohio River, at or near Mauckport, Harrison County, Ind., authorized to be built by the Indiana State Toll Bridge Commission, by an act of Congress approved August 7, 1939, are hereby extended 1 and 3 years, respectively, from August 7, 1940.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### SUSQUEHANNA RIVER BRIDGE, MIDDLETOWN, PA.

The bill (H. R. 7406) granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Middletown, Pa., was considered, ordered to a third reading, read the third time, and passed.

#### SUSQUEHANNA RIVER BRIDGE, MILLERSBURG, PA.

The bill (H. R. 7407) granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and

operate a toll bridge across the Susquehanna River at or near the city of Millersburg, Pa., was considered, ordered to a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE, BARRYVILLE, N. Y.

The bill (H. R. 7655) to extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa., was considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, JEFFERSON BARRACKS, MO.

The bill (H. R. 8320) to extend the times for commencing and completing the construction of a bridge across the Mississippi River near Jefferson Barracks, Mo., was considered, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE, DULUTH, MINN.

The bill (H. R. 8397) to extend the times for commencing and completing the construction of a bridge or bridges across the St. Louis River at or near the city of Duluth, Minn., and the city of Superior, Wis., and to amend the act of August 7, 1939, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE, CUT-OFF ISLAND, IND.

The bill (H. R. 8467) authorizing the Superior Oil Co., a California corporation, to construct, maintain, and operate a free highway bridge or causeway, and approaches thereto, across the old channel of the Wabash River from Cut-Off Island, Posey County, Ind., to White County, Ill., was considered, ordered to a third reading, read the third time, and passed.

SUSQUEHANNA RIVER BRIDGE, WYALUSING, PA.

The bill (H. R. 8471) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River, at or near Wyalusing, between Terry and Wyalusing Townships, in the county of Bradford, and in the Commonwealth of Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, DUBUQUE, IOWA

The bill (H. R. 8495) to extend the times for commencing and completing the construction of a bridge or bridges across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Ill., and to amend the act of July 18, 1939, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, LITTLE FALLS, MINN.

The bill (H. R. 8583) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Little Falls, Minn., was considered, ordered to a third reading, read the third time, and passed.

GREAT PEE DEE RIVER BRIDGE, CASHUA FERRY, S. C.

The bill (H. R. 8650) granting the consent of Congress to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge across the Great Pee Dee River at or near Cashua Ferry, S. C., was considered, ordered to a third reading, read the third time, and passed.

LOCAL DELIVERY RATE ON CERTAIN FIRST-CLASS MATTER

The bill (S. 3667) to provide for the local delivery rate on certain first-class mail matter was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the proviso in section 1001 of the Revenue Act of 1932 (relating to postal rates) is amended to read as follows: "Provided, That such additional rate shall not apply to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds 1,000,000, provided said county is entirely within a corporate city."

PORTLAND ROSE FESTIVAL

The bill (S. 3106) authorizing the use of special canceling stamps and postmarking dies at the Portland, Oreg., post office in connection with the annual Portland Rose Festival was

considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Postmaster General is authorized and directed, under such rules and regulations as he may prescribe, to provide for the use of special canceling stamps and postmarking dies, containing appropriate words for the promotion of the Portland Rose Festival and Air Mail Rose Show held annually in Portland, Oreg., at the Portland, Oreg., post office from January 1 to June 1 of each year: *Provided,* That the purchase of such stamps or dies or the cost of adapting canceling machines for the use of such stamps or dies or for their installation shall not be made from any postal funds or appropriation.

AMENDMENT OF ACTS EXTENDING FRANKING PRIVILEGE TO WIDOWS OF EX-PRESIDENTS

The bill (H. R. 8398) amending acts extending the franking privilege to widows of ex-Presidents of the United States was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the acts of February 1, 1909 (ch. 55, 35 Stat. 591), October 27, 1919 (ch. 84, 41 Stat. 1449), March 4, 1924 (ch. 45, 43 Stat. 1359), June 14, 1930 (ch. 493, 46 Stat. 1906), and June 16, 1934 (ch. 560, 48 Stat. 1395), extending the franking privilege to Frances F. Cleveland (Preston), Mary Lord Harrison, Edith Carow Roosevelt, Edith Bolling Wilson, Helen H. Taft, and Grace G. Coolidge, respectively, are hereby amended by inserting in each of said acts the words "or facsimile thereof" after the words "under her written autograph signature."

VICTORIA KESSEL

The bill (S. 1608) to repeal the provisions of Private Law No. 347, Seventy-first Congress, pertaining to Victoria Kessel, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That notwithstanding any provisions of Private Law No. 347, Seventy-first Congress (act of February 17, 1931), entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to remove from the pension roll the name of Victoria Kessel, widow of Leon J. Kessel, late of Company L, Twenty-first Regiment United States Infantry.

RANK OF COMMANDERS OF SPECIAL NAVAL UNITS AFLOAT

The Senate proceeded to consider the bill (S. 3439) providing for the rank of commanders of special naval units afloat, which was read, as follows:

*Be it enacted, etc.,* That in addition to those officers who may be serving in the grade of vice admiral by virtue of the provisions of section 18 of the act of May 22, 1917 (40 Stat. 89; U. S. C., title 34, sec. 212), any officer designated by the President to command a naval unit afloat organized for the purpose of performing special or unusual duty or executing a special or unusual mission may, within the discretion of the President, have the rank, pay, and allowances of a vice admiral while so serving.

Mr. KING. Mr. President, let us have an explanation of the bill.

The PRESIDENT pro tempore. The bill was reported by the Senator from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. President, the bill grants to the President power to name two vice admirals.

The present law permits the President to give the title of vice admiral to officers who have particular positions, such as Chief of Operations and Commander of the Fleet. We have rear admirals who are designated for foreign service. We now have one in Europe, and we have one at the Canal Zone. According to the Navy Department, these officials are embarrassed by the fact that they meet and visit and deal and confer with admirals of other countries of a higher rank. So the bill proposes that during the time rear admirals are afloat in foreign countries, two of them may be given the title of vice admiral and given the pay of a vice admiral for the time they are actually afloat and in the service, which is \$500 a year more than the pay of a rear admiral. The bill is permissive, and is presented to the Naval Affairs Committee through the Navy Department at the request of the President.

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

## CLAYTON W. CURTIS

The bill (S. 2457) for the relief of Clayton W. Curtis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clayton W. Curtis, of Great Falls, Mont., the sum of \$100 in full satisfaction of his claim against the United States for compensation for damages sustained by him as the result of his automobile having been struck by a Bureau of Reclamation truck, operated by a Civilian Conservation Corps enrollee, on September 4, 1937, near Augusta, Mont.: *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.

## DAN A. TARPLEY

The Senate proceeded to consider the bill (S. 3388) for the relief of Dan A. Tarpley, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the name "Tarpley" to strike out "of Rickreall, Oregon"; in line 6, after the words "sum of", to strike out "\$2,500" and insert "\$1,945.83; to Ernest H. Tarpley, the sum of \$500, and to Pearl Tarpley, the sum of \$1,000, all residents of Rickreall, Oregon"; in line 9, after the word "of", to strike out "his claim" and insert "all their claims"; in line 10, after the word "by", to strike out "him" and insert "them"; on page 2, line 1, after the word "of", to strike out "his parents" and insert "Ernest H. Tarpley"; in line 2, after the word "the", to strike out "claimant's farm" and insert "farm of Dan A. Tarpley"; and in line 5, after the word "until", to strike out "such claimant" and insert "Dan A. Tarpley", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dan A. Tarpley, the sum of \$1,945.83; to Ernest H. Tarpley, the sum of \$500, and to Pearl Tarpley, the sum of \$1,000, all residents of Rickreall, Oreg., in full satisfaction of all their claims against the United States on account of personal injuries sustained by them when a 37-millimeter shell exploded in the home of Ernest H. Tarpley on May 29, 1938, at Rickreall, Oreg., such shell having been shot onto the farm of Dan A. Tarpley by National Guardsmen in carrying out an artillery problem, but which remained unexploded until Dan A. Tarpley, not realizing its dangerous character, carried it into his parents' home where it was inadvertently dropped and exploded: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of Dan A. Tarpley, Ernest H. Tarpley, and Pearl Tarpley."

## WALTER CHWALEK

The Senate proceeded to consider the bill (S. 3555) for the relief of Walter Chwalek, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the name "Chwalek", to insert "of Oswego, N. Y.", and in line 7, after the words "settlement of", to strike out "his claim against the Government" and insert "all claims against the United States", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Chwalek, of Oswego, N. Y., the sum of \$2,938.50, in full settlement of all claims against the United States as the result of his receiving personal and property damages when his automobile was struck by a truck in the service of the United States Army on August 24, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection

with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

## ELLIOTT L. HOVEL

The Senate proceeded to consider the bill (S. 3493) for the relief of Elliott L. Hovel, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$500 in settlement of damages as a result of" and insert "\$173.29, in full settlement of all claims against the United States for damages sustained as a result of an", and at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elliott L. Hovel the sum of \$173.29, in full settlement of all claims against the United States for damages sustained as a result of an accident in which his car was struck by an Army truck being driven in a reckless manner: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

## MONONGAHELA RIVER BRIDGE, ELIZABETH, PA.

The Senate proceeded to consider the bill (S. 3571) to grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania, which had been reported from the Committee on Commerce with an amendment, on page 2, line 6, after "1906" to insert "and subject to the conditions and limitations contained in this act," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Monongahela River, at a point suitable to the interests of navigation, between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The motion was agreed to.

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

The PRESIDENT pro tempore. That completes the calendar.

## CONSIDERATION OF BILLS NOT YET PLACED ON THE CALENDAR

Mr. BARKLEY. Mr. President, the Committee on Immigration unanimously reported today four or five little bills to which there is no objection. In order to save the expense of printing them on the calendar, the Senator from Georgia [Mr. RUSSELL] intended to ask for their present consideration. He is temporarily absent from the Chamber, but I make the request that they be considered at this time.

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

## KURT FRINGS

The bill (S. 3673) to enable Kurt Frings to enter and remain permanently in the United States was considered,

ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That notwithstanding any provisions of the immigration laws Kurt Frings, a native of Cologne, Germany, shall be admitted into the United States from Tia Juana, Mexico, and shall be permitted to remain in the United States permanently as though he had in all respects complied with the immigration laws, and that the residence in the United States of the said Kurt Frings shall date from the approval of this act.

GERALD HENRY SIMPSON

The bill (H. R. 7814) for the relief of Gerald Henry Simpson was considered, ordered to a third reading, read the third time, and passed.

DEXTER AND ELIZABETH SHIOMI

The bill (S. 2909) for the relief of Dexter and Elizabeth Shiomi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Dexter and Elizabeth Shiomi.

MIJO STANISIC

The Senate proceeded to consider the bill (S. 2760) for the relief of Mijo Stanisic, which had been reported from the Committee on Immigration with an amendment, on page 1, line 6, after the name "Mijo Stanisic" and the semicolon, to strike out "and if the said Mijo Stanisic shall establish his present good moral character the Commissioner of Immigration and Naturalization shall in his case make a record of registry and issue a certificate of arrival in manner and form as authorized to be made by the act of March 2, 1929 (U. S. C. title 8, sec. 108A), as if the said Mijo Stanisic had entered the United States prior to June 3, 1921: *Provided*, That formal application and fee payments required by such act of March 2, 1929, shall not be held to be waived under this act" and insert "that his entry as of April 15, 1913, be considered an entry for permanent residence and that the Secretary of State shall make appropriate deduction of one quota number from the Yugoslavian quota", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Labor is authorized and directed to cancel the outstanding warrant of arrest, order of deportation, warrant of deportation, and bond in the case of the alien Mijo Stanisic; that his entry as of April 15, 1913, be considered an entry for permanent residence, and that the Secretary of State shall make appropriate deduction of one quota number from the Yugoslavian quota.

The amendment was agreed to.

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

JOSE MAURI

The Senate proceeded to consider the bill (S. 2774) for the relief of Jose Mauri, which had been reported from the Committee on Immigration with an amendment, after line 12, to insert the following new section:

Sec. 3. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

So as to make the bill read:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws Jose Mauri, of Los Angeles, Calif., shall be held and considered to have been legally admitted to the United States for permanent residence on the date of his entry into the United States.

Sec. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued with respect to the said Jose Mauri upon the ground of illegal entry into the United States.

Sec. 3. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

The amendment was agreed to.

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

HENRY GIDEON SCHILLER

The Senate proceeded to consider the bill (S. 2775) for the relief of Henry Gideon Schiller, which had been reported from the Committee on Immigration with an amendment, to add a new section at the end of the bill, so as to make the bill read:

*Be it enacted, etc.*, That for the purposes of the immigration and naturalization laws Henry Gideon Schiller, St. Louis, Mo., shall be considered to have been lawfully admitted at Noyes, Minn., June 1931, to the United States for permanent residence.

Sec. 2. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control office to deduct one number from the nonpreference category of the quota during the current quota year.

The amendment was agreed to.

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

MARIA TERESA VALDES THOMPSON

The bill (S. 3245) for the relief of Maria Teresa Valdes Thompson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Maria Teresa Valdes Thompson, wife of an American citizen, in August 1939, and that she shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as an immigrant for permanent residence.

STINA ANDERSON

The Senate proceeded to consider the bill (H. R. 6965) for the relief of Stina Anderson, which had been reported from the Committee on Immigration with an amendment, on page 1, line 9, to strike out "*Provided*, That the said Stina Anderson shall not be eligible to become a citizen of the United States," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and any order of deportation which may be issued against Stina Anderson and that Stina Anderson shall not hereafter be subject to deportation for the same cause or causes upon which the present warrant of arrest is based.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MADLINE VERA BUCHHOLZ

The bill (H. R. 7246) for the relief of Madeline Vera Buchholz was considered, ordered to a third reading, read the third time, and passed.

MRS. ORRIS R. GRIMMSEY

The Senate proceeded to consider the bill (S. 2669) to admit Mrs. Orris R. Grimmesey permanently to the United States, which had been reported from the Committee on Immigration with an amendment, to strike out all after the enacting clause and to insert the following:

That the Secretary of Labor is hereby authorized and directed to consider the entry of Mrs. Orris R. Grimmesey into the United States as a lawful admission for permanent residence entitling the said Mrs. Orris R. Grimmesey to remain in the United States as an alien immigrant.

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 authorizing and directing change of the immigration status of Mrs. Orris R. Grimmesey."

JOHN NICHOLAS CHICOURAS

The Senate proceeded to consider the bill (S. 3412) for the relief of John Nicholas Chicouras, which had been reported from the Committee on Immigration with an amendment, to add a new section at the end of the bill, so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws, John Nicholas Chicouras, of Aberdeen, Miss., shall be held and considered to have been legally admitted to

the United States for permanent residence on November 25, 1925, and the Secretary of Labor is authorized and directed to permit said John Nicholas Chicouras to reenter the United States.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

The amendment was agreed to.

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

JOHN HORVATH

The Senate proceeded to consider the bill (S. 2995) for the relief of John Horvath, which had been reported from the Committee on Immigration with an amendment, to add a new section at the end of the bill, so as to make the bill read:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws John Horvath, of Sewaren, N. J., shall be held and considered to have been legally admitted to the United States for permanent residence on December 18, 1925, at Detroit, Mich.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of the said John Horvath upon the ground of unlawful residence in the United States.

SEC. 3. Upon the enactment of this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the nonpreference category of the quota during the current quota year.

The amendment was agreed to.

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

LOUISE EHRENFELD

The Senate proceeded to consider the bill (H. R. 3094) for the relief of Luise Ehrenfeld, which had been reported from the Committee on Immigration with an amendment, on page 1, line 6, to strike out "By the terms of this act she shall not be permitted to become a naturalized citizen of the United States unless and until she shall leave the United States and reenter with a legal visa, and", so as to make the bill read:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to permit registration of Luise Ehrenfeld as having entered the United States for permanent residence. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

The amendment was agreed to.

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

JOSEPH L. LIPSHER AND ESTHER MILA LIPSHER

The Senate proceeded to consider the bill (S. 2964) for the relief of Joseph L. Lipsher and Esther Mila Lipsher, which had been reported from the Committee on Immigration with an amendment, to add a new section at the end of the bill, so as to make the bill read:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws Joseph L. Lipsher and his wife, Esther Mila Lipsher, of New Haven, Conn., shall be held and considered to have been legally admitted to the United States for permanent residence in 1927.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the cases of the said Joseph L. Lipsher and Esther Mila Lipsher upon the ground of unlawful residence in the United States.

SEC. 3. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the quota during the current quota year.

The amendment was agreed to.

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

BONIFACIO SUSO

The Senate proceeded to consider the bill (S. 2757) for the relief of Bonifacio Suso, which had been reported from the Committee on Immigration with an amendment, after line 8, to insert the following new section:

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of Labor be, and is hereby, authorized and directed to consider Bonifacio Suso, of Farrell, Pa., immigration case No. 55930/920, as a resident of the United States for the purpose of naturalization and not a subject for deportation on any charges now pending against him before the Commissioner of Immigration.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

The amendment was agreed to.

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

SADAO TANAKA

The bill (S. 3256) to enable Sadao Tanaka to remain permanently in the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That notwithstanding any provision of the immigration laws, Sadao Tanaka, a native of Japan, admitted into the United States on November 14, 1932, for temporary residence, shall be permitted to remain in the United States permanently as though he had in all respects complied with the immigration laws upon entry, and that the residence in the United States of the said Sadao Tanaka shall date from the approval of this act.

LOUISE THORNE

The Senate proceeded to consider the bill (S. 2969) for the relief of Louise Thorne, which had been reported from the Committee on Immigration, with an amendment, to strike out all after the enacting clause, and to insert the following:

That notwithstanding the provisions of the immigration laws, the Secretary of Labor is authorized and directed to permit Louise Thorne, the wife of a citizen of the United States, to remain permanently in the United States.

The amendment was agreed to.

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

MORRIS HOPPENHEIM AND OTHERS

The Senate proceeded to consider the bill (H. R. 2948) for the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim, which had been reported from the Committee on Immigration with an amendment, on page 1, line 6, after the name "Ruth Hoppenheim", to strike out "and if the said Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim shall establish their present good moral character the Commissioner of Immigration and Naturalization shall in respect of each make a record of registry and issue a certificate of arrival in manner and form authorized to be made by the act of March 2, 1929 (U. S. C., title 8, sec. 106A), as if each alien had entered the United States prior to June 3, 1921: *Provided,* That formal application and fee payments required by such act of March 2, 1929, shall not be held to be waived under this act" and insert "any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim shall be deemed to be lawful residents of the United States", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of Labor is authorized and directed to cancel the outstanding orders and warrants of deportation in the case of the aliens Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim shall be deemed to be lawful residents of the United States.

Mr. ADAMS. Mr. President, I shall not object to this bill, but it seems to me to be a very bad legislative practice to consider and pass bills which, though they may have been reported by a committee, are not on the calendar. These are minor immigration bills, it is true; but such procedure may

open the way for the passage of bills of more importance. I am merely saying that hereafter, if I happen to be present, I shall object to the practice.

Mr. KING. Mr. President, I think there is very much in what the Senator says, but most of these bills were carefully examined by the House committee, and—

Mr. ADMAS. I still think the Senate has a function to perform, and should have an opportunity to see the bills.

Mr. KING. Let me finish my sentence. And the Senate Committee on Immigration, which has been very chary in allowing immigration measures to pass, approves the bills.

Mr. ADAMS. I am objecting to a practice which I think is very dangerous and very improper.

Mr. BARKLEY. Mr. President, this is not a practice; it will happen only today, and it is done in the interest of economy. I am sure that that feature should appeal to the Senator from Colorado.

Mr. ADAMS. It does appeal to me greatly, especially when it comes from the majority leader.

Mr. BARKLEY. I am glad we are getting together. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. REED. Mr. President, I shall object to all the other bills which come up in this way. I agree with the Senator from Colorado that this is a bad practice. So I register an objection.

#### CONGRESSIONAL MEDAL OF HONOR TO WILLIAM SINNOTT

Mr. BARKLEY. Mr. President, from the Committee on the Library, I report favorably Senate bill 3813, to authorize the presentation of a Congressional Medal of Honor to William Sinnott.

Mr. President, this bill provides for the presentation of a Congressional Medal of Honor to William Sinnott, who was a detective in Florida at the time an effort was made to assassinate the President-elect of the United States, which resulted in the assassination of Mayor Cermak, of Chicago. The bill merely authorizes the President to present this man a Congressional Medal of Honor. I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 3813) to authorize the presentation of a Congressional Medal of Honor to William Sinnott, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the President is authorized to present, in the name of Congress, a medal of honor to William Sinnott, a detective, who in guarding Franklin D. Roosevelt, then President-elect of the United States, at Miami, Fla., on February 15, 1933, was shot and wounded by Giuseppe Zangara, who attempted to assassinate said Franklin D. Roosevelt.

#### CELEBRATION IN COMMEMORATION OF THE TREATY OF FORT GREENE VILLE

Mr. BARKLEY. Mr. President, I report favorably from the Committee on the Library, House Joint Resolution 385, which provides for the appointment of a joint commission to look into the question of a celebration at Greenville, Ohio, for the purpose of commemorating certain events during the Revolutionary War.

Mr. REED. Mr. President, I ask that it lie over for consideration.

The PRESIDENT pro tempore. The joint resolution will go to the calendar.

#### VACATION LEAVE FOR CERTAIN POSTMASTERS

Mr. MEAD. Mr. President, I ask that the Senate return to Calendar No. 1380, House bill 5784. I desire to explain the bill, as I would have explained it had I been present at the time it was called.

This bill refers to what might be termed "career postmasters," that is, postmasters promoted from the rank and

file of postal employees. The Department has no authority, under existing law, to give them credit for their earned vacation time. This bill would merely allow them to enjoy the vacation time they have already earned. It would not cost the Government any money, because when a postmaster takes his vacation his place is filled by the assistant postmaster. It pertains only to postmasters who were formerly postal employees, and who had some earned vacation time coming after they were promoted.

Mr. REED. I object.

Mr. MEAD. No expense is involved.

Mr. REED. I know, but it is bad practice.

Mr. MEAD. Let me say to the Senator that each of these postmasters has earned a certain amount of vacation time while acting as a clerk or a carrier. If they have 5 days or 6 days coming which they have earned legally, under existing law, and they then become postmasters, there is no law by which the Department could give them leave for the 6 days or 8 days. If the Department could give them the 6 days or 8 days leave it could so without involving any expense to the Department, because the assistant postmaster would carry on the work. So it is really an obligation which we owe to these men because they have worked sufficiently long to earn a few days' vacation time.

Mr. McNARY. Is the bill on the calendar?

Mr. MEAD. Yes.

Mr. McNARY. What is the calendar number?

Mr. MEAD. No. 1380.

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

Mr. MEAD. I yield.

Mr. WHITE. As I understand, the bill would merely secure to these men who have been in the postal service and who have been made postmasters the leave which they earned up to the time of their appointment as postmasters.

Mr. MEAD. That is correct; it covers leave earned up to that time. It would cost the Government no money whatever, because the assistant postmaster would fill the place while the postmaster is on leave. It pertains only to the number of days he has actually earned while serving in a minor capacity.

Mr. WHITE. It would merely make good their statutory rights?

Mr. MEAD. That is correct.

Mr. WHITE. Which they would otherwise lose when appointed postmasters?

Mr. MEAD. Exactly. The Senator has stated it precisely. It merely carries out the contract already made with them under the law.

Mr. REED. I object.

The PRESIDENT pro tempore. Objection is made.

#### ORDER OF BUSINESS

Mr. McNARY. Mr. President, I inquire what is the status of calendar numbers 1240, 1241, and 1242?

The PRESIDENT pro tempore. They were objected to.

Mr. McNARY. By whom?

The PRESIDENT pro tempore. The Chair does not know.

Mr. McNARY. May I inquire whether the Record indicates who the objectors were?

Mr. BARKLEY. Some Senator asked for an explanation of those measures. The chairman of the Committee on Agriculture and Forestry, who reported them, was not present, and they went over. I do not think any particular Senator objected to their consideration, but there was no way of telling what they were about.

The PRESIDENT pro tempore. The Chair is not advised as to who objected to all of the measures. The Senator from Tennessee [Mr. McKellar] objected to Calendar 1241.

Mr. McNARY. I am speaking for the senior Senator from California [Mr. Johnson], who is anxious to have the bills considered. In his absence, and in the absence of the Senator from Tennessee, I shall not pursue the subject.

#### RECORDING OF AUTOMOBILE LIENS

Mr. OVERTON. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1296 to amend

paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes.

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

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

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

Adams	Davis	La Follette	Sheppard
Ashurst	Donahay	Lee	Shipstead
Austin	Downey	Lodge	Slattery
Bailey	Ellender	Lucas	Stewart
Bankhead	George	Lundeen	Taft
Barbour	Gerry	McKellar	Thomas, Idaho
Barkley	Gibson	McNary	Thomas, Okla.
Bilbo	Gillette	Maloney	Thomas, Utah
Bone	Glass	Mead	Tobey
Bridges	Green	Miller	Townsend
Brown	Gurney	Minton	Truman
Bulow	Hale	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hatch	Norris	Van Nuys
Byrnes	Hayden	O'Mahoney	Wagner
Caraway	Herring	Overton	Walsh
Chandler	Hill	Pepper	Wheeler
Chavez	Holman	Pittman	White
Clark, Idaho	Hughes	Reed	Wiley
Clark, Mo.	Johnson, Calif.	Russell	
Connally	Johnson, Colo.	Schwartz	
Danaher	King	Schwellenbach	

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

The question is on the motion of the Senator from Louisiana [Mr. OVERTON] to proceed to the consideration of Calendar 764, Senate bill 1296, to amend certain paragraphs of section 6 of the District of Columbia Traffic Act of 1925.

Mr. THOMAS of Oklahoma. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Am I correct in my interpretation of the rules that the pending motion is not now debatable?

The PRESIDING OFFICER. The Senator is correct in his interpretation of the rules.

Mr. THOMAS of Oklahoma. Another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is not the Senate entitled to know what the bill is about before it is called upon to vote on the question whether the bill shall be taken up for consideration?

The PRESIDING OFFICER. The Senate is entitled to an explanation of the bill before action is taken.

The clerk will read the bill by title.

The CHIEF CLERK. Senate bill 1296, to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes.

Mr. THOMAS of Oklahoma. Another inquiry, Mr. President. Is not the Senate further entitled to be advised by having the bill read before we proceed to vote on the question of considering the bill?

The PRESIDING OFFICER. Without objection, the bill will be read.

The Chief Clerk read as follows:

*Be it enacted, etc.*, That paragraph (b), section 6, of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, be further amended by adding thereto the following:

"There is hereby established in the department of vehicles and traffic an office of record for the purpose of recording and releasing liens and encumbrances on motor vehicles and trailers, for which a certificate of title shall have been issued, or any equipment or accessories affixed thereto. Such liens and encumbrances shall be recorded and released by entering on the certificate of title such information as the Commissioners may require and shall have priority in the order in which recorded; and, unless so recorded, no bill of sale, mortgage, or deed of trust to secure payment of a debt, no conditional sale in virtue of which any of the aforesaid property is delivered to the purchaser but by the terms of which title is not to pass until the purchase price thereof is paid in full, and no trust receipt, with respect to any motor vehicle or trailer, for which a certificate of title shall have been issued, or any equipment or accessories affixed thereto, shall be valid against subsequent purchasers or encumbrancers for value without actual notice. An executed

copy of the document evidencing such lien or encumbrance shall be presented to and retained by the aforesaid department. Sections 546 and 547, subchapter 3, and section 548, subchapter 4, chapter XVI, of the Code of Law for the District of Columbia, relating to the recordation of bills of sale, chattel mortgages, deeds of trust, and conditional bills of sale in the office of the recorder of deeds of the District of Columbia, insofar as the same may have reference to such motor vehicles and trailers, or any equipment and accessories affixed thereto, are hereby repealed."

Sec. 2. That paragraph (c), section 6, of the said Traffic Act, as amended, be amended by inserting therein following the words "transferring of titles", the following: "recording and releasing of liens and encumbrances."

Sec. 3. That paragraph (d), section 6, of the said Traffic Act, as amended, be amended by striking out the words "titing and retitling" where they first appear in said paragraph, and inserting in lieu thereof the words "titing, retitling, and recording of liens or encumbrances"; and said paragraph shall be further amended by inserting therein, following the phrase "not to exceed the sum of \$1 for each such titing and retitling", the following: "and not to exceed the sum of 50 cents for the recording of each such lien or encumbrance with no fee for releasing."

Sec. 4. The provisions of this act shall become effective 90 days after its approval by the President, but nothing herein contained shall affect existing liens on motor vehicles and trailers, or any equipment or accessories affixed thereto, recorded prior to the effective date of this act.

Sec. 5. Appropriation is hereby authorized to be made to carry out the purposes of this act, and the Commissioners of the District of Columbia are authorized to include in their annual estimates provision for the expenses incident to such purposes, and for personnel subject to the limitations of the Classification Act of 1923, as amended.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is it not a fact that the bill relates to the recorder of deeds in the District of Columbia?

The PRESIDING OFFICER. The Chair does not think that is a parliamentary inquiry.

Mr. THOMAS of Oklahoma. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Does not the bill provide for the settlement of patronage controversies between the District of Columbia on the one side and the recorder of deeds upon the other?

The PRESIDING OFFICER. In the opinion of the Chair, that is not a parliamentary inquiry. The Chair holds that the motion is not debatable.

Mr. THOMAS of Oklahoma. Mr. President, I demand the yeas and nays on the motion.

Mr. McNARY. Mr. President, I have no difficulty in appreciating the ruling of the Chair. We have today a morning hour, which is somewhat unusual. After 2 o'clock this motion would be debatable; would it not?

The PRESIDING OFFICER. If the motion of the Senator from Louisiana [Mr. OVERTON] shall prevail, the bill will be debatable.

Mr. McNARY. The motion to make the bill the unfinished business is not debatable, because the hour of 2 o'clock has not yet arrived. After 2 o'clock a motion to take up the bill would be debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. McNARY. I have no objection to taking up the bill; but I wish to address an inquiry to the able Senator before I vote on the question. I have a note from an editor—

Mr. OVERTON. Mr. President, I shall be very glad to give the able Senator any information I have; but I understand the motion is not debatable. As soon as we take up the bill I shall be very glad to give the Senator such information as I have with respect to it. It is merely a little District of Columbia bill which has been on the calendar for a long time, and I want to get rid of it.

Mr. McNARY. Mr. President, I do not want to interfere with the Senator having the bill considered. However, I sympathize with those who are unable to debate the motion because the hour of 2 o'clock has not yet arrived. Perhaps the Senator would be willing to waive the technicality and answer the inquiry I was about to propound, but I shall not insist if he wishes to stand on his rights.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana [Mr. OVERTON]. Mr. THOMAS of Oklahoma. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Is the suggestion of the absence of a quorum in order, inasmuch as no business has been transacted since the previous roll call?

The PRESIDING OFFICER. The absence of a quorum was suggested, and the order for the yeas and nays has been made. The clerk will call the roll.

Mr. McNARY. Mr. President, do I correctly understand the ruling of the Chair to be that ordering the yeas and nays is such a transaction of business as to make in order the call for a quorum at this time? What was the ruling of the Chair?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. McNARY. The point I make is that the yeas and nays were requested. After the request had been sufficiently seconded the Chair ordered the yeas and nays. That order by the Presiding Officer constitutes the transaction of business by the Senate. Therefore, I suggested the absence of a quorum.

Mr. OVERTON. I make the point of order that the suggestion of the absence of a quorum is not in order, no business having been transacted.

The PRESIDING OFFICER. The Chair is informed that the yeas and nays having been ordered, and therefore business having been transacted, the suggestion of the absence of a quorum is in order. The clerk will call the roll.

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

Adams	Davis	La Follette	Sheppard
Ashurst	Donahay	Lee	Shipstead
Austin	Downey	Lodge	Slattery
Bailey	Ellender	Lucas	Stewart
Bankhead	George	Lundeen	Taft
Barbour	Gerry	McKellar	Thomas, Idaho
Barkley	Gibson	McNary	Thomas, Okla.
Bilbo	Gillette	Maloney	Thomas, Utah
Bone	Glass	Mead	Tobey
Bridges	Green	Miller	Townsend
Brown	Gurney	Minton	Truman
Bulow	Hale	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hatch	Norris	Van Nuys
Byrnes	Hayden	O'Mahoney	Wagner
Caraway	Herring	Overton	Walsh
Chandler	Hill	Pepper	Wheeler
Chavez	Holman	Pittman	White
Clark, Idaho	Hughes	Reed	Wiley
Clark, Mo.	Johnson, Calif.	Russell	
Connally	Johnson, Colo.	Schwartz	
Danaher	King	Schwellenbach	

The PRESIDING OFFICER. Eighty-five Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Louisiana [Mr. OVERTON].

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is the motion now before the Senate debatable?

The PRESIDING OFFICER. The Chair will hold that under rule VIII, the motion is not debatable, as it was made prior to 2 o'clock. The rule reads:

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

Mr. McNARY. I wish to disclose my objection to the ruling of the Chair. When such a motion is made before 2 o'clock and the hour of 2 o'clock arrives the inhibition of the rule is lost forever. It is now 2 o'clock and 2 minutes p. m. In my opinion, under the rule—and I think it was so held when I raised the point on another occasion—if such a

motion is made prior to 2 o'clock and because of the lapse of time due to a roll call or a quorum call or discussion of an appeal from the decision of the Chair the hour of 2 o'clock arrives with the motion still pending, as it is in this case, after 2 o'clock, then it is debatable. That is the interpretation, in my opinion, which should be placed upon the section of the rule which has been read; indeed, I think it is the only one which should be put upon it; otherwise, if a Senator made such a motion before 2 o'clock, and the 2 hours which we call the morning hour elapsed, he could not then argue it at all after 2 o'clock, but would be bound by the fact that he had made his motion earlier in the day. That is not good sense; it is not good reason. If it has been announced as the permanent decision of the Chair, I shall be compelled to appeal from the decision, much as I regret to do so.

The PRESIDING OFFICER. In view of the lack of unanimity of the rulings on this question, the Chair will withdraw the ruling just made, and now submits to the Senate the question whether the motion of the Senator from Louisiana [Mr. OVERTON], under the circumstances, is debatable at this time.

Mr. THOMAS of Oklahoma. Mr. President, is not that question debatable?

The PRESIDING OFFICER. The point of order having been submitted to the Senate, the question is debatable.

Mr. McNARY. I yield to the Senator from Oklahoma. I have obtained all I want.

Mr. THOMAS of Oklahoma. Mr. President, this bill has been on the calendar for at least 2 years. It relates to some colored employees of the District government and that is all. By this bill a department of the District Government, the recorder of deeds office, would lose some of its colored employees, and the vacancies created would be given to white people in another department of the District government. That is the motive behind this bill.

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

Mr. THOMAS of Oklahoma. I yield.

Mr. OVERTON. I trust the Senator does not assign that motive to me.

Mr. THOMAS of Oklahoma. Not at all. I assure the Senator that I do not mean to intimate that that is his motive.

Mr. OVERTON. This bill has the unanimous support of the District of Columbia Committee. I did not introduce the bill; I was charged with the duty of reporting it, and I do not understand that what the Senator from Oklahoma suggests is at all the purpose of the bill.

Mr. THOMAS of Oklahoma. Mr. President, prior to 1935 the recording of motor-vehicle liens was under the recorder of deeds, and the recorder, almost from time immemorial, has been a colored man. Dr. Thompkins, the present recorder, comes from Kansas City, in the State of Missouri, and it is well known that he is a very high-class colored man.

In 1935 a bill was introduced to raise the fee for recording automobile liens and encumbrances. I ask permission to have included in the RECORD a copy of Senate bill 410, which is the basis of the present law. The report made on that bill was formulated by Mr. Ellenbogen, of the Committee on the District of Columbia, House of Representatives. I also ask permission at this point in my remarks to have printed a copy of the House committee report.

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

[S. 410, 74th Cong., 1st sess.]

To provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes

*Be it enacted, etc.,* That section 552 of the Code of Law for the District of Columbia, as amended, is amended to read as follows:

"Sec. 552. Fees: The legal fees for the services of the recorder shall be as follows:

"For filing, recording, and indexing, or for making certified copy of any instrument containing 200 words or less, \$1, and 20 cents for each additional hundred words, to be collected at the time of filing, or when the copy is made.

"For each certificate and seal, 50 cents.

"For searching records extending back 2 years or less next preceding current date, 50 cents, and 15 cents for each additional year, to be paid by the party for whom the search may be made.

"For recording a plat or survey, 20 cents for each course such survey may contain.

"For recording a town plat, 25 cents for each lot such plat may contain.

"For taking any acknowledgment, 50 cents.

"For filing and indexing a bill of sale of chattels, or a mortgage or deed of trust thereof, or a conditional bill of sale of chattels or any release or satisfaction of any such, \$1.50.

"For filing and indexing any other paper required by law to be filed in his office, 50 cents.

"In addition to the fees herein required, all corporations hereinafter incorporated in the District of Columbia shall pay to the recorder of deeds at the time of the filing of the certificate of incorporation 50 cents on each thousand dollars of the amount of capital stock of the corporation as set forth in its said certificate: *Provided, however*, That the fee so paid shall not be less than \$50: *Provided further*, That the recorder of deeds shall not file or record any certificate of organization of any incorporation until it has been proved to his satisfaction that all the capital stock of said company has been subscribed for in good faith, and not less than 10 percent of the par value of the stock has been actually paid in cash, and the money derived therefrom is then in the possession of the persons named as the first board of trustees."

The Committee on the District of Columbia, to whom was referred the bill (S. 410) to provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes, having considered the same, report favorably thereon and recommend that the bill do pass.

From time to time the fact becomes apparent that various governmental organizations in the District of Columbia are operating under antiquated laws. The present schedule of fees in the recorder's office was established over 30 years ago and at the present time does not provide sufficient funds to meet the operating expenses of the office. The purpose of the bill here reported is to provide a modification of these fees, making them more nearly commensurate with the value of the services rendered.

The bill further provides that the recorder shall not file or record any incorporation certificate without first ascertaining that its capital stock has been subscribed for in good faith and not less than 10 percent of its par value paid in cash.

The Commissioners of the District of Columbia have submitted a report on this measure which is hereto appended and made a part hereof.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
EXECUTIVE OFFICE,  
Washington, March 28, 1935.

HON. MARY T. NORTON,

Chairman, House District Committee, House of Representatives,  
Washington, D. C.

DEAR MADAM: The Commissioners of the District of Columbia have the honor to submit the following report on S. 410 (74th Cong., 1st sess.), entitled, "A bill to provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes," passed by the Senate, February 25, 1935.

There has been a deficiency in the office of the recorder of deeds for a number of years, and the purpose of the pending bill is to amend section 552 of the Code of Law for the District of Columbia by increasing fees so as to put this office on a self-sustaining basis. The present fees have been in effect for over 30 years and it is recognized that they are wholly out of line with the actual cost of service rendered.

The total appropriations for the office of the recorder of deeds for the fiscal year 1934 amounted to \$100,000. The total fees collected in that year amounted to \$89,300. For the fiscal year 1936 the estimates of the recorder's office, as approved by the Budget Bureau and as passed by the House amount to \$113,060.

If this bill is passed and is in operation in the fiscal year 1936, the fees received by the recorder of deeds would amount to about \$168,000, if the volume is similar to that during the fiscal year 1934.

The fees provided by the pending bill differ from those required by existing law in the following particulars:

Under existing law the charge for filing, recording, and indexing, or for making a certified copy of any instrument containing 200 words or less is 50 cents, and 15 cents for each additional hundred words. Under the pending bill the fees are increased to \$1.50 for the first 200 words and 25 cents for each additional hundred words.

The cost of each certificate and seal is increased from 25 to 50 cents.

Under the existing law the fee for searching records extending back 2 years or less is 25 cents, and 5 cents for each additional year. Under the pending bill the fee for searching records for the first 2 years is \$1, and 25 cents for each additional year.

The fee for recording a plat or survey is increased from 5 to 30 cents for each course such survey may contain.

The fee for recording a town plat is increased from 3 to 25 cents for each lot such plat may contain.

The fee for taking acknowledgments is not increased by the pending bill.

Under sections 546 and 547 of the code as amended by the act of March 3, 1925, the fee for filing and indexing papers relating to the sale or mortgage of chattels is \$1. This is increased to \$2.50 by the pending bill.

The fee for filing and indexing other papers is increased from 15 cents to \$1.

Under existing law a corporation at the time of the filing of the certificate of incorporation is required to pay a fee of 40 cents on each \$1,000 of its capital stock with a minimum fee of \$25. Under the pending bill the fee is increased to 80 cents on each \$1,000 of capital stock with a minimum fee of \$50.

The Commissioners know of no objection to the passage of this bill.

Very respectfully,

M. C. HAZEN, *President.*

Mr. THOMAS of Oklahoma. The purpose of the proposed legislation was to increase the fee for the recording of automobile liens in the office of the recorder of deeds. The bill referred to became a law. I ask permission at this time to have placed in the RECORD a copy of the existing law. It is known as Public, 149, Seventy-fourth Congress.

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

[Public—No. 149—74th Cong.—S. 410]

To provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes

*Be it enacted, etc.*, That section 552 of the Code of Law for the District of Columbia, as amended, is amended to read as follows:

"Sec. 552. Fees: The legal fees for the services of the recorder shall be as follows:

"For filing, recording, and indexing, or for making certified copy of any instrument containing 200 words or less, \$1, and 20 cents for each additional hundred words, to be collected at the time of filing, or when the copy is made.

"For each certificate and seal, 50 cents.

"For searching records extending back 2 years or less next preceding current date, 50 cents, and 15 cents for each additional year, to be paid by the party for whom the search may be made.

"For recording a plat or survey, 20 cents for each course such survey may contain.

"For recording a town plat, 25 cents for each lot such plat may contain.

"For taking any acknowledgment, 50 cents.

"For filing and indexing a bill of sale of chattels, or a mortgage or deed of trust thereof, or a conditional bill of sale of chattels or any release or satisfaction of any such, \$1.50.

"For filing and indexing any other paper required by law to be filed in his office, 50 cents.

"In addition to the fees herein required, all corporations hereafter incorporated in the District of Columbia shall pay to the recorder of deeds at the time of the filing of the certificate of incorporation 50 cents on each thousand dollars of the amount of capital stock of the corporation as set forth in its said certificate: *Provided, however*, That the fee so paid shall not be less than \$50: *Provided further*, That the recorder of deeds shall not file or record any certificate of organization of any incorporation until it has been proved to his satisfaction that all the capital stock of said company has been subscribed for in good faith, and not less than 10 percent of the par value of the stock has been actually paid in cash, and the money derived therefrom is then in the possession of the persons named as the first board of trustees."

Approved, June 17, 1935.

Mr. THOMAS of Oklahoma. Mr. President, in substantiation of the statement I have made, I ask permission to have read at the desk a letter just received from the present recorder of deeds, Dr. Thompkins. On Saturday I found it necessary to leave the city; I could not reach Dr. Thompkins at 12 o'clock, and I telegraphed him, asking him for a statement of the reason for the pending bill. His letter purports to give the reasons for the proposed legislation. I ask permission that the letter may be read at the desk.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

RECORDER OF DEEDS, DISTRICT OF COLUMBIA,  
Washington, D. C., April 20, 1940.

The Honorable ELMER THOMAS,  
United States Senator, Senate Office Building, Washington,  
D. C.

MY DEAR SENATOR THOMAS: In reply to your wire of yesterday, enclosed you will find S. 410, an act to provide fees to be charged by the recorder of deeds of the District of Columbia, and report thereon, No. 1119. This report, you will note, carries a letter signed by the President of the Board of Commissioners, which proposed to increase the fees for recording chattels from \$1 to \$2.50 in an effort to bring this department out of the "red." It was my opinion that \$2.50, as suggested by the Commissioners of the District of Columbia was exorbitant; that a fee of \$1.50 would be sufficient to accomplish the same purpose. Congress passed and the President approved S. 410, which carried my suggestion, and the office has since operated without a deficit.

Now that the Commissioners are desirous of increasing the patronage of the director of traffic, and indirectly their own, by

transferring some of our duties to that department, they necessarily must advance some argument for the transfer. Having overlooked the fact that the fees were increased at their own suggestion, they now contend that said fees are too high and should be only 50 cents, wherein in 1935 they recommended that the fees should be \$2.50. The Commissioners have at no time suggested to the recorder of deeds a reduction in the fee for the filing of automobile chattels. All of the contention that the recorder of deeds is charging an exorbitant fee is merely a smoke screen to hide the real purpose in the Commissioners' minds.

If there is any further information you may desire on this subject, be assured that we shall be very happy to furnish same.

Respectfully,

WM. J. THOMPSON.

Mr. THOMAS of Oklahoma. Mr. President, the following briefly are the facts—and I shall take only a few moments: Prior to 1935 the recording of these instruments was done in the office of the recorder of deeds. The fee was very small; it was not sufficient to pay the expense of the work. So the District Commissioners recommended to the Congress that a bill be passed raising the fee for the recording of automobile encumbrances. The Commissioners recommended that the fee be fixed at \$2.50 per car in order to raise sufficient funds to defray the expenses of this particular bureau of the recorder of deeds' office. The present recorder of deeds, Dr. Thompkins, remonstrated that \$2.50 was too much for the recording of automobile liens, and because, partially, at least, of his objection to the fee of \$2.50, the committee saw proper to reduce the fee to \$1.50. The Commissioners were in favor of the law of 1935; they gave their approval to the existing law, which was passed only 5 years ago, and which fixed the fee at \$1.50, a reduction from their recommendation. As a result of that legislation, the expenses of this particular bureau are now more than defrayed by the receipts from operations under the law which is now in effect. So the argument cannot be legitimately made that this department is not now paying its expenses. As the fees are sufficient to pay the expenses, there must be some reason other than a change of fees as the basis for the proposed legislation.

The director of traffic in the District of Columbia desires to take over the particular job of recording these instruments affecting motor vehicles. In order to get control of this bureau, legislation must be passed; so this bill proposes to take from the present recorder of deeds' office the department of recording conveyances relating to motor vehicles, and put it under the director of traffic. If that should be done, the present employees under Dr. Thompkins in the present recorder of deeds building will be discharged, because it is obvious that they would not be carried over into the department of the director of traffic. So, as I see the picture, this is simply a fight over patronage between the director of traffic on the one side and Dr. Thompkins, the recorder of deeds, upon the other; and as between these two departments I shall stand with Dr. Thompkins.

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

Mr. THOMAS of Oklahoma. I yield to the Senator from Kansas.

Mr. REED. I notice that on page 3 provision is made for the payment of a sum not to exceed \$1 "for each such titling and retitling," "and not to exceed the sum of 50 cents for the recording of each such lien or encumbrance, with no fee for releasing." Do these fees go into the Public Treasury?

Mr. THOMAS of Oklahoma. They do. None of them go to the recorder of deeds' office.

Mr. REED. That is what I want to know. None of them go to any individual?

Mr. THOMAS of Oklahoma. Absolutely not. The fees are fixed by law. The fees are all collected and reported to the District treasury, which means the Federal Treasury, and the salaries are provided for by the Congress in the District appropriation bill. The salaries are all fixed by law.

Mr. REED. I beg the pardon of the Senator from Oklahoma for interrupting him. The subject is one with which I am not familiar, and I wanted to be sure on that point.

Mr. THOMAS of Oklahoma. The law of 1935 was passed to raise the fees to sustain the Department. That law was passed with the approval and upon the recommendation of the officials of the District of Columbia. The Department

now is self-sustaining. In order to have this law changed it is desired to reduce the fees somewhat; and if this bill passes there will be a slight reduction. It may be that because of the increased number of cars in the city of Washington a decreased fee will still maintain and pay the expenses of the Department; but, in my judgment, that is not the purpose of this bill. This bill is to get this department out from under Dr. Thompkins and put it under the director of traffic; to decrease the patronage of Dr. Thompkins' office on the one hand and to increase the patronage under the director of traffic and under the Commissioners on the other.

That is all there is to the bill, from my viewpoint. For that reason I am against the motion and shall be against the bill upon final passage.

Mr. OVERTON. Mr. President, as the Senator from Oklahoma [Mr. THOMAS] has stated, this bill has been on the calendar for some time. I think a similar bill was reported at the session before the last and expired with the last Congress. We have not been able to obtain action upon the measure because it had to come before the Senate when bills on the calendar were being considered by unanimous consent. It is for that reason that I have moved that the Senate proceed to consider the bill, in order that it may be disposed of.

The bill has been recommended not only by the Commissioners of the District of Columbia, not only by the Senate Committee on the District of Columbia, but by the Bar Association of the District of Columbia, by various automobile associations, and by different civic bodies. No one who appeared before the committee raised his voice in objection to the bill, with the exception of the recorder of deeds.

The reason why automobile associations and automobile owners are so anxious to have the bill passed is twofold. First, the Department of Vehicles and Traffic in the District of Columbia issues a certificate of title to every automobile which is sold or resold in the District of Columbia. If this bill shall be enacted into law, that certificate of title will show what liens and encumbrances are against the automobile. A record will be kept in the Department of Vehicles and Traffic of each automobile by engine number; and as a lien or an encumbrance is filed against an automobile, it will be indexed not only by name but also by engine number, so that when the certificate of title is issued it will show not only the title itself but also what encumbrances exist against the automobile.

Mr. ADAMS. Mr. President, will the Senator yield for an inquiry?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. OVERTON. I am very glad to yield.

Mr. ADAMS. Is the certificate of title issued by the Department of Vehicles and Traffic?

Mr. OVERTON. It is.

What happens today is that a certificate of title is issued by one agency, and the recording of liens against the automobile takes place in an entirely different office. The recording is done in the office of the recorder of deeds. When a chattel mortgage or a lien is filed against an automobile in the office of the recorder of deeds it is indexed by name, so that when one gets a certificate of title to an automobile in the District of Columbia he has to get the history of the title, the names of the prior owners of the automobile, go to the recorder of deeds and look through the indexes to determine what mortgages or encumbrances, if any, exist against the automobile. The evidence before the subcommittee showed that it takes, I should say, an average of a day, and sometimes 2 days, to make a proper examination of the records to ascertain what encumbrances exist against an automobile. So the Bar Association of the District of Columbia, which is familiar with the examination of titles to automobiles, has recommended the enactment of the bill.

In respect to the fee that is charged, I do not know what occurred several years ago, when the Senator from Oklahoma states that under a recommendation by the Commissioners

the fee for recording an automobile lien was fixed at \$1.50, and the fee for recording a release was fixed at \$1.50; but I do know that it is an outrageous fee to charge, because all that is done is that the chattel mortgage is taken and not spread of record, but is simply filed; a filing mark is placed upon it, and it is indexed by name in the record. That is all; and for that service \$1.50 is charged to the automobile owner. When it comes to releasing the lien—a mere cancelation of the lien—\$1.50 additional is charged by the recorder of deeds. This bill provides for a recordation fee of only 50 cents, to be paid to the Department of Vehicles and Traffic, and no charges for recording releases.

What is the situation growing out of the fact that such a large recording fee and such a large fee for recording the release of these encumbrances are charged? The record shows, and it is undisputed, that there are hundreds and thousands of automobile chattel mortgages and liens which are not recorded. The automobile dealers, rather than go to the expense of \$1.50 for recording a chattel mortgage against an automobile, build up a contingent fund, and use the money they otherwise would use for recording as against any loss they may suffer by reason of the fact that the chattel mortgage is not recorded, and therefore is not notice to third persons, and they make a profit by it; and when it comes to releases, only an insignificant percentage of these chattel mortgages are released on account of the excessive charge.

Not only that, Mr. President, but it frequently happens that one desiring to purchase an automobile goes to the Department of Vehicles and Traffic and gets a certificate of title, which shows the title and shows only one encumbrance, the vendor's lien. The innocent holder of the certificate of title believes that that represents all there is against the automobile, and he purchases it without any further examination of the records and without any examination of the records of the recorder's office. After a while he wakes up and finds that there are chattel mortgages against the automobile, and as a result he may lose his automobile; and purchasers under such circumstances have lost their automobiles by reason of the fact that they relied upon the certificate of title, while the record of the lien was in another office.

The purchaser of an automobile absolutely relies upon the certificate of title not only as to ownership but as to all liens and encumbrances which are recorded against the automobile. Under the bill the whole transaction would take place in one office. The records would be kept in the Department of Vehicles by engine number, as well as by the names of the automobile owners who have owned the car; so there would be a complete history of the title, showing all the encumbrances, and it would be done for 50 cents an automobile, so far as encumbrances are concerned, and there would be no charge for releasing, thereby saving the automobile owners \$2.50 an automobile, which would amount to thousands upon thousands of dollars.

Mr. President, this is a simple explanation of the bill, and this is why the different civic organizations, the automobile owners, the automobile dealers, and, so far as I know, every one in the District of Columbia, with the exception of the recorder of deeds, want the bill enacted into law.

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

Mr. OVERTON. I yield.

Mr. SCHWELLENBACH. Will the Traffic Bureau issue a certificate of title despite the fact that there are encumbrances on file in the office of the recorder of deeds?

Mr. OVERTON. Yes. The director of traffic is not called upon to show the encumbrances. He issues a certificate of title, since there is filed with him the deed of transfer of the automobile. In case there is a vendor's lien, a chattel mortgage retained in the original sale, it is shown upon the certificate of title. He makes a statement that, so far as he knows, there are no further mortgages or encumbrances against the automobile. But today the Traffic Bureau is not an office for the recordation of chattel mortgages against automobiles, and the purpose of the bill is to make it the record office for the recordation of such chattel mortgages, so

that the certificate of title and the information as to encumbrances will be issued from one and the same office.

Mr. SCHWELLENBACH. Let me put it in this way: If I buy a second-hand automobile against which there are two or three mortgages or liens of some kind or other, which are recorded in the office of the recorder of deeds. I can still go into the traffic office and get a certificate of title showing that whoever sold the machine to me had title, without any liens, and the title which I get is of no value against the liens which are recorded?

Mr. OVERTON. None at all. When the Senator got a certificate of title, as he would, he would go to the office of recorder of deeds and examine to see whether any mortgage was recorded in the name of John Jones, who was the last owner of the car, and if someone had sold it to John Jones, some other individual, he would have to get his name by some hook or crook and find out who was the prior owner. Then the Senator would look up in the indexes to see whether any chattel mortgage was recorded against Henry Brown, we will say, and so on. It is a very cumbersome proceeding. It takes time, and it is a very costly procedure from the standpoint of the recording office.

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

Mr. OVERTON. I am very glad to yield.

Mr. SCHWELLENBACH. I do not think there is anything extraordinary about having to go to two places to look into a question of title. In my State the license is issued by the State director of licenses, and we do not think it extraordinary to go to the county auditor's office to ascertain whether there are liens against a car. But where there is a certificate of title law it seems to me that a certificate of title should be of some value. As we now have it, it is merely a snare and a delusion so far as the purchaser of a car is concerned.

Mr. OVERTON. I think the Senator's observation is correct; it is a snare and a delusion when people buy automobiles and seek to find whether there are any encumbrances. That is all I desire to say.

Mr. TRUMAN. Mr. President I should like to make a remark or two on the bill. I do not know anything about the patronage situation in the District of Columbia and I am not interested in it, but it is customary in nearly every State in the Union for chattel mortgages to be filed with the recorder of deeds. If the price for filing chattel mortgages on automobiles in the District of Columbia is too high, there is no one to blame but the Congress of the United States, because they passed the law covering the matter and the situation is easily remedied.

It is customary in most States either for the secretary of state or some other State officer to issue titles to automobiles. In my State the secretary of state issues the title. Chattel mortgages and liens against automobiles are filed with the recorder of deeds, just as chattel mortgages on furniture and other chattel mortgages are filed. It costs 15 cents to file one with the recorder of deeds in my State. It would be easy enough to remedy the situation here by merely cutting the fee which must be paid. I cannot see any reason in the world for creating another bureau in which to file chattel mortgages on automobiles. Why not create a bureau for filing chattel mortgages on furniture and on everything else on which chattel mortgages are given.

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

Mr. TRUMAN. I yield.

Mr. OVERTON. The bill does not attempt to create another bureau. The bureau is already in existence, the Department of Vehicles and Traffic.

Mr. TRUMAN. There is a customary filing place, that is, the recorder of deeds' office, where all chattel mortgages are filed. The bill would provide for a special filing place for chattel mortgages on automobiles, and I cannot see any reason for it in the world. If the price for filing such mortgages is too high, we can reduce it. It is customary also to file liens and chattel mortgages with the recorder of deeds. There is no reason in the world I can see why we should make the director of traffic in the District of Columbia a special officer for this purpose.

Mr. President, I think the bill should be defeated. I hope that the ruling of the presiding officer regarding debate on the motion to consider the bill will be overruled, and I hope the motion will then be voted down.

Mr. BONE. Mr. President, I should like to ask the Senator from Louisiana a question regarding the bill. If the bill should become a law, would all instruments affecting title and affecting liens against automobiles find lodgement in exactly the same place?

Mr. OVERTON. Yes.

Mr. BONE. I would be constrained to favor a bill which would simplify procedure and put all documents affecting title in the same office. I think it is ridiculous, regardless of what effect it might have on some man's idea of how to run his office, to have documents affecting liens and affecting title scattered all over a series of offices. I wanted to be sure this bill would simplify the procedure.

Mr. OVERTON. I am happy to have the Senator make his observation. He has a correct understanding of the bill.

The PRESIDING OFFICER. The clerk will state the question.

The LEGISLATIVE CLERK. Is the motion of the Senator from Louisiana [Mr. OVERTON], made before 2 o'clock, to take up Calendar 764, Senate bill 1296, now debatable, in view of the fact the motion was not acted upon prior to the hour of 2 o'clock, there being no unfinished business before the Senate?

Mr. THOMAS of Oklahoma. 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	Danaher	La Follette	Russell
Ashurst	Davis	Lodge	Schwartz
Austin	Ellender	Lucas	Schwellenbach
Bailey	George	McKellar	Sheppard
Bankhead	Gerry	McNary	Shipstead
Barbour	Gibson	Maloney	Stewart
Barkley	Gurney	Mead	Taft
Bilbo	Hale	Miller	Thomas, Idaho
Bone	Harrison	Minton	Thomas, Okla.
Bridges	Hatch	Murray	Thomas, Utah
Byrd	Hayden	Neely	Townsend
Byrnes	Herring	Norris	Truman
Caraway	Hill	O'Mahoney	Tydings
Chandler	Holman	Overton	Van Nuys
Chavez	Hughes	Pepper	Walsh
Clark, Mo.	Johnson, Calif.	Pittman	
Cannally	Johnson, Colo.	Reed	

The PRESIDING OFFICER (Mr. HATCH in the chair). Sixty-six Senators have answered to their names. A quorum is present.

The clerk will state the question.

The LEGISLATIVE CLERK. Is the motion of the Senator from Louisiana [Mr. OVERTON] made before 2 o'clock, to take up calendar 764, Senate bill 1296, now debatable, in view of the fact the motion was not acted upon prior to the hour of 2 o'clock, there being no unfinished business before the Senate?

The PRESIDING OFFICER. Those who believe the motion is debatable will vote "aye." Those who believe it is not debatable will vote "no." (Putting the question:) The "noes" appear to have it. The "noes" have it. The Senate decides that the motion is not debatable.

The question now recurs on the motion of the Senator from Louisiana [Mr. OVERTON]. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS], who is necessarily absent. I am informed that if he were present he would vote as I shall vote. I am, therefore, at liberty to vote, and vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. HOLT], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator

from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER] are detained from the Senate on public business.

The Senator from Virginia [Mr. GLASS] and the Senator from Idaho [Mr. CLARK] are unavoidably detained.

The Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Texas [Mr. CONNALLY], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senators from Iowa [Mr. GILLETTE and Mr. HERRING], the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], the Senator from Utah [Mr. KING], the Senator from Oklahoma [Mr. LEE], the Senator from Arkansas [Mr. MILLER], the Senator from Illinois [Mr. SLATTERY], and the Senator from New York [Mr. WAGNER] are detained in various Government departments.

Mr. AUSTIN. The Senator from Wisconsin [Mr. WILEY] is detained in a committee hearing.

The Senator from Kansas [Mr. CAPPER] and the Senators from North Dakota [Mr. FRAZIER and Mr. NYE] are necessarily absent.

The result was announced—yeas 21, nays 33, as follows:

YEAS—21			
Adams	Ellender	McKellar	Schwellenbach
Bankhead	George	Murray	Shipstead
Barkley	Hatch	Overton	Thomas, Utah
Bone	Hayden	Pepper	
Caraway	Hill	Pittman	
Chandler	Johnson, Colo.	Russell	
NAYS—33			
Austin	Hale	Mead	Thomas, Okla.
Barbour	Harrison	Minton	Townsend
Byrnes	Holman	Neely	Truman
Clark, Mo.	Johnson, Calif.	O'Mahoney	Tydings
Danaher	La Follette	Schwartz	Van Nuys
Davis	Lodge	Sheppard	Walsh
Gerry	Lucas	Stewart	
Gibson	McNary	Taft	
Gurney	Maloney	Thomas, Idaho	
NOT VOTING—42			
Andrews	Clark, Idaho	Hughes	Slattery
Ashurst	Connally	King	Smathers
Bailey	Donahay	Lee	Smith
Bilbo	Downey	Lundeen	Tobey
Bridges	Frazier	McCarran	Vandenberg
Brown	Gillette	Miller	Wagner
Bulow	Glass	Norris	Wheeler
Burke	Green	Nye	White
Byrd	Guffey	Radcliffe	Wiley
Capper	Herring	Reed	
Chavez	Holt	Reynolds	

So Mr. OVERTON's motion was rejected.

ORDER FOR CONSIDERATION OF RIVER AND HARBOR BILL

Mr. BAILEY. Mr. President, I ask unanimous consent that after the completion of the unfinished business on Wednesday of this week the Senate shall take up for consideration House bill 6264, which is the measure known as the river and harbor bill. I hope there will be no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

AMENDMENT OF FEDERAL CROP INSURANCE ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2635) to amend the Federal Crop Insurance Act, which was to strike out all after the enacting clause and insert:

That section 502 of the Federal Crop Insurance Act, as amended, is hereby amended by substituting the word "crop" for the word "wheat-crop" and by substituting the words "agricultural commodities" for the word "wheat."

SEC. 2. That section 506 (h) of said act, as amended, is amended by striking out the words "for wheat and other agricultural commodities."

SEC. 3. That section 508 of said act, as amended, is amended by striking out the first comma in subsection (a) thereof and inserting in lieu thereof the following: "and with the cotton crop planted for harvest in 1941."

SEC. 4. That section 508 of said act, as amended, is further amended by striking out the words "producers of wheat against

loss in yields of wheat" in the first sentence, and substituting in lieu thereof the words "producers of the agricultural commodity against loss in yields of the agricultural commodity."

SEC. 5. That section 508 of said act, as amended, is further amended by substituting the words "the agricultural commodity" for the word "wheat" in the third sentence of subsection (a).

SEC. 6. That sections 508 (b), (c), and (d) and 516 (a) of said act, as amended, are further amended by substituting the words "the agricultural commodity" for the word "wheat" wherever it appears.

SEC. 7. That section 508 of said act, as amended, is further amended by adding at the end thereof the following new subsection:

"(e) In connection with insurance upon yields of cotton, to include provision for additional premium and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint cotton for the same period of years as that used for computing yields and premium rates."

SEC. 8. That section 516 (a) of said act, as amended, is amended by striking out the figures "\$6,000,000" and substituting in lieu thereof the figures "\$12,000,000."

SEC. 9. That said act, as amended, is further amended by redesignating section 518 as section 519, and by addition thereto of the following new section:

"SEC. 518. 'Agricultural commodity,' as used in this act, means wheat or cotton, or both, as the context may indicate."

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

The motion was agreed to.

#### RECIPROCAL TRADE AGREEMENTS ACT AND THE CATTLE INDUSTRY

Mr. SCHWARTZ. Mr. President, since the passage by the Senate of the joint resolution extending for 3 years the authority of the President of the United States to negotiate trade agreements with foreign nations, I have received from Wyoming many letters commending me for my supporting vote for that program. I have received others criticizing my actions. For the record I wish to make a short statement.

In the 1936 Wyoming Democratic primaries an able and sincere opponent of mine criticized me for my support and defense of the reciprocal trade agreements law and the Canadian agreement, which reduced the Smoot-Hawley tariff rates on a limited number of cattle. However, I was nominated in that primary contest. In the general election campaign I was opposed by the late Senator Carey, who was one of Wyoming's most popular citizens, a former Governor of the State and the son of a former Governor and United States Senator, each in his time a prominent Wyoming cattleman. The trade-agreements law and the Canadian treaty were prominent issues in that campaign. They were defended by me and other Democratic speakers. I was elected to the Senate. I then thought, and I now think, that many of the Wyoming livestock men and women feel that their industry has not been hurt and will not be damaged in the future by any trade agreement negotiated under the reciprocal-trade law. Of course, I then knew, and I now know, that many cattle and sheep men are sincerely and earnestly opposed to the whole program. I am constrained to believe that some of this group are inclined to take counsel of their fears rather than consult their experiences under the trade program. There are others prominent in livestock councils in Wyoming who have always opposed and will always oppose anything and everything done by a Democratic administration. The latter, with a political ax to grind, are the apostles of fear. They seek to inculcate immediate fears in the minds of Wyoming citizens. They conjure up future evils which never come. In the argument and debates on economic questions these gentry furnish the loud alarms and the fearful whisperings.

But, Mr. President, it is not my purpose to criticize the political technique of anyone, not even Senators from other States who in the nighttime sow tares in my own political fields in the great State of Wyoming.

Mr. President, a few weeks ago I voted against the Pittman amendment, and I voted for the 3-year extension of the reciprocal trade agreements law. When the joint resolution for such extension was first introduced in the

House, I entertained some doubts as to the advisability of further extension of the program. That doubt arose from the fact that I had received several letters from prominent Wyoming Democrats and Republicans who are not politicians in any sense, expressing opposition to a further extension, and fears that ultimately agreements might be negotiated which would result in bringing the hoof-and-mouth disease into the United States. Under the circumstances I gave new study to the whole matter. I read much of the voluminous testimony given in the House and Senate hearings. I sat in the Senate and listened to all the arguments and debate, although most of the debate dealt with constitutional and other law questions. I read again the proposed compact negotiated between the United States of America and the Republic of Argentina, sent to the Senate in 1935 as a treaty requiring Senate ratification, and also the President's letter of transmittal asking Senate ratification, as well as Secretary Hull's subsequent letter to the chairman of the Senate Foreign Relations Committee explanatory of the proposed treaty. The fact that that treaty has remained in the files of the Foreign Relations Committee without action for the past 5 years is not germane to what I am saying today. I also asked for and received from the Secretary of State information concerning the 1939 modification of the original Canadian treaty of 1936. I also made individual study of official statistics on markets, farm income, and, particularly, of prices recent and current of livestock and wool.

Let me say here I have never attributed the 1932-33 four and five cent price of beef, nor six to eight cent prices of wool wholly to the unfortunate operation and effect of the Smoot-Hawley bill; neither do I attribute the present and recent higher prices of these productions wholly to the reciprocal-trade agreements, although manifestly the agreements have aided in recovery from the low depression prices. In the end I became convinced that the trade-agreements program and operation thereunder had been beneficial to the Nation as a whole, including Wyoming livestock and other industries. That was the situation, so far as I was concerned, until just before the vote on the Pittman amendment.

Mr. President, just prior to a vote on the Pittman amendment, I suddenly received a large number of telegrams from Wyoming urging, or demanding, that I vote for the Pittman amendment and against the extension of the reciprocal trade agreement law. Half of these telegrams came from three counties. I also received a few telegrams advising me of an aroused local interest in the matter, but not suggesting a course of action for me to follow. Other telegrams came from persons who wished to see the trade-agreements program extended. Naturally I was curious to know who had inspired the sending of these communications. My curiosity was satisfied upon receipt in my office of the April 4 issue of Cow Country, the official organ of the Wyoming Live Stock Association, published at Cheyenne, Wyo., the reading matter in which is usually the product of an astute group of Republican politicians who are also cattlemen, although there are some fine Democrats among the officers and leaders of that association.

Mr. President, I now quote from an appendix of the April 4 issue of Cow Country, as follows:

Senator EDWIN C. JOHNSON, of Colorado, wired Secretary Mollin from Washington on March 28, "Suggest supreme effort on part of cattle interests be exerted urging Senator SCHWARTZ to support Pittman ratification amendment." He further stated in his telegram, "Under practices now in vogue State Department is modifying treaties and almost certain they will modify treaty with Argentina pertaining to sanitary embargo. Cattlemen in Wyoming and Montana should realize perilous situation."

We immediately wired leading stockmen in every county in the State—

That is the State of Wyoming—

urging prompt action, as the amendment would be up for vote in the Senate the following day, Friday, March 29. Democrats and Republicans throughout the State made prompt response, wiring Senator SCHWARTZ urging him to support the Pittman amendment to the Reciprocal Trade Agreement Act, requiring Senate ratification by two-thirds majority. Failed by a margin of only two votes.

Just what Mr. Mollin and his associates telegraphed or telephoned to the prominent cattlemen in every county in Wyoming I do not know, but I am sure they not once mentioned the following facts:

First. That any compact abrogating or modifying the sanitary embargo law for protection of the United States from importations which might bring into this country the foot and mouth disease, or other diseases affecting human, animal, or plant life must be in the form of a treaty requiring ratification by a two-thirds vote of the Senate.

Therefore, on that basis, the Pittman amendment was not needed.

Second. That, while many agricultural products are now below parity by reason of vast surpluses and present war conditions, yet cattle prices were above parity every month in 1939 and remain above parity to this date in 1940.

Third. That more than half the imports of cattle in 1939 were not imported under the trade-agreement quotas but came in under the Smoot-Hawley Act of 1930, paying the full 2½-cent-per-pound duty fixed in that act; and that these imports were thin cattle weighing less than 700 pounds, and went to American ranches and American feed lots for growth and fattening.

Fourth. That in the negotiation of a trade agreement the items to be considered are first studied by a group of experts from the Department of Agriculture, the Department of Commerce, the Department of State, the Tariff Commission, and other interested agencies; and that after public notice there is a hearing before the Committee for Reciprocity Information.

Fifth. That where trade agreements permit a reduction of our existing tariff rates on competitive articles it is the policy of our Government and of the experts from the four Departments to avoid action which will adversely affect American producers and prices, and to secure a larger export of our own products in order to increase American employment and consequent increase of purchasing power among American consumers.

Sixth. That the trade agreements negotiated are for 3-year terms, subject to cancelation by either party on 6 months' notice thereafter and, under some conditions, may be terminated sooner.

Seventh. That after the enactment of the Smoot-Hawley Act in 1930, with its many high tariff rates prohibiting any imports from foreign nations, those foreign nations retaliated with tariffs which shut our products out of their markets, with the result that many of our major industries built plants with American capital in foreign countries, and thus threw out of employment thousands of American workers; and that the trade agreements have sought and measurably succeeded in tearing down some of these barriers to our exports.

Eighth. That the trade agreements are, after all, emergency measures designed to secure the beneficial results I have above indicated; and that at present they constitute a powerful aid to the American people in fostering friendship and solidarity among all nations in the three Americas, to the end that the nations of the Western Hemisphere shall present a united front in the cause of peace and defense against enemies from any source and to hold in line any who might otherwise trade security and democratic liberty for imaginary temporary expediency and illusory economic advantage.

Mr. President, in conclusion let me state that no one claims that the trade-agreements program is perfect and that occasional mistakes may not occur. The only people in Wyoming who imagine they are blessed with the attributes of deity and think themselves the divinely anointed high priests and custodians of American patriotism and wisdom are certain Republican politicians. The trouble they encounter is an inability to convince the Wyoming public. When the time comes, and from whatever source the demand may come, I shall be ready to justify my votes and actions on this matter, confident that no reasoning mind and no attentive ear will think that I have failed in my obligation to the people of Wyoming.

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What I can do to support the President in his efforts to preserve peace, to strengthen our material and spiritual defense, and keep our sons away from the shambles of modern warfare, that I will do.

Finally, Mr. President, that none may be in doubt as to the fixed policy of the American Government to protect human, animal, and plant health or life from any possible danger through treaties or trade agreements with foreign nations, I now read into the RECORD a letter addressed to me under date of April 15, 1940, by the Honorable Cordell Hull, Secretary of State, as follows:

THE SECRETARY OF STATE,  
Washington, April 15, 1940.

The Honorable HARRY H. SCHWARTZ,  
United States Senate.

MY DEAR SENATOR SCHWARTZ: I am in receipt of your letter of April 10, in which you state that prior to the passage of the resolution extending the Trade Agreements Act of 1934 cattlemen in the State of Wyoming (were) advised that:

"Under practices now in vogue, State Department is modifying treaties, and (it) is almost certain they will modify treaty with Argentina pertaining to sanitary embargo. Cattlemen in Wyoming and Montana should realize perilous situation."

The policy of this Government since inauguration of the trade-agreements program in 1934 has been precisely to the contrary, and it could not have been more definite and uniform in exactly the opposite course from that set out in the propaganda statement above quoted. Not only has there been no attempt to modify or override our sanitary laws in the administration of the trade-agreements program, but on the contrary the executive department negotiated a treaty with the Argentine Government relative to one phase of the sanitary laws applicable to Argentina and sent that treaty to the Senate for its ratification or rejection under the usual procedure.

And, secondly, it has been customary to include in trade agreements negotiated since 1934 a provision making clear that sanitary measures are not affected. For example, article XII of the present trade agreement with Canada provides, in part:

"2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against articles the growth, produce, or manufacture of the other country in favor of the like articles the growth, produce, or manufacture of any other foreign country, the provisions of this agreement shall not extend to prohibitions or restrictions \* \* \*

"(b) Designed to protect human, animal, or plant health or life \* \* \*"

Other trade agreements contain substantially similar provisions. It, of course, would be difficult to offer stronger assurance as to the future policy of the executive department than to point to the fixed and uniform policy and practice of that department on its own initiative during the past 6 years. I need not therefore enter upon any hypothetical phases relating to requirements of approval by the Senate.

Sincerely yours,

CORDELL HULL.

Mr. JOHNSON of Colorado. Mr. President, with regard to the remarks made by the Senator from Wyoming [Mr. SCHWARTZ], I desire to state that the telegram to which he therein refers, was in answer to one received by me from Mr. Mollin. Mr. Mollin's telegram addressed an inquiry to me concerning the likelihood of the adoption of the Pittman amendment by the Senate and whether the Senator from Wyoming was supporting it. Mr. Mollin used my telegram in reply to his without authority. I desire to have my letter of April 9 to Mr. Mollin in regard to his improper use of my telegram placed in the RECORD if there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. SCHWARTZ. Mr. President, I certainly have no objection to the request of the Senator from Colorado. I will be delighted if I find that it did not have its genesis with him but with Mr. Mollin. However, it is a pediculous piece of political procedure.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield, it might even have originated somewhere else. Mollin testified before the House Ways and Means Committee he had conferred with Mr. Franklyn Waltman, publicity agent for the Republican National Committee, shortly before his testimony. It might even have originated there.

Mr. SCHWARTZ. Mollin also testified he was a good Republican, but I do not want to raise either the merits of the question or anybody's politics.

The PRESIDING OFFICER. Without objection, the letter presented by the Senator from Colorado [Mr. JOHNSON] will be printed in the RECORD.

The letter is as follows:

APRIL 9, 1940.

Mr. F. E. MOLLIN,  
Secretary, American National Livestock Association, Denver,  
Colo.

DEAR MR. MOLLIN: I was dumfounded to read in the Cow Country Stock Growers my private telegram to you relative to Senator Schwartz's support of the Pittman amendment. All letters and telegrams hereafter received by you from me are strictly private and strictly confidential.

Senator SCHWARTZ is one of the most sincere and honorable men with whom I have ever been associated, and it was not my thought to cast any reflection upon him or question his sound judgment or to give his political enemies ammunition or comfort.

He does not agree with me that the Argentine Sanitary Convention stands in danger of being modified by the reciprocal-trade agreements. He is very sincere in that belief, and he may be absolutely right. I hope that he is.

It is not the concern of one Senator how another Senator votes and in what way he serves the people of his own State. In my enthusiasm for the Pittman amendment, however, I went far beyond the bounds of reason, courtesy, and decency in our discussion by telegraph of the attitude of Senator SCHWARTZ toward the sanitary convention.

It was my thought that that phase of the problem might be emphasized by Wyoming stockmen to Senator SCHWARTZ, because I knew that the Senator did not share my fears. I felt certain that if he thought that there was the slightest danger that foot and mouth disease from the Argentine might enter this country through the reciprocal trade agreement route that he would change his position on the Pittman amendment.

Henceforth I shall be more cautious in replies which I make to inquiries about votes in the Senate. My enthusiasm for a cause shall not lead me astray again.

In the circumstances, I deem it best not to stir the matter up, and I will not insist that you do anything further about it.

Sincerely,

ED. C. JOHNSON,  
United States Senator from Colorado.

BUREAU OF MARINE INSPECTION AND NAVIGATION, MIAMI, FLA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2661) to create a board of inspectors, Bureau of Marine Inspection and Navigation, at Miami, Fla., which were to strike out all after the enacting clause and insert:

That the Secretary of Commerce is authorized, as the exigencies of the service may require, to rearrange from time to time, by consolidation or otherwise, the location of the several boards of local inspectors and to discontinue boards of local inspectors by abolishing the same or establishing others in their stead: *Provided*, That the whole number of boards of local inspectors shall at no time be made to exceed those established and authorized on the date of the enactment of this act, except as the same may thereafter be provided by law: *Provided further*, That the Secretary of Commerce shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done under the provisions of this act and the reasons therefor.

And to amend the title so as to read: "An act to provide for rearrangement of the location of the several boards of local inspectors."

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

The motion was agreed to.

OLD-AGE ASSISTANCE, ETC.

Mr. VANDENBERG. Mr. President, for the RECORD, I desire to call attention to a resolution adopted by the Senate Finance Committee on April 16, 1940, because I think it is a matter of substantial and fundamental importance.

By way of brief introduction, let me say that the Senate Finance Committee has found itself constantly wrestling with the problem of old-age pensions and social security for our senior citizens under the Social Security Act and under various other methods and proposals, such as the Townsend Plan and the general-welfare bill, which have been offered not only for congressional consideration but for the consideration of the country. The Finance Committee heretofore has made great progress in dealing with the general social-security problem by the creation of special study committees. I am very happy to welcome this resolution, which was adopted by the committee on April 16, 1940, because it represents the creation of another special study group. The action was taken primarily at the instance of the distinguished Senator from Mississippi [Mr. HARRISON], the chairman of the committee. I was very happy indeed to cooperate with him in connection with it.

The resolution read as follows:

*Resolved*, That the chairman of the committee is authorized to appoint a subcommittee of eight members, of whom three shall constitute a quorum, to make a full and complete study with respect to (1) the provisions of the Social Security Act, as amended, relating to old-age assistance and Federal old-age and survivors' insurance benefits, and the Federal Insurance Contributions Act, (2) any bills relating to such matters referred to the committee during the Seventy-sixth Congress, and (3) any proposals dealing with related subjects which may be submitted to the subcommittee during the course of its study. The subcommittee shall report to the full committee as soon as practicable, together with its recommendations.

The Senator from Mississippi has appointed the following committee to serve under the terms of the resolution: The distinguished Senator from Georgia [Mr. GEORGE] is the chairman. The additional personnel consists of the Senator from Texas [Mr. CONNALLY], the Senator from Virginia [Mr. BYRD], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Michigan [Mr. VANDENBERG], and the Senator from Delaware [Mr. TOWNSEND].

I am emphasizing the fact of the creation of this committee under the terms of the resolution because I think it is of supreme importance to those sectors of our country which are earnestly discussing the question of old-age security. Here, at last, will be created a forum in which the entire subject may be judicially and comprehensively explored; and, for myself, I have every hope that as a result of the work of the committee under this resolution, which was sponsored primarily by the able Senator from Mississippi, we may ultimately find an old-age program which will really meet the necessities of the situation, and which will be acceptable to the people of the United States.

Mr. WHITE. Mr. President, the remarks just made by the distinguished Senator from Michigan [Mr. VANDENBERG] prompt me to ask leave, out of order, to present for appropriate reference—and I hope that appropriate reference will be to the subcommittee just mentioned—various petitions addressed to my colleague from Maine [Mr. HALE] and to me by citizens of Fairfield and other towns in Maine, urging favorable action upon the so-called Townsend recovery bill.

I ask that these petitions may be so referred.

The PRESIDING OFFICER. The petitions will be referred to the proper subcommittee of the Committee on Finance.

Mr. WALSH. Mr. President, may I ask the distinguished Senator from Michigan if the measures pending before the Finance Committee relate to all features of the Social Security Act or only to the old-age pension feature of the act?

Mr. VANDENBERG. Only to the old-age pension and the old-age-benefit section and anything related thereto by way of alternative proposals to the sections of the Social Security Act. I mean an exploration of the Townsend plan in good faith, an exploration of the so-called general-welfare plan in good faith, a complete and serious effort to determine what is the best plan for the senior citizens of the country in respect to old-age security. We are not authorized to enter upon a study of the other sections of the Social Security Act dealing with unemployment insurance, and so on.

Mr. WALSH. I have an amendment dealing with unemployment insurance and also extending the social-security benefits to persons who are not now embraced in the Social Security Act. I understand from the Senator that the committee is not to deal with that phase of the subject.

Mr. VANDENBERG. That is correct.

I apologize to the able Senator from Mississippi [Mr. HARRISON] for taking the liberty of bringing this matter to the floor myself, but I thought it was of such great importance that it ought to have more emphasis than it has thus far been given.

Mr. HARRISON. I am very glad the Senator has given it. Mr. PEPPER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me for an observation?

Mr. PEPPER. Yes.

Mr. BARKLEY. In connection with the matter to which reference has been made, I think we all realize that the subject of old-age pensions is one which requires more compre-

hensive study than has so far been given to it because of the more or less disjointed way in which it has been presented. I am becoming more and more convinced that we must bring about some method by which old-age pensions and old-age subsistence will be made more uniform throughout the country than they now are. If the problem is a Federal one, it ought to be dealt with as such, and it seems to me that the way in which the Federal Government deals with it ought not to depend upon the exigencies or the whims that may control any State legislature or any State government.

For that reason, I think we must realize that the investigation which has been authorized by the Committee on Finance must take into consideration the whole subject as a national problem, as distinguished from its purely local aspects. I am satisfied that whatever committee the Senator from Mississippi appoints to look into the question will deal with the entire subject, and deal with it in a thorough and comprehensive way.

Mr. VANDENBERG. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I yield.

Mr. VANDENBERG. I should like to make one further observation.

The general understanding is that the special committee—and I again apologize for speaking for it, but none of the other members is present—will not undertake its formal work until the first of December. We are seeking entirely to eliminate the subject from any political considerations or aspects. We are prepared to come to Washington ahead of the next session and give ourselves completely to the subject at a time when there is no competition from other matters, so that it may have the type of attention to which the Senator from Kentucky refers.

Mr. PEPPER. Mr. President, I was very happy to hear the statements made by all the Senators who have commented on this proposal. I hope the committee will bear in mind, when they are making the investigation, the ascertainment of what amount is adequate by way of pension or benefit, as well as what is the best method of dealing with the matter. In other words, when the committee is investigating this whole subject, as it contemplates doing under the resolution, I hope it will also consider an appropriate recommendation as to what amount is the minimum that every citizen in America who falls in this category should have.

The able leader of this body has just referred by suggestion to the possibility or the probability that the problem is a national one. It seems to me all of us will agree that there must be a minimum amount that will accomplish the things we all have in mind. I hope the committee will not be satisfied to complete its investigation until it considers that phase of the matter, as well as what method is the desirable one to pursue.

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

Mr. PEPPER. I yield.

Mr. VANDENBERG. Again I do not undertake to speak for the committee, but I think I can speak for what was in the minds of the able chairman of the committee and myself when we were urging this action upon the committee. I completely agree with the Senator from Florida that the fundamental question is first to determine the adequacy of the formula for meeting the human need which is being developed in this technological civilization of ours. Except as we have first determined that factor, nothing else matters.

For instance, the Social Security Act is very beautifully balanced in its actuarial calculations, but unfortunately it cannot remotely meet the necessities of the situation in years to come. That is perfectly obvious. Furthermore, it has an enormous contradiction within itself, inasmuch as it provides greater old-age benefits for noncontributors than it provides for contributors, as the Senator from California [Mr. DOWNEY] pointed out the other day.

I am very sure it is the intention of the committee to start at the bottom and build solidly a complete formula which shall

meet adequately the old-age pension aspirations of the United States.

Mr. PEPPER. Mr. President, I am gratified that the Senator mentioned the Townsend plan as one of those which would be considered by the committee in its investigation. I know that the wisdom and the virtue of that plan will appeal very strongly to the committee when it goes into a consideration of the subject.

Mr. HARRISON. Mr. President, of course the bill embodying the Townsend plan could not originate in the Senate. It is a matter which must originate in the House of Representatives because of the tax features involved. This is a question which is all important; it involves a very complicated subject which necessarily requires thorough study and consideration. Before the Finance Committee adopted the resolution authorizing the appointment of a subcommittee to study the questions of old-age assistance, old-age insurance, and other related matters, I conferred with Mr. McNutt, and with Mr. Altmeier, and other members of the Social Security Board. I may say that the conclusion reached by the committee to appoint a subcommittee for the purpose of studying and reporting on this important question met the approval of those gentlemen. I hope and believe that something constructive can be evolved which will improve the present social-security program. I can assure the Senate that the committee will go into every detail of this problem.

#### SOUTHERN FREIGHT RATE DIFFERENTIALS

Mr. STEWART. Mr. President, in comparatively recent years we have heard much talk about southern freight differentials, and we have seen a good deal in print about them. In this morning's Washington Post I noticed an article from the pen of Mr. Roger W. Babson in which he again referred to southern freight rate differentials. The article is headed Fair Deal for Rails. Mr. Babson discusses the Wheeler-Lea railroad reorganization bill, and makes a great many suggestions which have for their purpose the cure of conditions with respect to railroads.

I am particularly interested in this article due to the fact that in discussing the railroad reorganization bill and treating this question Mr. Babson makes the observation that differentials in the South must be wiped out.

I ask unanimous consent that the article by Mr. Babson be printed in the RECORD.

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

[From the Washington Post of April 22, 1940]

FAIR DEAL FOR RAILS  
(By Roger W. Babson)

#### REORGANIZATION SPEED URGED

Only reorganization of the railroads' capital set-up and policies can prevent the air lines, busses, and trucks from eventually making nearly one-half the railroad mileage useless. For that reason, I believe the Wheeler-Lea bill, or some similar friendly legislation, should be pushed through this session of Congress. The railroads should be unshackled to give them an even break in their life and death battle with other carriers.

The railroads are the Nation's second biggest taxpayers, biggest customers, and biggest investment. If the railroads could get back on their feet, they could provide thousands of new jobs, put millions of dollars in investors' pockets, and give business a tremendous hypodermic. Today, hampered by I. C. C. regulations, top-heavy capitalization, short-sighted labor leaders, and antiquated rate schedules, the railroads are being battered into a pulp by their aggressive competitors. Pullman traffic is going to the air lines; coach traffic to the busses; lucrative freight and express business to the trucks.

I have no particular love for the railroads, but I hate to see a \$20,000,000,000 industry die; I hate to see a million-dollar-a-day taxpayer sandbagged; I hate to see an employer of a million men hog-tied. But that is exactly what is happening every minute. In the last 2 years the air lines more than doubled their passenger load.

Their rates are dropping steadily—now are on even terms with Pullman rates on many a jump. Like the railroads, they are soon to segregate their mail, express, and passenger business. A year or two more and we will see freight trains of the air. This is the subrosa idea for using the thousands of military airplanes which, after the European war, will be available for commercial purposes.

The planes are great time savers. Their safety record gets better every year—actually beat the railroads in 1939. They are clean and comfortable; give wonderful service; every passenger is a king. The railroads have improved in this respect, but are still far behind the air lines. They need new blood, younger personnel, men

trained in public relations. Instead of disagreeable ticket agents, cold and impersonal train crews, they need employees who like making passengers and shippers comfortable and happy. The colored porters come closer to filling the bill than the high-paid conductors.

The roads must put on more streamlined equipment—not on a few runs—but on many runs. Pullman rates must be slashed drastically, perhaps eventually eliminated. Running time must be continually speeded up. Duplicate runs must be stopped—trains pooled, branch lines eliminated. Freight rates must be flexible—quick to drop when competition threatens. Differentials in the South must be wiped out. Trucks cannot possibly haul heavy freight as cheaply and efficiently as the railroads if the carriers really want to compete.

Chief difficulties of the railroads are fourfold: (1) I. C. C. regulation. (2) Top-heavy capitalization. (3) Job-holding managements. (4) Unfair labor unions. Of these, problem No. 2 seems most urgent. Thirty percent of the Nation's mileage is in receivership—some of it has been for nearly 10 years. Thirty percent more has been only one jump ahead of the sheriff for a similar length of time. A railroad in receivership is not my idea of sales appeal nor good advertising, either for freight or passengers. Certainly it does not help the bondholders nor the stockholder.

Receiverships do, of course, provide big fat salaries for lawyers, insiders, and receivers. The latter actually have more power in running a road in receivership than the president and board of directors had when the road was solvent. These fellows stall and connive to prevent reorganization.

When a railroad comes out of receivership they naturally lose their jobs. Final plans were just announced, for instance, for the Minneapolis & St. Louis, which had been in receivership since 1923—nearly 20 years.

Under such circumstances, security holders lose hope that their road will ever be reorganized. Hence, they sell their defaulted securities at enormous losses—far below their intrinsic value. Meanwhile, the receivers, lawyers, bondholders' committees all suck the blood out of the road. Solvent but sick roads are in the same boat. They try desperately to keep out of receivership. They are forced to scrimp and cut corners to meet their bond interest. Their locomotives and cars wear out. They cannot afford to buy new equipment, to cut rates, to meet competition.

The best thing in the world for the railroads—and that means for every honest person connected with them—would be a sane, wholesale reorganization plan as proposed in the Wheeler-Lea bill. No securities need to be junked. Junior bonds could be put on an income basis. Preferred and common stocks need not be wiped out. They could buy new equipment right and left. They would provide thousands of new jobs in car shops, textile mills, steel foundries, ore mines, lumber camps.

And they would keep on paying taxes. Of course, problem No. 1—regulation—must be attacked at the same time. The carriers must be given more freedom to run their business as they think wise. Once, when the railroads had a monopoly on transportation, I. C. C. regulations were necessary. Today, however, with airplane, bus, and truck competition, many of the I. C. C. regulations are harming both the public and the shippers.

If the roads win their battle, their employees and bondholders—perhaps even stockholders—may win. As it is now, they are a cinch to lose. If the Wheeler-Lea bill is not just right, Government, management, labor, and security holders should be able to find some other working arrangement which could solve the problem. Certainly, we ought not to sit by and see all connected with the railroads—worker, tax collector, investor—get an unnecessary licking. The time has come when the Golden Rule should be applied to all interests. Discrimination is a cardinal sin.

#### PROCEDURE BEFORE FEDERAL AGENCIES

Mr. HATCH. Mr. President, I am informed that earlier in the day, at a time when I was not present in the Chamber, there was some discussion of the bill which has come to be known as the Walter-Logan bill. I do not think any agreement was reached about taking up that particular measure. I rise at this time to express the hope that shortly the Senate will proceed to its consideration. It is not my purpose today to comment at all upon the merits of the bill. I think it is a good bill, and I am supporting it. I realize that there are a great many who oppose it, and some do not think it has any merit whatever.

The point I make is that the bill has been on the calendar of the Senate for over a year. Last week a House bill on the same subject passed the House of Representatives after long and vigorous debate by an overwhelming vote, a vote of almost 3 to 1.

I have on my desk in my office a list, furnished me Saturday, showing the names and groups of various organizations throughout the country, bar associations, some labor organizations, some farm organizations, many organizations from every section and part of the country, all expressing the hope that action may be had on the measure at this session of the Congress.

I ask unanimous consent that I may file and have printed in the RECORD the list of organizations supporting the Walter-Logan bill.

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

#### LEGAL ORGANIZATIONS

The American Bar Association, the National Association of Women Lawyers, and the State Bar Associations of California, Colorado, Georgia, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Maryland, Ohio, Oregon, Pennsylvania, Nebraska, North Carolina, Texas, Vermont, New Hampshire, Virginia, Washington, West Virginia, and Wisconsin. Also the city bar associations of Boston, Chicago (in principle), Cleveland, Dallas, New Orleans, Philadelphia, Phoenix, Erie County or Buffalo, N. Y., and a large number of county bar associations in Michigan, New York, Maine, and other States.

#### LABOR ORGANIZATIONS

The American Federation of Labor.

#### FARMER ORGANIZATIONS

The National Grange.

#### BUSINESS ORGANIZATIONS

The National Association of Electrical Contractors, the National Manufacturers Association, the National Association of Master Plumbers of America, the National Association of Piping, Heating and Air Conditioning Contractors, the National Association of Ornamental Metal Manufacturers, the American Iron and Steel Institute, the Ohio State Chamber of Commerce, the California State Chamber of Commerce, the St. Louis City Chamber of Commerce, the Manhattan Civic Club, the Sentinel Women's Club of Salt Lake City, the National Publishers Association, the National Association of Mail Users, Inc., the Alabama Association of Cotton Manufacturers.

#### PATRIOTIC ORGANIZATIONS

The American Coalition of Patriotic Societies, the Citizens Emergency Council.

Mr. HATCH. Mr. President, it has seemed to me today, because of the lack of business ready to be considered by the Senate, that possibly this week, even today or tomorrow, might be a very good time to take up the Walter-Logan bill. I am not in charge of the measure, and would not say anything which might complicate the situation, since I do not know what is proposed, but I express the hope that very shortly the Senate will be permitted to at least consider the measure, and that Senators may have the opportunity of expressing by their own votes whether or not they favor a measure which seems to me to be perhaps the most important legislation to come before the Senate at the present session of Congress.

Mr. MINTON. Mr. President, the bill to which the Senator has referred as probably the most important piece of legislation to come before the Senate at this session has been on the calendar, as the Senator has stated, for several months, but the strange thing about this all-important piece of legislation is that, important as the Senator says it is, no hearings were held upon it before the Senate Committee on the Judiciary. I myself have been somewhat interested in this bill, and I sent to the Judiciary Committee for a copy of the hearings before the committee, and not a day's hearing was held on this bill, which affects every agency of the Federal Government. There were no hearings before the Senate Committee on the Judiciary. Yet they bring to the floor of the Senate this important bill, which the press is heralding to the country as a bill to save democracy from bureaucracy, applying to it many pious phrases, in order to give it a build-up with the people of the country, and make them think it is all-important to the very existence of the Government. Yet the committee which had it under consideration did not think enough of its importance to hold any hearings on it.

What hearings were held before the House committee on this all-important bill, which, as I have stated, affects every agency of the Federal Government? The hearings consumed about three hours and a half. If a Senator sends for a copy of the hearings, he gets a very small pamphlet. The House committee did give a little consideration to the measure. They, at least, held some hearings on it; but the Senate committee, important as this proposed legislation is said to be, did not hold any hearings on it at all.

I think that when Senators get a chance to look at this important bill, and see how it does affect every agency in the

Government, and how it attempts to put them all upon a procrustean bed, how it attempts to fit them all to the same pattern, and how it transfers the functions of every agency in the Federal Government, with a few exceptions which are made in the bill, to the courts of the country—

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

Mr. MINTON. I yield.

Mr. SCHWARTZ. Would not one of its effects be simply to provide another long trip through the courts?

Mr. MINTON. Oh, not only one trip; it would cause a dozen trips to the courts. If the bill were properly characterized, it would be called a "make-work bill for lawyers," because that is what it would mean. If there ever was an answer to a defense-lawyer's prayer, it is all wrapped up in the so-called Walter-Logan bill. There are more ways provided in the bill for getting into court and tying up and hamstringing and shackling the various administrations of the Government than was ever conceived or devised by anyone in any kind or form of legislation. The bill should be sent back to the committee whence it came with instructions of the Senate to do its duty by what it considers to be important legislation.

The Attorney General has had a committee which has been studying this matter for almost a year, a committee composed of some of the ablest and most distinguished lawyers in this country. The chairman of the committee is Dean Acheson. One of the members of the committee is Chief Justice Groner, of the United States Court of Appeals for the District of Columbia. Another member of the committee is Mr. McFarland, a well-known writer on legal subjects in the District of Columbia. Another is district judge James Morris. There are also three professors from three of the leading law schools of the country on the committee. For months this distinguished committee has been making a study of this all-important subject of administrative law and what to do about it, but they are not yet ready to report, and have said so in a letter to the Attorney General of the United States.

They want more time to study the problem. They want to give some consideration to it. They do not want to have a bill come to the floor of the Senate of the United States without any hearings having been held upon it. They want some hearings to be had upon it, and that some consideration be given to this important measure. However, they have not had the time to complete their study. They have had a distinguished professor of administrative law from the law school of Columbia University making a study, and directing the research upon this important question. As I have said, without proper consideration having been given to this measure and to this kind of legislation, they are not yet ready to report; but the Senate Judiciary Committee were ready to report the bill without having had any hearings on it at all, simply because the American Bar Association wrote the bill and endorsed it. The committee reported it favorably and had it sent to the floor of the United States Senate. Then the American Bar Association undertook a great campaign all over the country and got the bar associations of various States to endorse the measure and had lawyers write to Members of Congress about it, and various organizations to endorse it and propagandize for it.

So Senators in their mail have been receiving communications from organizations which discuss the bill as if they had read it. One great columnist wrote a syndicated column in newspapers which circulate all over the country, about this great bill, and told how important it was, and what it meant to the country, and said, as the Senator from New Mexico did, that perhaps there had been no more important legislation offered in the present session of Congress, if indeed any more important legislation had ever been offered in the Congress of the United States. Then the columnist pointed out at the tail end of his article that the bill would create an administrative court to try questions of administrative law. There is no such provision in the bill at all.

That distinguished columnist—his name is Mark Sullivan—had never read the bill. He had read the report.

What report? The report submitted by the Judiciary Committee of the Senate, and the committee had made that error in its report, which shows that they did not know what was in their own bill.

That is why I say that before the bill comes before the Senate, with all these pious phrases tacked onto it, with all this propaganda behind it, with so many crying out that it must be passed in order to save democracy, the people of the country and the Senate of the United States ought to know that the committee of the Senate which reported the bill gave scant consideration to it—so little consideration that the report of the committee contained this glaring error which the columnist carried in his column in newspapers which go out all over the country.

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

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. MINTON. I yield.

Mr. CHANDLER. Was the Senator from Indiana present when the Senate, without any objection, passed that bill on the call of the Calendar?

Mr. MINTON. No; I was not.

Mr. CHANDLER. The Senate passed it without objection.

Mr. MINTON. Senators know how those things happen. If the Senator from Kentucky had been here a little longer he would have learned, as I learned in a short while, that the Unanimous Consent Calendar is for the purpose of getting through the Senate bills which no one is against. Obviously we cannot all be upon the floor of the Senate at all times. It is generally understood that when a Senator is off the floor while the Unanimous Consent Calendar is being called, and a bill in which he is interested and against which he wants to enter his objection is reached and is passed by unanimous consent, that Senator is always permitted to have the Senate's action reconsidered, and enter his objection to the bill, and have it go over.

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

Mr. MINTON. I yield.

Mr. BARKLEY. As the Senator knows, I objected to that bill on the call of the calendar every time it was called for months, ever since the bill had been reported by the Committee on the Judiciary. On the day it was passed on the call of the calendar I was called to the telephone, and was not on the Senate floor at the time it was reached, and for that reason was not in the Senate Chamber and able to object to its passage, as I had repeatedly objected before.

When I returned to the Chamber, after answering the telephone call, I discovered that the bill had been passed without any objection, and immediately brought the matter to the attention of the Senate, and my former colleague, the late Senator Logan, agreed that the bill should go back to the calendar. As a matter of fact, every Member of the Senate knew that that sort of bill ought not to be passed on the call of the calendar. I was opposed to the bill then, and I am opposed to it now, and I shall oppose it whenever it is brought up for consideration. I would not vote for the bill in its present condition under any circumstances, and should it pass, if I had any influence with the President I would ask him to veto it.

Mr. President, I have no objection to the consideration of the bill at the present time, but certainly such consideration as it could now receive would not be the kind to which it is entitled. I doubt if one-tenth of the Senators have given it the study that is required to understand its ramifications and effects upon departments and bureaus which the Congress itself has created. Congress is responsible for all these bureaus. They would not be in existence if Congress had not created them. Congress has in the laws creating them described the authority and the power of the various bureaus and departments and agencies.

In this bill, in its present form, Congress is asked to say that it made a mistake in creating the bureaus and, therefore, in order that they may be curbed, Congress may not

restrict their power or amend the laws under which they exist, but Congress shall say to the courts that they can undertake to say what bureaus which have been set up by the Congress shall or shall not do. That is one of my chief objections to the bill as drawn at the present time.

Mr. MINTON. I thank the Senator from Kentucky. I happen to know that the Senator from Kentucky was off the floor when the Unanimous Consent Calendar was called, and when the bill went through the Senate without any objection being raised. I happened to be with the Senator from Kentucky at the time, considering another matter in which we were both interested.

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

Mr. MINTON. I yield.

Mr. CHANDLER. I have not been in the Senate very long, but I have been here sufficiently long to learn that when bills in which I am interested are called upon the calendar I should be present.

Mr. MINTON. The Senator has not been here sufficiently long to be very busy. Much as we should like to do so, we cannot be on the floor of the Senate all the time. Obviously it is not in the cards for all Senators to be present all the time. Look around the Senate Chamber now. Here I am making an important speech, and there is hardly anyone present. [Laughter.] Where are the Senators? I suppose they are working hard either in their offices or in committees, or before Government departments, doing their manifold duties as United States Senators. They cannot be here all the time, as can the junior Senator from Kentucky.

Mr. CHANDLER. Mr. President, the Senator is mistaken. When I know the Senator from Indiana is speaking I wish to be present and hear what he has to say.

Mr. MINTON. The Senator from Kentucky always honors me with his presence, and I am always glad there is someone present who needs enlightenment.

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

Mr. MINTON. I yield.

Mr. BARKLEY. I may say also that when Senators have repeatedly objected to the consideration of bills on the call of the calendar, and it is well known that they have objected repeatedly, it is, and almost universally has been the custom that when such bills are called while Senators who are opposed to them are temporarily absent, as was known that day when I was called temporarily from the floor, other Senators would not insist on the measures being passed, but would themselves ask that they go over until the opponents of the bills could return to the floor. As I said a while ago, no one would contend that a bill of that sort should be passed by unanimous consent, and without proper discussion, which the bill could not receive on the call of the calendar.

Mr. MINTON. The Senator from Kentucky is correct. We all know that on the call of the calendar the procedure is supposed to be that suggested by the Senator from Kentucky. Senators cannot all be here all the time. It cannot be said that simply because a bill goes through by unanimous consent it has unanimous consent of all the Members of this body, because we know that frequently bills are passed on the Unanimous Consent Calendar which many Senators do not want to have passed, but they simply cannot be present all the time to enter their objection on the floor.

Mr. BARKLEY. That incident, however, has nothing whatever to do with the merits of the bill.

Mr. MINTON. None whatever.

Mr. BARKLEY. And the fact that at a particular time the bill slipped through merely because no one called attention to it is no argument why it should now be passed. It has been said over and over again that the bill passed unanimously. It was passed unanimously simply because those who objected to it on the call of the calendar happened not to be present. It was passed under conditions when those who objected to it were temporarily called from the Senate Chamber. I will say to the Senator that after it had gone through in that way my late colleague, Senator Logan, very generously and properly agreed that it ought not to have

been passed under those conditions and agreed that it should go back to the calendar.

Mr. MINTON. I remember that very distinctly, because I was present at the conference which was held with the late Senator Logan when he agreed that the bill should go back to the calendar, and I moved that the bill be reconsidered and go back on the calendar.

So, Mr. President, I do not want the bill to be called to the attention of the Senate by my good friend the Senator from New Mexico [Mr. HATCH], with the implication that, after all, it is an important piece of legislation which everyone favors, and that, because the House passed it 3 to 1, it ought to be brought up here and perhaps receive the same treatment on the floor of the Senate. I wanted the Senate to know at the outset that that bill received very scant consideration at the hands of the Senate committee—so scant, in fact, that the report of the committee which accompanied the bill carried the glaring error that the bill set up a court to determine administrative problems.

As a matter of fact, there had been a bill introduced, which had also been drawn by the American Bar Association, as I understand, which looked to the establishment of a court for the consideration of cases growing out of administrative law. There was a bill of that kind, but that bill was discarded and laid aside. The present bill was written in its place. It does not contain a line which creates or attempts to create a new court to deal with problems of administrative law. So it was because the bill had received such scant consideration, because I admit it is an important bill, and because it affects so many departments of government, that I thought it worth while at this time to direct the attention of the Senate to the fact that the bill has received such scant consideration, and to say that when it comes to the floor of the Senate it ought to receive the most careful consideration of every Member of the Senate.

We ought not to be led astray by the inspired propaganda which is proceeding throughout the country in behalf of the bill, marshaling behind it many pious phrases under the banner of "Democracy against bureaucracy," and leading the people to believe that this bill is the last chance they will have to make a stand against bureaucracy and for democracy before totalitarianism seizes the country and perhaps Hitler takes it over.

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

Mr. MINTON. I yield.

Mr. ADAMS. I wish merely to submit a collateral suggestion coming to my mind by reason of the experience with this bill. I wonder if it might be feasible to modify our rules so that if a Senator were definitely opposed to a bill he could enter on the record an objection to the bill, so that if he should find it necessary to go to the telephone there would be upon the record his definite responsibility for objecting. It seems to me that otherwise we are left exposed. If a Senator is willing to take the responsibility of entering his name on the record, as objecting to a bill, it should not pass by unanimous consent. I am wondering whether or not something of that kind might be done by a change in our rules.

Mr. MINTON. I think the suggestion of the Senator from Colorado is very constructive. Something like that ought to be done. We know that frequently when we must leave the floor, if we are able to do so, and do not have to leave too hurriedly, we ask some colleague to be on guard for us and enter our objection to bills which we know are coming up on the call of the calendar.

Mr. President, I hope that when the bill comes up it will receive very careful consideration at the hands of the Senate, such consideration as it did not receive at the hands of the Judiciary Committee.

Mr. HATCH. Mr. President, when I broached this subject in the beginning, I said it was not my purpose at this time to discuss the merits of the bill. I do not intend to discuss it today.

I stated that I was not on the subcommittee which considered the bill. That is quite true. However, I am a member

of the Judiciary Committee, and I know quite well that the subcommittee under the leadership of the late Senator Logan, of Kentucky, while it might not have held formal hearings, gave consideration to the bill. It considered the bill, not in one short meeting, but for weeks and months. As the Senator from Vermont [Mr. AUSTIN], who is a member of that committee, will well recall, Senator Logan worked on this bill and another, which did set up a special administrative court. Neither of those measures is new before our committee. They were discussed more than once, and quite frequently.

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

Mr. HATCH. I yield.

Mr. MINTON. The bill pending before the Senate does not set up any administrative court.

Mr. HATCH. None whatever.

Mr. MINTON. But the report which accompanies the bill states that the bill creates such a court.

Mr. HATCH. I am quite sure that Senator Logan erroneously drafted the report in that connection; and if there is any Senator who never made a mistake in writing a report, never misdescribed a bill, or never failed to dot an "i" or cross a "t," I should like to see the color of his hair. Senator Logan knew perfectly well what the bill was about. He spoke on it more than once on the floor of the Senate. The explanation given by Senator Logan on the floor of the Senate was what aroused my interest in the bill.

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

Mr. HATCH. I yield.

Mr. MINTON. Does the Senator think that the statement in the report that the bill sets up an administrative court, when as a matter of fact there is not a line in the bill about it, is an insignificant matter such as the crossing of a "t" or the dotting of an "i"?

Mr. HATCH. I think it is of no importance whatever. What I want is exactly what the Senator from Indiana requests, and that is that the Senate consider the bill. That is all I ask. I want the Senate to take it up word for word, line by line, and paragraph by paragraph, so that Senators may ask themselves, "Is this a good bill or a bad bill?" That is all I ask.

I am not raising any cry of dictatorship or totalitarianism. I realize that there is a place in our Government for administrative law. I realize that the complex order in which we live perhaps requires a deviation from some of our old-time customs; but I also realize—and I do not need the testimony of a professor or anybody else to tell me—that every citizen of this land, be he rich or poor, high or low, is entitled to his day in court. That is the theory of the bill.

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

Mr. HATCH. I yield.

Mr. MINTON. I agree with the Senator that every citizen of the country is entitled to his day in court on questions which are justiciable, questions with respect to which there is a case or controversy, and cases in which there are parties. However, I do not think anyone ought to have the right to drag an administrative agency into court in matters which involve rules and regulations of the agency simply because he does not agree with the particular rules or regulations which the agency may have set up. That is what the bill would permit. One would not have to be a party to a lawsuit or controversy. He would not even have to be interested. The matter involved would not have to have any of the elements of justiciability about it, or any of the elements of a case or controversy, or any of the things which entitle a man to his day in court. Any busybody, if he so desired, could drag any one of the Government agencies all the way to the United States Court of Appeals for the District of Columbia if he did not agree with some rule or regulation of the particular board or commission, regardless of whether or not he had any business with the board or commission. Would not the bill permit him to do so?

Mr. HATCH. I shall not discuss the merits of the bill today.

Mr. MINTON. The Senator did discuss the merits of the bill.

Mr. HATCH. I only replied to what the Senator from Indiana started.

I was happy to hear the Senator from Kentucky [Mr. BARKLEY] say—and I am sure I correctly understood the Senator—that we should have an opportunity to take up the bill and consider it during this session. That was my main reason for rising.

My friend the Senator from Indiana has mentioned the matter of challenging the rules of an administrative agency. What sort of challenge is permitted under the terms of the bill? Only two questions are pertinent in connection with challenging the rules. One is, Is the rule in accordance with the statute creating the agency? The other is, Is the rule in accordance with the Constitution? Is there something terribly wrong in asking whether or not a rule is in accordance with the statute creating the agency or in accordance with the Constitution?

Mr. AUSTIN and Mr. MINTON addressed the Chair.

Mr. HATCH. I yield first to the Senator from Vermont.

Mr. AUSTIN. Mr. President, I desire to ask the Senator from Indiana if he can tell me where, in the report he has mentioned, there is reference to the creation of another court.

Mr. MINTON. I think it is on page 12, if my memory serves me correctly. Has the Senator the calendar number, so that I may turn to the report?

Mr. AUSTIN. Yes; it is Calendar No. 475. I have been trying to find the reference.

Mr. MINTON. I have seen it. I have on my desk a copy of the report.

Mr. AUSTIN. The remainder of the report clearly shows that when Senator Logan was considering this matter he regarded the existing circuit courts of appeals as the courts which would review questions between citizens and the Government. He was not considering the creation of a special court.

Mr. HATCH. I thank the Senator from Vermont. I had not read the report with that thought in mind, and did not recollect just what the report stated on the subject. However, I knew that if Senator Logan made any such statement as that attributed to him by the Senator from Indiana, it was clearly an error—an error such as many of us have made.

Mr. AUSTIN. Of course, in handling the same subject in different ways over several years, as Senator Logan did, a man might duplicate some of his work and inadvertently transfer something from one report to another report on a bill on the same subject. However, I am sure any fair consideration of Senator Logan's report on the bill will clearly show that he was not dealing with a special court, but was dealing with a review by existing courts. If the Senator from Indiana can show me the reference to which he refers, I shall be glad to have it.

#### 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 REPORTS OF COMMITTEES

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of Leon H. Keyserling, of New York, as Deputy Administrator of the United States Housing Authority.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Guy K. Bard, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry Reserve officers for appointment in the Regular Army under the provisions of law.

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

He also, from the same committee, reported adversely the nomination of Clara B. Toland to be postmaster at Industry, Ill., in place of G. E. Roe, resigned.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The reports will be placed on the Executive Calendar. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POST OFFICE NOMINATIONS FAVORABLY REPORTED

The legislative clerk read sundry nominations of postmasters which had been favorably reported.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters which have been favorably reported be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters which have been favorably reported are confirmed en bloc.

That concludes the nominations on the calendar.

ADJOURNMENT TO WEDNESDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Wednesday, April 24, 1940, at 12 o'clock meridian.

CONFIRMATIONS

*Executive nominations confirmed April 22, 1940*

POSTMASTERS

ALABAMA

Margie Gardner, Aliceville.  
Troy A. Phillips, Altoona.  
Marion R. Buckalew, Roanoke.

ARKANSAS

Munn O. McClendon, Warren.

INDIANA

Francis P. Gavagan, Chesterton.  
William H. Ashba, Delphi.  
Earl Asher, Gosport.  
George W. Burnell, La Fayette.  
Roy W. Leets, La Porte.  
Lester B. Dickey, Parker.  
Robert B. Wise, Valparaiso.

MINNESOTA

Harry W. Long, Alexandria.  
James O. Low, Bingham Lake.  
Emily M. Drexler, Brandon.  
Duson Koncker, Buhl.  
Mildred E. Ploen, Carver.  
Roy N. Martin, Claremont.  
William F. Boze, Detroit Lakes.  
John H. Diercks, Dodge Center.  
Delmer J. Laudon, Dover.  
Leonard O. Ellson, Finlayson.  
Vern Weaver, Lowry.  
Cora E. McAlpine, Marble.

OREGON

George A. McCulloch, Reedsport.

PENNSYLVANIA

Joseph R. Stanich, Bessemer.  
George Lange, Belle Vernon.  
Charles H. Wilson, Fairchance.  
John H. Renstrom, Fayette City.  
Julia M. Russell, Fredonia.  
Thomas A. Howe, Morrisdale.  
Grace G. Makens, Morton.  
Frank Canistra, Republic.  
Jacob W. Sutton, Smithfield.  
Sarah J. Stimmel, Starjunction.  
Clara E. Reese, Toughkenamon.

SOUTH DAKOTA

George L. McKeever, Kennebec.  
Freal L. Hayes, Lake Norden.  
Martha L. Williams, Oelrichs.

TENNESSEE

Robert Royce Jones, Dyersburg.  
Ernest H. Gibson, Humboldt.

VIRGINIA

Robert H. Wall, Cambria.  
Andrew T. Organ, Chester.  
John W. Helvey, Emory.  
William N. Guill, Halifax.  
Bernice M. Bull, Hallwood.  
Howard C. Horseman, Hampton.  
William R. Rogers, Hilton Village.

WISCONSIN

Stanley L. Hall, Bagley.  
Tony W. Schuh, Elcho.  
Harry R. Olson, Grantsburg.  
John Michael, Humbird.  
John Duchateau, Luxemburg.  
Roland W. Harpt, Mishicot.  
Bertram A. Ruskauuff, Saukville.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 22, 1940

The House met at 12 o'clock noon.

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

O infinite Father of mercy, breathe through our humble prayer. We beseech Thee to reach forth Thy arms of power and encircle the earth that it may feel the nearness and the might of God. Great gulfs of discord and the clanging cymbals of war are crashing around us; according to Thy love and mercy, hear and answer us. Dear Lord, our hearts grow sick as the pagan struggle rages near and far. O speak Thy word in the ears and lay Thy cooling hand upon all marching legions. Haunt them with the thought of the homeless, pain them with the hunger of the poor innocents; crush them with the cries of the children; minister unto the heavy laden and bind up the wounds of the brokenhearted. O Spirit of the Most High, move upon the turbulent waters and let peace come upon the bosom of the tempest, and there shall be light. Bless our Speaker and the Congress; prepare us for the duties of the week; may Thy spirit be with us, lightening the tasks and directing our ways. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Friday, April 19, 1940, was read and approved.

THE NATIONAL DEFENSE

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3840) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Chair appointed the following conferees: Mr. MAY, Mr. THOMASON, Mr. HARTER of Ohio, Mr. ANDREWS, and Mr. ARENDS.

LEAVE TO ADDRESS THE HOUSE

Mr. BARDEN. Mr. Speaker, after the disposition of all legislative matters and matters on the Speaker's desk, I ask unanimous consent to address the House today for 30 minutes, at which time I propose to discuss amendments to the wage and hour bill.

The SPEAKER pro tempore. Is there objection?

Mr. LEAVY. Mr. Speaker, I reserve the right to object. I have a special order of 30 minutes for today, and I am willing that the gentleman from North Carolina should precede me.

The SPEAKER pro tempore. Is there objection?

There was no objection.