

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	Donahay	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.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an article from South End News, of Cleveland, Ohio, entitled "A Day With a Busy Congressman."

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an address by Mr. J. Edgar Hoover before the recent convention of the Daughters of the American Revolution.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from the Patrolmen's Benevolent Association of Newark.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my remarks and to print in the RECORD an editorial from the Washington News of April 20, 1940, entitled "Helping the Farmer."

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an editorial from the Saginaw News.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an editorial from the El Paso Herald-Post.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter which I wrote to the gentleman from Georgia, Hon. CARL VINSON, chairman of the Committee on Naval Affairs, on Saturday last.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. GORE. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address which I delivered to the State Convention of the Junior Chambers of Commerce in Murfreesboro, Tenn., April 16, 1940.

The SPEAKER pro tempore. Is there objection?
There was on objection.

THOMAS A. EDISON

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. VREELAND. Mr. Speaker, my good friend and colleague the gentleman from New Jersey [Mr. HARTLEY], in a mighty fine address given before this House on April 10 on the effects of patents on people of the United States, among other things mentioned one of the greatest inventors of all time, Thomas A. Edison, and inadvertently mentioned in relation to Mr. Edison, Menlo Park.

I rise to remind my good friend and colleague that while Mr. Edison spent considerable of his early years in Menlo Park, nevertheless, the industries which bear his name and where he has carried on the greatest part of his inventive work was in West Orange, N. J., in my district, and where they are now, in commemoration of his achievement, presenting the world premiere showing of Metro Goldwin Mayer's Edison, the Man.

PATRIOTISM

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?
There was no objection.

DRAFT CONGRESSMEN FIRST

Mr. ALEXANDER. Mr. Speaker, I am informed statistics show that a real genius is born only once out of every 375,000 persons. That being the case, in the 10,000,000 youths who lost their lives in the foolishness of World War 1, we lost the benefit of nearly 30 prospective geniuses. Perhaps that explains why the world is so lacking in sensible leadership today, and has to suffer along with war-mongers and do-nothings in the saddle. Perhaps if the truth were known, we lost many more than 30, because war has a way of taking the best and bravest and strongest first.

To a trained and careful observer it was evident for years prior to 1939 that Europe was developing another war. It is also equally evident to the person who will take time out to ponder and study the trends that the United States is now gradually and perceptibly being brought into the arena of hostilities. I have constantly done everything in my power to point this out and to call for an about-face before too late.

So serious is the situation becoming that I want to serve notice on the powers that be right here and now that I, for one, shall refuse to lend my vote to any move or declaration which will send America's youth to be slaughtered on foreign shores.

Before I would do that and endanger the lives of my three stalwart sons and the sons of other parents I would offer my own life and services, and I call on every Member of Congress to make a similar pledge. Before we declare war let us all agree and vote to insert a proviso that Members of Congress will be the first to be drafted.

In today's mail I am in receipt of the following letter from a brave, disabled soldier of the last war, who puts the challenge up to us in the following letter, as does Col. William J. Donovan in his article entitled "Should men of 50 fight our wars?" and which I ask unanimous consent to insert herewith:

MINNEAPOLIS, MINN., April 18, 1940.

Attention Members, House of Representatives, Washington, D. C.:

GENTLEMEN: The articles published in This Week magazine and written by Col. William J. Donovan, World War commander of the fighting Sixty-ninth, deserves the immediate consideration of all Members of Congress, the President, and the War Department. Colonel Donovan, This Week magazine, and the Minneapolis Tribune are to be congratulated for their effort.

We who have seen the enemy army approaching with fixed bayonets, who have, briefly told, had a ringside seat when the devil takes a holiday and we mortals call it war, should accept this challenge and thereby prove to youth that patriotism is not merely the enthusiasm of childhood but a serious responsibility of all citizens. Let every man of 40 offer his services to the War Department, and in event of war the draft of youth will not be necessary. This writer has already made such an offer and received acknowledgment that my name is on file.

It is the belief of the average man that Members of Congress are too old for service and would not vote for war if they themselves had to see front-line action. Colonel Donovan has made a challenge. May I ask how many accept it?

EMIL E. HOLMES,

National Deputy Chief of Staff, Disabled American Veterans of the World War.

[From the magazine This Week]

SHOULD MEN OF 50 FIGHT OUR WARS?

(By Col. William J. ("Wild Bill") Donovan, World War commander the "Fighting 69th")

In the midst of the gigantic preparations we are now making to protect this country and this hemisphere from any threat of aggression, our draft laws are a blind spot which might cost us our very existence as a nation, despite any military victories that might be won by modern war mechanisms.

For, if war should come with whatever nation, our manpower—the most vital factor in our national defense—apparently would be mobilized according to a system that bears about as much relation to our present national-defense needs as a Civil War musket to modern, mechanized warfare.

This system, under which America has drafted its fighting men since the Civil War—and which presumably would be put back in force should we enter another war—would exclude from active service all men over the age of 45. The burden of the fighting would be thrown on youth—from 18 to 30.

America's first great war, the Revolution, was won by men up to 60. But in the Civil War the age limits for military service ranged from 20 to 45. The draft law of 1918 expanded the limits on the side of youth—to 18 years of age.

This law assumed (1) that a stripling of 18 is better prepared to defend his country than a vigorous adult past the 45-year mark; and (2) that the country can better afford to lose a youth on the battlefield than a mature adult.

The march of events since the Civil War has made the fallacy of both these assumptions more and more apparent. Better living conditions and improved medical technique have multiplied the years of the average man's span of usefulness. Our falling birth rate and the cessation of immigration have put on youth the premium of scarcity. The mechanization of modern war has proceeded to a point where the qualities of middle age (mechanical training, general experience, and calm judgment) are more important than the extraordinary physical endurance and the reckless courage of youth.

TO SURVIVE A VICTORY

There is no longer any good reason—if ever such reason existed—why the third of our population between 40 and 60 should not share equally the burden of war with the third between 20 and 40.

With the dynamics of world power as unstable as they are, we must take a long-range view of our manpower reserves. The American hemisphere is fabulously rich and invitingly underpopulated. We have pledged its security from invasion. We are the only world power on this side of the Atlantic, and if we are to fulfill our pledges, the time may conceivably come when our manpower will be inadequate unless we take steps to conserve it.

That is one of the fundamental military reasons why our draft laws must be changed. On the side of humanitarianism, or sentiment, if you will, there are other reasons for sparing the young. A tragedy of the last war was the loss of so many able, talented young men. We can never know how many potentially great men the war destroyed nor what the world would be today if they had been spared.

The older we grow the greater becomes our debt to society. It is not a pretty thought that old men make wars and young men fight them. A patriotic father is in a better moral position when he can say to his son "Come!" rather than "Go!"

But the overpoweringly decisive reason why we must amend our draft system springs from the brutal facts of our population trends. We simply cannot afford, from the standpoint of national survival, to toss away several hundred thousand young men in a war. America is growing old at an alarming rate and we must avoid anything that accelerates that pace.

In the 1860's, or even during the World War, we might, from certain points of view, have been able to afford that extravagance. But we must economize in the next war if we are to survive even victory. There is such a thing as winning a war—and losing a peace.

Our birth rate is declining precipitately (from 30 per thousand in 1900, to 25 in 1915, to 16 last year), while the fecundity of the aggressive European powers and of Asia remains high. In 1850 children and youths below 20 made up more than half our population; today they constitute only a little more than a third. Our present generation is not reproducing its own numbers, and unless counter-currents set in, by the year 2000 we shall be a static, if not a dying, country. Sixty years from now those who will have passed the age of 50, a time when many men begin to think of retirement, will outnumber those who are at the ages of greatest capacity and ambition, between 22 and 50.

And it must be remembered that these conditions will be the consequence of natural processes, as they are functioning now, entirely exclusive of the acceleration of war. The loss of several hundred thousand American youths between the ages of 18 and 30—fathers of the next generation—would be a major social and economic tragedy.

RIDING TO WAR ON WHEELS

Modern war can, in the main, be fought about as well by the fathers and grandfathers, or "gaffers," as by prospective fathers. War is subject to the same underlying technical changes that apply in industry and agriculture. The machine is saving labor on the battlefield as in factory and field.

Young men capable of enduring great physical stress and fatigue were needed for the heroic forced marches that characterized our Civil War. They are still essential for the emergencies that will always be the cruxes of any war. But nowadays other qualities, possessed in as great or greater degree by men of 40 to 50, are coming to the fore.

As war becomes increasingly mechanized—and I have followed the course of change from Château-Thierry to Spain—less and less emphasis is placed on a soldier's brawn, more and more on his brain. Instead of marching to war, today's soldier rides to war on wheels.

Maj. George Fielding Elliot illustrates the extent to which war has been mechanized by listing some of the ratings of the United States Navy men: Gunner's mate, fire-controlman, electrician's mate, machinist's mate, ship fitter, carpenter's mate, copper-smith, metalsmith, aviation ordnanceman, molder, patternmaker, sing'er, man, radioman, pharmacist's mate, storekeeper, aviation pilot, and others. Like the Navy, the Army needs trained and experienced men to operate complex machine guns, antiaircraft guns, antitank guns, a myriad variety of motor transports, chemical units and communications systems. For these jobs, requiring sound judgment, steady nerves, experience, and habits of independent thinking, men over 45 qualify as well as men between 20 and 30.

Not that I would recommend training grandfathers as war-plane pilots. But the business of war is by no means confined to spectacular dogfights in the air, or even to the body-to-body struggle of infantrymen. It may be that shock troops for front-line action should come principally from younger ranks. Yet, in the World

War, battalions of middle-aged men stood up valiantly under the hardships of trench warfare. It was, for example, a middle-aged army that held off the Germans in the first battle of Ypres.

Battalions of older men were increasingly drawn into the front lines in the third and fourth years of the war. More often than not, they outdid the regular and much younger formations. Frequently, in tight spots under fire, I have seen older men become rallying points for young troops on the verge of panic.

Along the great fortified lines of western Europe today, as I saw them shortly before the present war, men endure few hardships that would tax the middle-aged. They live and work in comfortable quarters underground. They are moved around on tramways, or trucks. Their tour of duty is calculated at 4 to 6 days in the front lines. In practice, both the French and Germans have manned their defense lines with older troops, and during the "blitzkrieg" against Poland, the Westwall's defense was entrusted to divisions preponderantly made up of the middle-aged. For every youthful pilot, observer, aerial bomber, or shock trooper, there are dozens, sometimes hundreds, of men in supporting positions behind the front lines. Most of these latter jobs men of 45 and over can handle as well as or better than college-age youngsters.

There is a further consideration. Far from being a constant round of excitement, war is often dull. Shut off from normal diversions, undergoing frequent discomforts, the soldier is likely to brood on possible wounds and death, on separation from his family. Such introspection injures morale. The older man ordinarily can draw on his more patient philosophy of life.

I am assured by psychologists—and I have learned from personal experience in the last war—that the courage of youth and of older men strikes a rough balance. Youth is more impulsive, more reckless. But the middle-aged man has generally seen and endured more hardship. He has spent years discharging social and family obligations. His dependents are likely to be grown and self-supporting. Moreover, he has fewer illusions than youth; life may not seem as sweet. Fear has less effect on his behavior in a crisis. Such a man may not value his life as dearly as youth. But in sacrificing it, he is more likely than youth to drive a hard bargain with the enemy.

On my last tour of Europe, just before the final German-Polish crisis, I had the opportunity of inspecting the arms and equipment of several European powers, including France and Germany. Before that, in Ethiopia and Spain, I watched the dress rehearsals of the present war. I brought home the conviction that the next war would be fought on wheels, not legs, wherever there was movement outside the vast fortified lines. The need for sheer physical prowess in the soldier had diminished; the call was increasingly for intelligence and technical skill.

The swift subjugation of Poland confirmed that opinion. There were Polish soldiers who fought and died without even once seeing their enemy.

War has probably been speeded up more since 1918 than in all the history of armed combat up to 1914.

A middle-aged man may not be able to walk as fast or as far as a boy of 20; but he can assuredly ride as fast in a motor transport. In casting about for a peacetime parallel, I thought of the railroads. Mature men, in their fifties and sixties, pilot our crack railway trains. Railroad work is hard, exacting, and calls for highly skilled experts. Yet the roads employ far more middle-aged and older men than youths.

The report of the United States Railway Retirement Board for 1937 shows, for example, that of 68,452 locomotive engineers, 82.6 percent were more than 45 years old. That age is the upper limit of the present draft act.

When the present army-age categories were fixed the life expectancy of a newborn male was about 35 years. Now it is above 60. Within a few years it may approach the Biblical threescore and 10. Today men of 50, or even 60, are younger than men of 40 were a generation ago.

I don't maintain that the drafting of oldsters would be painless. There are drawbacks. Middle-aged men are, of course, more subject to the degenerative diseases of the heart and other vital organs. The proportion of unfit would rise steeply over the age of 40. In addition, the job of the drill sergeant would be harder. The recruits, no doubt, would be less malleable, the training period longer.

To find out what medical science had to say about the capacities of "gaffers" I went to the New York Academy of Medicine. Medical research on the subject here and abroad indicates that:

1. Youth, 20 to 30 years, has the edge on strength. At grueling tasks, this age period performs with the highest efficiency. But for sustained effort in moderate work, there is virtually no difference between this age group and men up to 50.

2. Manual mobility is not significantly impaired in the age groups from 45 to 60.

3. Reaction time is moderately increased in the upper-age brackets. But, except in very fine work, this would not be an important factor.

4. Judgment of men over 40 is more stable than in the 20-to-30-years bracket.

5. Hearing and visual acuity decrease in men over 40, but glasses may compensate for failing eyesight.

6. In this same group there is a reduction in the rate, but not the aptitude for, learning.

In short, the medical record shows no good reasons why, in a national emergency, healthy oldsters should not be drafted along with healthy youngsters.

Some, subscribing to the maxim, "Old men for counsel, young men for war," may oppose any idea of change. Professional soldiers, usually tradition-bound, may be slow to relinquish the dogma, in effect since 1792, that a citizen is exempt from service after 45. Congress, too, being made up of middle-aged men, may show no eagerness to reorganize manpower provisions for the next national army.

But the majority of "gaffers" will be happy to do their bit. I know many middle-aged men who feel that way, including World War veterans.

In the preparation of draft laws the first consideration must always be a military one. Victory or defeat on the field of battle may, in the first analysis, determine whether America, as we know it, is to survive. But victory on the field of battle alone is not enough. And if we again rely on youth to bear the brunt, the disaster will be greater than any we could fight to avert.

For in the long years after a war is over and won, the Nation's strength will not be measured solely by the successes it has won on the field. No nation can consider itself truly victorious if its military victory has been achieved at the cost of squandering the youth upon which it must rely for greatness in the future.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a copy of a letter written to Senator PRENTISS M. BROWN by a member of the Michigan Legislature.

The SPEAKER pro tempore. Is there objection?
There was no objection.

THE LATE HONORABLE CARL E. MAPES

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I want at this time to express my appreciation of one of my dearest friends in the House. I refer to the late CARL E. MAPES, of Michigan, who was a Member when I first came to the House.

The past 15 months have chronicled the passing of 17 of the most beloved and distinguished Members of the House of Representatives. The Seventy-sixth Congress has had a tragic history. In 1 year 19 Members of this Congress have passed to the great beyond. In preparing the notes for this brief appreciation of Mr. MAPES I found it necessary to revise my figures many times. No other Congress since I have been a Member has suffered a like mortality. And these deaths have followed each other with such startling celerity.

A flash of the lightning, a break of the wave,
Man passes from life to his rest in the grave.

It is but another evidence of the exhausting and devastating character of our services here in the legislative department of our Government. It is the inevitable and inexorable price of power and service; for however temperate we may be in both work and play, we pay the toll of tense nerves, jaded hearts, and fatigued muscles. So, after raveling out our lives like prodigal spendthrifts in this forum fashioned for us by our fathers in the Constitution, we at last answer the roll call that is never repeated, for death is the universal decree. All that live must die. The earth itself is but one vast mausoleum. We touch it not without desecrating a myriad sepulchers. The rocks that wall us in are but the dusty archives of life that throbbed and thrilled in dead and forgotten centuries. But, obvious and universal as it is, there is always something that is new and startling when it strikes those we love and those whose lives have been entwined with ours. It is the last curtain on the drama of our earthly career—the inevitable and inexorable decree of fate.

The hand of the king that the scepter hath borne,
The brow of the priest that the miter hath worn,
The eye of the sage and the heart of the brave,
Are hidden and lost in the depths of the grave.

It is most fitting that on this occasion we pause in the busy tide of life and the affairs of government to lay a tribute of love and respect upon the bier of our beloved colleague who for so many years was such a powerful figure in the life and legislation of our Government, and I asked the privilege to join the members of the Michigan delegation in paying a

tribute of affection and admiration to the memory of CARL MAPES. Mr. MAPES was here when I became a Member of this body, and it seemed like he would always be a Member of the House, so solid and enduring seemed his personality. He seemed a part of the landscape. In some men there is that substantial quality that gives them weight, power, and influence without any of the tricks and artifices of eloquence or magnetic attraction. Mr. MAPES belonged to the rare and segregated few who depend upon the power and weight of their logic rather than upon their frenzied declamation. He cared little or nothing for mere show and glitter. In fact, he was so equipped with the substantial qualities of mind and transparent sincerity that he lived above the fog of rhetoric and the haze of mere words.

These qualities gave him a reputation for sincerity and honesty and honor not excelled by any Member upon this floor since I have been a Member of the House. So today we come to pay our tribute not only of love and affection but also of admiration to one whose place will be difficult to fill on this floor.

In the past score of years CARL MAPES has written his name deep in the history of the House and the legislation of his country and in the affections of his colleagues. He was an accomplished parliamentarian and his party leaned heavily upon his ability for leadership. He never assumed positions upon parliamentary practice merely for party advantage but hewed to the line on the law, and for that reason was admired by those who agreed with him and respected by those who opposed him. Everybody respected his ability and everybody venerated his intellectual honesty.

But Mr. MAPES was not just a powerful force in legislation, he was also a great moral example to his colleagues and to the manhood of his country. He was a great and guiding impulse to new Members where his exalted character and example set high standards of conduct and legislative integrity.

Fifteen years ago when I was first a Member of the House, Hon. Frederick H. Gillett, and later Hon. Nicholas Longworth, were Speakers of the House; I remember that both, who were discriminating judges of men, reposed great confidence in Mr. MAPES, and that when important legislation was before the House Mr. MAPES was often in the chair, where he presided with great ability, impartiality, and dignity. In those days Mr. MAPES was one of the most trusted leaders under the speakership of Nicholas Longworth.

Mr. MAPES belonged to the thinning ranks of those who were my colleagues when I came here in 1924 to fill the unexpired term of the late Col. E. C. Little. On this side of the aisle only 18 remain of the large number who answered the roll call that December 1, 1924, when I became a Member of the House. What a tragic drama that statement discloses. But it is only the story of life which at its best seems but a pathetic tragedy as we see it from this mundane sphere. We come here with high hopes of public service and strive to crystallize our ideas into constructive legislation and grow old while we struggle in the effort. Then one day we become memories and join that growing throng that has preceded us to the great beyond. And we are perhaps remembered for some particular reason, mayhap some peculiar mannerism only, possibly a little flash of genius or some cause we ardently advocated. And what do we take with us? We hope the gratitude of our constituency for some little work well performed and we know a heart full of deathless memories.

Today we are thinking of Mr. MAPES, whose face and figure were a part of our daily life here. When we ask what we shall remember that was peculiar to CARL MAPES, many things crowd our memory. He was patient and kind. He was courteous and gentle. He was patriotic and unselfish. If one did something well, he found opportunity to commend. If someone was about to make a mistake, he gently warned. If one asked for advice, he gave it modestly, with great wisdom and discretion. He was that sort of man that one felt free to consult, and his sage advice was so often a blessing to the new Member.

CARL MAPES was a gentleman of great mind and heart. He had an army of friends and no enemies. He leaves to his family the priceless heritage of a good name and the record of a life full of devotion to his country, his family, and his friends.

The superlative master of the English tongue put upon the lips of Marc Antony a characterization that I think is most appropriately applied to our late colleague:

He was gentle and the elements
So mixed in him that nature might stand up
And say to all the world, "This was a man."

EXTENSION OF REMARKS

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that I may be permitted to make two insertions in the RECORD: One, a Federal table of loans and grants by States; the other, an editorial from the Addison (N. Y.) Advertiser.

The SPEAKER pro tempore. Without objection, the requests are granted.

There was no objection.

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an article in the New York Evening Post of April 17, 1940, by Samuel Grafton.

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

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent for two extensions of remarks in the Appendix of the RECORD: One, an extension to include a brief quotation, and another an address by the Postmaster General delivered at Indianapolis, Ind., on March 30.

The SPEAKER pro tempore. Without objection, the requests of the gentleman from Indiana are granted.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

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

There was no objection.

W. P. A. JOBS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I consider it a most unfortunate matter that the question of political consideration should have been injected into the consideration of the matter of how many W. P. A. jobs should be provided by the Congress for the next year. I think there are only two matters of importance in connection with this question. One is the need of people for employment in order to support their families; the other is the need of the Nation as a whole for additional volume of consumer buying power in active circulation. My own judgment is that since, according to the best estimates we can find in the country, there are now, and probably will continue to be, in the neighborhood of 10,000,000 people out of work, the W. P. A. should provide two and one-half million jobs, on the average, in the coming year. I would like to see other approaches to this unemployment problem used as well, but I think under all the circumstances at present that is the least we should do. I do not think it is a political question. I think it is an economic question and a question of human need. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a radio broadcast of the work of the National Youth Administration in California.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I wish to amend my unanimous-consent request by asking permission to insert it at that point in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARNESS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER pro tempore. This is District of Columbia Day. The Chair recognizes the gentleman from West Virginia [Mr. RANDOLPH].

DR. A. L. RIDINGS

Mr. RANDOLPH. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 9284) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitations relating to the time within which an application for a license must be filed or to the granting of licenses on a reciprocal basis in the jurisdiction from which the applicant came, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. A. L. Ridings, formerly of Sherman, Tex., if found qualified in accordance with the provisions of section 25 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE FOR EDUCATIONAL EMPLOYEES OF THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 9326) to provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Board of Education, on recommendation of the superintendent of schools, may grant leave of absence with part pay to any employee of said Board of Education whose salary is fixed in the Salary Act approved June 4, 1924, who has served in the public schools of the District of Columbia not less than 6 years continuously prior to filing application for leave, for purposes of educational improvement for a period not exceeding 1 year at a time, under conditions not herein otherwise specified as the Board of Education may determine, and the place of said person to be filled by the appointment of a qualified temporary employee for the period of said leave: *Provided,* That not more than 2 percent of the total number of the above-mentioned employees may be on leave with part pay at the same time.

SEC. 2. Any employee to whom such leave of absence may be granted shall report in writing to the Superintendent, in such form as the Board of Education may determine, the manner in which said leave of absence is being employed, and for failure to comply with any requirement of the rules of the Board of Education or to pursue in a satisfactory manner the purpose for which said leave of absence was granted, the Board of Education, on recommendation of the Superintendent, may terminate such leave of absence at any time.

SEC. 3. Any teacher whose salary is fixed in article I of the act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this act, shall receive compensation during the period of said leave, paid in the same manner as though on active duty, equal to the difference between the salary which the teacher would have received during the year he is on said leave of absence and the basic annual salary of group A or group C of his salary class, less the amount of his contribution to

the retirement fund, in accordance with the provisions of the Retirement Act, as amended and approved June 11, 1926.

SEC. 4. Any administrative or supervisory officer mentioned in section 1 of this act whose salary is fixed in article II of the act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this act, shall receive compensation during the period of said leave, paid in the manner as though on active duty, equal to the largest amount to which any teacher in the group B or group D salary class under his supervision would be entitled if given such education leave, less the amount of his contribution to the retirement fund in accordance with the provisions of the Retirement Act, as amended and approved June 11, 1926: *Provided*, That during the period of the leave of said officer, the Board of Education on the recommendation of the Superintendent of schools may authorize the temporary assignment to his position of any teacher or officer who serves under said officer on leave: *And provided further*, That the position of the teacher or officer so assigned may be filled during the period of such absence by a qualified temporary employee.

SEC. 5. The teacher or officer who takes leave of absence with part pay for educational purposes under the provisions of this act shall be construed as in active service, and periods of service for salary increment purposes and for retirement purposes, and the pay which the teacher or officer would have received had leave not been taken shall be used in computing retirement annuities.

SEC. 6. Wherever the masculine pronoun occurs in this act it shall be construed to mean both male and female employees.

SEC. 7. This act shall take effect on and after July 1, 1933.

Mr. RANDOLPH. Mr. Speaker, I wish to make a certain explanation concerning this bill. I do this, Mr. Speaker, because I believe the Members of the House have a right to know what is in the bill, and I believe it is the responsibility of the committee to explain briefly, and in some cases in detail, the measures we bring before you, because in this committee we do give careful consideration to these matters, and we know the House itself does not have an opportunity to do so, and it places confidence in us when we bring these District measures before the House.

The purpose of this legislation which is proposed is to permit teachers and officers of the school system in the District of Columbia to take leave of absence with part pay for the purpose of educational improvement. It has been found that similar legislation is in effect in most of our comparable cities, and even cities of smaller size. We deemed this measure advisable in an effort to keep the educational system here on a par with that of other cities by permitting the teachers to advance their training. There will be no added expense, because the substitute teachers to be employed will be paid from the salaries of the regular teachers on leave. This bill has the approval of the Board of Education.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman.

Mr. MURDOCK of Arizona. As a schoolman of long experience, I can testify that the practice is a good one, and I am heartily in favor of the bill as the gentleman has explained it.

Mr. RANDOLPH. I thank the gentleman from Arizona, because I do believe that the teachers come back with a new point of view and refreshed for their duties.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOARD OF INDETERMINATE SENTENCE AND PAROLE, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 9210) to amend an act entitled "An act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, and for other purposes, and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, be, and the same is hereby, amended to read as follows:

"SEC. 2. The Board of Indeterminate Sentence and Parole shall, subject to the approval of the Commissioners of the District of Columbia, appoint an executive secretary, and parole officers, one of whom may be designated as the chief parole officer, and other employees, in such number as shall be appropriated therefor by Congress from time to time. It shall be the duty of such officers, subject to the discretion and control of said Board, to perform such duties and exercise such authority as the Board may direct. The salaries of said executive secretary, parole officers, and other employees shall be fixed in accordance with the Personnel Classification Act of 1923, as amended. Appropriations are hereby authorized for the payment of the salaries of said executive secretary, said parole officers, and other employees, the actual and necessary traveling expenses of the members of the Board, said executive secretary, and said parole officers, and all other necessary expenses incurred in the administration of this act. Until appropriations as herein authorized are made therefor, all said salaries and expenses shall continue to be paid out of the appropriations for the penal institutions as now authorized by law."

SEC. 2. (a) Section 3 of said act, approved July 15, 1931, is hereby amended to read as follows:

"SEC. 3. That hereafter, in imposing sentence on a person convicted in the District of Columbia of a felony, the justice or judge of the court imposing such sentence shall sentence the person for a maximum period not exceeding the maximum fixed by law and for a minimum period not exceeding one-third of the maximum sentence imposed, and any person so convicted and sentenced may be released on parole as herein provided at any time after having served the minimum sentence. Where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed 15 years' imprisonment. Nothing in this act shall abrogate the power of the justice or judge to sentence a convicted prisoner to the death penalty as now or hereafter may be provided by law."

(b) For any felony committed before this amendatory act takes effect, the penalty, sentence, or forfeiture provided by law for such felony at the time such felony was committed shall remain in full force and effect and shall be imposed, notwithstanding this act.

SEC. 3. Section 4 of said act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 4. That whenever, within the limitations of section 3 of this act, it shall appear to the Board of Indeterminate Sentence and Parole, from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and examination made by the Board itself, that any prisoner serving an indeterminate sentence is fitted by his training for release, that there is a reasonable probability that such a prisoner will live and remain at liberty without violating the law, and that in the opinion of the Board such release is not incompatible with the welfare of society, said Board of Indeterminate Sentence and Parole may, in its discretion, authorize the release of such prisoner on parole, and he shall be allowed to go on parole, outside of said prison, and in the discretion of the Board to return to his home, or to such other place as the Board may indicate, upon such terms and conditions, including personal reports from said paroled prisoner, as said Board of Indeterminate Sentence and Parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence, without regard to good-time allowance, and the said Board shall in every parole fix the limits of the residence of such person paroled: *Provided, however*, That the conditions prescribed and the residential limits may be thereafter changed or modified as the Board in its judgment may determine."

SEC. 4. Section 5 of said act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 5. If said Board of Indeterminate Sentence and Parole, or any member thereof, shall have reliable information that a prisoner has violated his parole, said Board or any member thereof, at any time within the term or terms of the prisoner's sentence, may issue a warrant to any officer hereinafter authorized to execute the same for the retaking of such prisoner. Any officer of the District of Columbia penal institutions, any officer of the Metropolitan Police Department of the District of Columbia, or any Federal officer authorized to serve criminal process within the United States to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning or removing him to the penal institution of the District of Columbia from which he was paroled or to such penal or correctional institution as may be designated by the Attorney General of the United States."

SEC. 5. Section 6 of said act, approved July 15, 1932, is hereby amended by adding at the end thereof the following:

"In the event said prisoner is removed to a penal or correctional institution designated by the Attorney General, the Board of Parole, created by the act of Congress entitled 'An act to amend an

act providing for the parole of United States prisoners, approved June 25, 1910, as amended, approved May 13, 1930, shall have and exercise the same power and authority over such prisoner as the Board of Indeterminate Sentence and Parole would have had such prisoner been returned to a penal institution of the District of Columbia, including the power to revoke his parole."

Sec. 6. (a) Section 8 of said act approved July 15, 1932, is hereby amended to read as follows:

"Sec. 8. Any person committed to a penal institution of the District of Columbia who escapes or attempts to escape therefrom or from the custody of any officer thereof or any other officer or employee of the District of Columbia, or any person who procures, advises, connives at, aids, or assists in such escape or conceals any such prisoner after such escape, shall be guilty of an offense and upon conviction thereof in any court of the United States shall be punished by imprisonment for not more than 5 years, said sentence to begin, if the convicted person be an escaped prisoner, upon the expiration of the original sentence."

(b) This amendment of section 8 of said act approved July 15, 1932, shall not have the effect to release or extinguish any punishment, penalty, or liability incurred under such section, and such section as originally enacted shall be treated as still remaining in force for the purpose of sustaining any proper prosecution for the violation of such section committed prior to the passage of this amendatory act.

Sec. 7. (a) The proviso to section 9 of said act approved July 15, 1932, is hereby amended to read as follows: "Provided, however, That in the case of any prisoner convicted of two or more crimes other than a felony, including violations of municipal regulations and ordinances and acts of Congress in the nature of municipal regulations and ordinances, when the aggregate of the sentences imposed is in excess of 1 year, said Board of Indeterminate Sentence and Parole may parole said prisoner, under the provisions of this act, after said prisoner has served one-third of the aggregate sentence imposed."

(b) In the case of a prisoner convicted of misdemeanors committed prior to the effective date of this amendatory act, when the aggregate sentence imposed is in excess of 1 year, and in the case of a prisoner convicted of felony committed prior to the effective date of said act approved July 15, 1932, said Board of Indeterminate Sentence and Parole may parole said prisoner under the provisions of said act approved July 15, 1932, as amended, after said prisoner has served one-fifth of the sentence imposed.

Sec. 8. Said act approved July 15, 1932, is further amended by adding at the end thereof a new section to be numbered 11 and to read as follows:

"Sec. 11. All prisoners convicted in the District of Columbia for any offense, including violations of municipal regulations and ordinances and acts of Congress in the nature of municipal regulations and ordinances, shall be committed, for their terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the District of Columbia government, the Federal Government, or otherwise, or whether within or without the District of Columbia. The Attorney General is also authorized to order the transfer of any such person from one institution to another if, in his judgment, it shall be for the well-being of the prisoner or relieve overcrowding or unhealthful conditions in the institution where such prisoner is confined, or for other reasons."

Sec. 9. (a) Where a justice or a judge of the District Court of the United States for the District of Columbia has imposed or shall impose a life sentence on a prisoner convicted of a felony committed before this amendatory act takes effect, such prisoner shall be eligible to parole under the provisions of said act approved July 15, 1932, as amended, after having served 15 years of his life sentence.

(b) Where a justice or judge of the district court of the United States has imposed or shall impose a sentence for a definite term of imprisonment on a prisoner convicted of a felony committed before this amendatory act takes effect, such prisoner shall be eligible to parole under the provisions of said act approved July 15, 1932, as amended, after having served one-third of the sentence imposed.

Sec. 10. Section 937 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, is hereby amended to read as follows:

"Sec. 937. Deduction for good conduct: All persons sentenced to and imprisoned in the jail or in the workhouse of the District of Columbia and confined there for a term of 1 month or longer who conduct themselves so that no charge of misconduct shall be sustained against them shall have a deduction upon a sentence of not more than 1 year of 5 days for each month; upon a sentence of more than 1 year and less than 3 years, 6 days for each month; upon a sentence of not less than 3 years and less than 5 years, 7 days for each month; upon a sentence of not less than 5 years and less than 10 years, 8 days for each month; and upon a sentence of 10 years or more, 10 days for each month, and shall be entitled to their discharge so much the earlier upon the certificate of the superintendent of the Washington asylum and jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse, of their good conduct during their imprisonment. When

a prisoner has two or more sentences the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated."

Mr. RANDOLPH. Mr. Speaker, this measure was drafted by the Commissioners of the District of Columbia in cooperation with the members of the Board of Indeterminate Sentence and Parole and also the Department of Justice of the United States.

Its purpose is to perfect the present law in the District of Columbia and bring it into line with the practice in the States. Difficulties have been encountered by the Parole Board in properly functioning under the original act, and these amendments are proposed to correct certain deficiencies which now exist.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 7865) to amend the act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892, and acts amendatory thereof, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892, and acts amendatory thereof, are further amended to read as follows:

"Sec. 2. Members of the Board of Dental Examiners, five in number, shall be appointed by the Board of Commissioners of the District of Columbia.

"No person shall be eligible for appointment to the Board of Dental Examiners who is not a citizen of the United States and who has not been for 5 years next preceding his appointment a resident of and in the active and reputable practice of dentistry in the District of Columbia. Appointments shall be for a term of 5 years or until their successors are appointed and qualified, and shall be from a list of three to seven eligibles submitted by the dental societies of the District of Columbia; and no officer or member of the faculty of any dental school or college shall be eligible for appointment upon said Board.

"Sec. 3. The Board of Dental Examiners shall organize by electing from its members a president, and a secretary-treasurer who shall give bond to the United States in the sum of \$5,000. The Board shall make and adopt such rules and regulations not inconsistent herewith as it deems necessary to effect the purposes of this act, including (but not limiting thereto) rules and regulations respecting the eligibility of candidates, the scope of examinations, the conducting of examinations, and the securing of compliance with the code of ethics of the American Dental Association, and the said Board hereby is specifically authorized to make and enforce such rules as it may deem proper for the purpose of regulating professional announcements and the number of offices of a licensed dentist. The Board, in its discretion, and under such rules and regulations as it may prescribe, is hereby authorized to permit in hospitals the use of dental internes who are graduates of approved dental schools. The Board shall hold in January and June of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses as dentists under this act: *Provided*, That the concurrence of a majority of said Board shall be necessary to grant or revoke a license under this act.

"Sec. 4. The Board of Dental Examiners shall have an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, a register of persons licensed as dentists and of licenses by it revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated.

"Sec. 5. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer of the Board shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce documents when duly directed by said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such

witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court. Witnesses who have been subpoenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the District Court of the United States for the District of Columbia.

"Sec. 6. (1) It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of dentistry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board of Dental Examiners.

"(2) The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigations and prosecutions incident to the enforcement of this act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this act.

"Sec. 7. The Board of Dental Examiners shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"Sec. 8. Any person who desires to practice dentistry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States and is a graduate of a dental college approved by the Board. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant.

"Sec. 9. An applicant for a license to practice dentistry shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written or oral test, or both, in the following subjects: Anatomy, anesthetics, bacteriology, chemistry, histology, operative dentistry, oral surgery, orthodontia, pathology, physiology, prosthetic dentistry, materia medica, metallurgy, and therapeutics, and such other subjects as the Board may from time to time direct: *Provided*, That the Board may waive the theoretical examination in the case of an applicant who furnishes proof satisfactory to said Board that he is a graduate from a reputable dental college of a State or Territory of the United States, approved by the Board, and holds a license from a similar dental board, with requirements equal to those of the District of Columbia, and who, for 5 consecutive years next prior to filing his application, has been in the lawful and reputable practice of dentistry in the State or Territory of the United States from which he applies: *Provided*, That the laws of such State or Territory accord equal rights to a dentist of the District of Columbia holding a license from the Board of the District of Columbia, who desires to practice his profession in such State or Territory of the United States. An applicant desiring to register in the District of Columbia under this section must furnish the Board with a letter from the secretary of the board of dental examiners under seal of the board of dental examiners of the State or Territory of the United States from which he applies, which shall state that he has been in the lawful and reputable practice of dentistry in the State or Territory from which he applies for the 5 years next prior to filing his application, and shall also attest to his moral character and professional qualifications.

"Sec. 10. If such applicant passes the examination and is, in the opinion of the Board, of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, and registered with the health officer, which, after being registered with the health officer, shall be conclusive evidence of his right to practice dentistry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.

"Sec. 11. The practice of dentistry in the District of Columbia is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists be permitted to practice dentistry in the District of Columbia. All provisions of this act relating to the practice of dentistry shall be construed in accordance with this declaration of policy.

"Sec. 12. The Board may revoke or suspend the license of any dentist in the District of Columbia upon proof satisfactory to said Board—

"(a) That said license or registration was procured through fraud or misrepresentation.

"(b) That the holder thereof has been convicted of an offense involving moral turpitude.

"(c) That the holder thereof is guilty of chronic or persistent inebriety or addiction to habit-forming drugs or afflicted with a contagious or infectious disease.

"(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part

thereof the representation of a tooth, teeth, bridgework, or any portion of the human head; employing or making use of solicitors or free publicity press agents directly or indirectly; or advertising any free dental work, or free examination; or advertising to guarantee any dental service or to perform any dental operation painlessly.

"(e) That such holder is guilty of conduct which disqualifies him to practice with safety to the public.

"(f) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice dentistry.

"(g) That such holder, being a manager, proprietor, operator, or conductor of a place where dental operations are performed, employs a person who is not a licensed dentist to practice dentistry as defined in this act, or permits such persons to practice dentistry in his office.

"(h) That such holder is guilty of unprofessional conduct.

"The following acts on the part of a licensed dentist are hereby declared to constitute unprofessional conduct:

"(1) Practicing while his license is suspended.

"(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

"(3) Advertising by any medium other than the carrying or publishing of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, telephone connections, and, if his practice is so limited, his specialty: *Provided*, That in case of announcement of change of address or the starting of practice, the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

"(4) Practicing dentistry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

"(5) Violating this act or aiding any person to violate this act or violating or aiding any person to violate the dental practice act of any State or Territory.

"(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

"The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the Board from holding that other or similar acts also constitute unprofessional conduct.

"Sec. 13. No action to revoke or suspend a license shall be taken until the accused has been furnished a statement in writing of the charges against him, together with notice of the time and place of hearing thereof. The accused may be present at the hearings in person or by counsel, or both. The statement of charges and notice may be served personally upon such person or mailed to him at his last known address at least 20 days prior to the hearing.

"Sec. 14. If upon such hearing the Board finds the charges sustained, it may suspend for a definite period or revoke the license of any such dentist. Such revocation or suspension shall take from the person named in such license all rights and privileges acquired thereby. Any dentist whose license has been suspended or revoked may be reinstated and a new license issued to him when in the judgment of the Board such action is warranted: *Provided*, That such reinstated dentist shall pay all the costs of the proceedings resulting in his suspension and reinstatement and in addition thereto a fee of \$25.

"Sec. 15. That in addition to the fees heretofore fixed herein each applicant for a license as dentist shall deposit with his application a fee of \$20; with each application for a duplicate license a fee of \$5 shall be paid to said Board, and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this act, there shall be defrayed all expenses incurred in carrying out the provisions herein contained, including the detection and prosecution of violations of this act, together with a fee of \$10 per diem for each member of said Board for each day he may be actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expense shall in no event exceed the total of receipts.

"Sec. 16. During the month of December of each year, every licensed dentist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$5. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each dentist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$5 will be imposed, and should the practitioner fail to register and pay the fine imposed and continue to practice his profession in the District of Columbia, he shall at the end of 10 days from said date be considered as practicing illegally and penalized as otherwise provided for in this act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of

February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.

"Sec. 17. Any person shall be deemed to be practicing dentistry who performs, or attempts or advertises to perform, any dental operation or oral surgery or dental service of any kind gratuitously or for a salary, fee, money, or other remunerations paid, or to be paid, directly or indirectly, to himself or to any other person or agency; or who is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed and practicing dentist; or who places such appliance or structure in the human mouth or attempts to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structures; or who extracts or attempts to extract human teeth, or corrects or attempts or professes to correct malpositions of teeth or of the jaws; or who gives, or professes to give written clinical interpretations or readings of dental roentgenograms; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words 'dentist,' 'dental surgeon,' 'oral surgeon,' the letters 'D. D. S.,' 'D. M. D.,' or any other words, letters, title, or descriptive matter which in any way represent him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structures; or who states, or advertises or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that he can perform or will attempt to perform dental operations or render a diagnosis in connection therewith or who engages in any of the practices included in the curricula of recognized dental colleges.

"Sec. 18. On and after the passage of this act it shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under any name except his proper name, which shall be the name used in his license granted to him as a dentist, as provided for in this act; and unlawful to use the name of any company, association, corporation, trade name, or business name in connection with the practice of dentistry as defined in this law. Any person convicted of a violation of the provisions of this section shall be fined for the first offense not more than \$200, and upon a second or any subsequent conviction thereof, by a fine not to exceed \$500, and upon conviction his license may be suspended or revoked by said Board.

"Sec. 19. Nothing in this act shall apply to a bona fide student of dentistry in the clinic rooms of a reputable dental college; to a legally qualified physician or surgeon unless he practices dentistry as a specialty; to a qualified anesthetist, physician, or registered nurse employed to give an anesthetic for a dental operation under the direct supervision of a licensed dentist; to a dental surgeon of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of dentistry in another State or Territory making a clinical demonstration before a dental society, convention, association of dentists, or dental college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.

"Sec. 20. Whoever engages in the practice of dentistry and fails to keep displayed in a conspicuous place in the operating room in which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

"Sec. 21. Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted for postgraduate work, or a license granted pursuant to this act, or whoever, not being the person to whom a diploma, certificate, or license was granted, procures such diploma, certificate, or license with intent to use the same as evidence of his right to practice dentistry, or whoever, with fraudulent intent, alters any diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

"Sec. 22. Whoever practices dentistry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered dental college, or makes use of the words 'dental college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

"Sec. 23. No person or persons, corporation, or educational institution, except those now duly chartered, shall conduct classes or a school for postgraduate dentistry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

"Sec. 24. It shall be unlawful for any person to follow the occupation of dental hygienist in the District of Columbia without having

first complied with the provisions of this act and having been registered as hereinafter provided.

"Sec. 25. Any person of good moral character and a citizen of the United States being not less than 18 years of age, who desires to register as a dental hygienist in the District of Columbia and files with the secretary-treasurer of the Board a written application for a license, and furnishes satisfactory proof that he is a graduate of a training school for dental hygienists requiring a course of not less than 1 academic year, and approved by the Board, may make application to be licensed as a dental hygienist in the District of Columbia upon the form prescribed by the Board, verified by oath, and accompanied by the required fee (\$10) and a recent unmounted autographed photograph of applicant.

"Sec. 26. An applicant for a license as dental hygienist shall appear before the Board at its first examination after the filing of his application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests on such subjects as the Board may direct. If such applicant passes the examination and is of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice as a dental hygienist in the District of Columbia according to the provisions of this act.

"Sec. 27. No licensed dentist may employ more than two such licensed dental hygienists without written permission of the Board. Public institutions and the Health Department of the District of Columbia may employ such licensed dental hygienists and are not limited as to the number of licensed dental hygienists that may be employed. A licensed dental hygienist may remove calcic deposits, accretions, and stains from the surfaces of the teeth, but shall not perform any other operation, or diagnose or treat any pathological conditions of the teeth or tissues of the mouth. A registered dental hygienist may operate only under the general direction or supervision of a licensed dentist, in his office or in any public school or other institution rendering dental services, not in violation of the provisions of this act. The Board may suspend, revoke, with power to reinstate, the license of any dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it also may suspend or revoke, with power of reinstatement, the license of any dental hygienist violating the provisions of this act; the procedure to be followed in the case of such suspension, revocation, or reinstatement shall be the same as that prescribed by law in the case of suspension, revocation, or reinstatement of the license of a dentist.

"Sec. 28. Any dental hygienist of good moral character duly licensed to practice as such in any State or Territory of the United States, having and maintaining an equal standard of laws regulating the practice of dental hygiene with the laws of the District of Columbia, who has been in the lawful practice of dental hygiene for a period of not less than 2 years in such State or Territory and who files with the secretary-treasurer of the Board of the District of Columbia a certificate from the Board of the State or Territory in which he is licensed, certifying to his professional qualifications and length of service, and who passes a satisfactory practical examination conducted by the Board, may at the discretion of the Board be licensed without further examination upon the payment of the required fee of \$10 and the certificate fee of \$1: *Provided*, That the laws of such State or Territory accord equal rights to a dental hygienist of the District of Columbia holding a license from the Board of the District of Columbia who desires to practice dental hygiene in such State or Territory of the United States.

"Sec. 29. The duties and powers of the Board respecting the practice of dentistry as set forth in this act shall apply, unless otherwise specified, equally and in all respects whatsoever to the practice of dental hygiene; and the practice of dental hygiene is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest to the same extent as herein set forth with respect to the practice of dentistry. The annual registration fee for licensed dental hygienists shall be \$3.

"Sec. 30. Whoever engages in the practice of dentistry without a license so to do, or whoever violates any provision of law relating to the practice of dentistry or dental hygiene or the application for examination and licensing of dentists and dental hygienists, for which no specific penalty has been prescribed shall be fined not more than \$1,000.

"Sec. 31. A second or subsequent conviction under sections 21, 22, 23, and 30 shall be punished by the maximum penalties prescribed therein, or imprisonment in jail or workhouse not less than 6 months nor more than 1 year, or by both such fine and imprisonment.

"Sec. 32. When used in this act—

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Dental Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"Sec. 33. Rules and regulations adopted by the Board shall become effective 30 days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for 3 consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered dentist and dental hygienist in the District of Columbia.

"Sec. 34. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the validity of the act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this act is hereby expressly reserved.

"Sec. 35. All acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

Mr. RANDOLPH. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 20, after the word "examinations", strike out "and the securing of compliance with the code of ethics of the American Dental Association."

Mr. DIRKSEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I care to say only for the information of the House that the bill pending is one to regulate and license the practice of dentistry in the District of Columbia. I think it was 48 years ago that the first Dental Practice Act went on the books of the District, and very little amendment has been made since that time. In the intervening years some 40 or 45 States have adopted restrictive dental-practice acts which seek, of course, to deal with alleged quackery and to restore a high professional level. This bill, therefore, conforms largely to the laws which obtain in most of the States of the Union, and the amendment which I offered, of course, seeks to preserve insofar as can be done the right of a licensee until his license is finally revoked by court action.

As the bill first came to us it vested complete and plenary power in a board to divest the licensee of his license, but when we stop to consider that a license is something of a property right, for behind it is long and arduous study and the expenditure of money. I for one was persuaded that that license should not be too lightly taken away from one who has earned it. As a result the amendment which was just presented to the House seeks to give the right of appeal to the courts of the District of Columbia and make it a so-called *de novo*, or new, proceeding so that any dentist whose license for one reason or another may have been suspended or revoked by the action of the dental board can go to the District court within 20 days. He therefore has the right of appeal. I think it is necessary in view of the fact that the license represents a real property interest. At the present time no doctor or lawyer can lose his license without confirmatory action by the District court. This right is being extended to dentists and will be extended to the podiatrists for whom a regulatory bill will be offered during the course of the day.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MURDOCK of Arizona. Do I understand that the amendment now pending brings the practice in the District of Columbia into conformity with that of various State acts?

Mr. DIRKSEN. Quite so, and it is not quite so restrictive as it is in many States.

Mr. MURDOCK of Arizona. And involves the code of ethics that has been almost universally adopted? Is it not wise policy for this body, in legislating for the District of Columbia, if it be a new field of legislation, to move especially cautiously in view of the entering-wedge effect of such legislation, and, if it be an old field of legislation, that the District law should embody such legal principles as have been commonly accepted in most of the States?

Mr. DIRKSEN. That is right. Specifically, many of those things have been written into the bill. We have, however, stricken out one rather broad provision which read something like this: "There must be conformity to the code of ethics of the American Dental Association." The danger of such a wide-open provision as that is that you condition legislation upon a regulatory act by a body which has no official being so far as the District of Columbia is concerned. But there are enumerated in the bill items of unprofessional conduct, and so forth, which are for the guidance of the board as well as for the courts on appeal.

Mr. SECCOMBE. Will the gentleman yield?

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

Mr. SECCOMBE. I may say for the benefit of the gentleman from Arizona [Mr. MURDOCK], who just asked a question, that the Ohio State Dental Society has endorsed this bill.

Mr. DIRKSEN. I may say that most of the dental societies of the various States, from whom I have heard, have given support to this measure.

Mr. HOLMES. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Massachusetts.

Mr. HOLMES. Does the gentleman realize that the Dental Association of the District of Columbia has not had any reciprocal arrangement with various other States?

Mr. DIRKSEN. I may say that there is a reciprocal provision in this bill.

Mr. HOLMES. I just found out that the authorities here do not have any reciprocal agreements with any State in the Union as far as the practice of dentistry is concerned.

Mr. DIRKSEN. This gives reciprocity to the other States of the Union.

[Here the gavel fell.]

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 13, line 24, after the word "give", insert "written clinical."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. RANDOLPH: On page 11, line 1, after the words "acquired thereby", insert:

"Any dentist whose license has been revoked or suspended by the Board may, within 20 days after the order of revocation or suspension was entered, appeal from such order to the District Court of the United States for the District of Columbia, where the case shall be heard *de novo*, and the court after such hearing shall enter such order as in its judgment the Board should have entered. During the pendency of such appeal the order of the Board shall remain in full force and effect unless the court shall otherwise order."

Mr. RANDOLPH. Mr. Speaker, this is the amendment to which the gentleman from Illinois [Mr. DIRKSEN] directed his remarks. This was given most careful consideration by the full committee and was reported only this morning. We believe it should be included in the measure.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATION OF PODIATRY IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 8692) to amend the act to regulate the practice of podiatry in the District of Columbia, and I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918, and acts amendatory thereof, are further amended to read as follows:

"There is hereby established a Board of Podiatry Examiners, which shall consist of the health officer of the District of Columbia *ex officio* and three members, to be appointed by the Board of Commissioners of the District of Columbia.

"Said members shall be appointed within 30 days after this act has taken effect, and they shall be so classified by the Board of Commissioners that the term of one member shall expire in 1 year, one in 2 years, and one in 3 years from the date of appointment, and annually thereafter the Board of Commissioners shall appoint one member who shall serve for a period of 3 years, or until his successor is appointed and qualified. Vacancies in said Board shall be filled by the Board of Commissioners for the unexpired term.

"No person shall be eligible for appointment upon the Board who is not a citizen of the United States and who has not been for 5 years next preceding his appointment a resident of and in the

active and reputable practice of podiatry in the District of Columbia. Appointments shall be made from a list of three to five eligibles submitted by the Podiatry Society of the District of Columbia. In case of failure of said Podiatry Society to submit said list, the Board of Commissioners shall appoint members in good standing of said Podiatry Society without restriction, who are qualified as aforesaid.

"Sec. 2. The Board of Podiatry Examiners shall organize by electing from its members a president and a secretary-treasurer, who shall give bond to the United States in the sum of \$1,000. The Board shall adopt such rules and regulations not inconsistent herewith as it deems necessary respecting the eligibility of candidates, the scope of examinations, and the securing of compliance with the code of ethics of the National Association of Chiropractors. The Board shall adopt an official seal, and shall keep a record of its proceedings, a complete record of the credentials of such licensee, a register of persons licensed as podiatrists and of licenses by it revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated. A quorum of the Board shall consist of not less than two members. The Board shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"Sec. 3. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce books and papers when duly directed by the said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

"Sec. 4. It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of podiatry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board.

"The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigation and prosecutions incident to the enforcement of this act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this act.

"Sec. 5. Any person who desires to begin the practice of podiatry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States, not less than 21 years of age, of good moral character, and is a graduate of a podiatry college recognized by the National Association of Chiropractors and approved by the Board. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. The Board shall hold in January and July of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses under this act.

"(a) If such application be for a license after examination, the applicant shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written or oral test, or both, in the following subjects as the same shall be taught in the recognized podiatry colleges: Anatomy, physiology, pathology, bacteriology, chemistry, materia medica, surgery, therapeutics, diagnosis and treatment, clinical and orthopedic podiatry, and any other of such subjects as the Board may determine.

"(b) If such application be for a license without examination by virtue of a license issued by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, the applicant shall furnish proof satisfactory to the Board that he holds a valid license from a similar podiatry board, with requirements equal to those of the District of Columbia, and that he has been in the lawful and reputable practice of podiatry in the State or Territory or foreign country from which he applies for 5 consecutive years next prior to filing his application: *Provided*, That the laws of such State or Territory or foreign country accord equal rights to a podiatrist of the District of Columbia who desires to practice his profession in such State or Territory or foreign country.

"Sec. 6. If such applicant passes the examination, or furnishes the information required of applicants for license without examination, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice podiatry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.

"Sec. 7. The Board may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to said Board—

"(a) That said license or registration was procured through fraud or misrepresentation.

"(b) That the holder thereof has been convicted of a felony.

"(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to drugs.

"(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of the human foot or leg or any part thereof; employing or making use of solicitors or free publicity press agents, directly or indirectly; or advertising any free podiatry work, or free examination; or advertising to guarantee podiatry service.

"(e) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice podiatry.

"(f) That such holder is guilty of unprofessional conduct.

"The following acts on the part of a podiatrist are hereby declared to constitute unprofessional conduct:

"(1) Practicing while his license is suspended.

"(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

"(3) Advertising by any medium other than the personal carrying of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, and telephone connections of the licensee; except in the case of announcement of change of address or the starting of practice, when the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

"(4) Practicing podiatry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

"(5) Violating this act or aiding any person to violate this act, or the podiatry act of any State or Territory.

"(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

"The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the Board from holding that other or similar acts also constitute unprofessional conduct.

"Sec. 8. No action to revoke or suspend a license shall be taken until the accused has been furnished a statement in writing of the charges against him, together with notice of the time and place of hearing thereof. The accused may be present at the hearings in person or by counsel, or both. The statement of charges and notice may be served personally upon such person or mailed to him at his last-known address at least 20 days prior to the hearing. If upon such hearing the Board finds the charges sustained, it may suspend for a definite period or revoke the license of any such podiatrist. Such revocation or suspension shall take from the person named in such license all rights and privileges acquired thereby. Any podiatrist whose license has been suspended or revoked may be reinstated and a new license issued to him when in the judgment of the Board such action is warranted, provided such reinstated podiatrist shall pay all the costs of the proceedings resulting in his suspension and reinstatement and in addition thereto a fee of \$25.

"Sec. 9. That in addition to the fees heretofore fixed herein each applicant for a license as podiatrist shall deposit with his application a fee of \$25 if for a license after examination, and \$50 if for a license by reciprocity; with each application for a duplicate license a fee of \$5 shall be paid to said Board and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this act, there shall be defrayed all expenses incurred in carrying out the provisions of this act, including the detection and prosecution of violations thereof, together with a fee of \$10 per diem for each member of said Board, other than the health officer of the District of Columbia, when actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expense shall in no event exceed the total of receipts.

"Sec. 10. During the month of December of each year, every licensed podiatrist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$2. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each podiatrist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$2 will be imposed, and should the practitioner fail to register and pay the fine imposed and continues to practice his profession in the District of Columbia he shall at the end of 10 days from said date be considered as practicing illegally and penalized as otherwise provided for in this act. If he suspends his practice he may, in the

discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.

"Sec. 11. Any person shall be regarded as practicing podiatry who, gratuitously or for a salary, fee, money, or other compensation paid either to himself or to any other person, directly, or indirectly, furnishes, or advertises to furnish, podiatry service, or performs or causes to be performed by any other person, agent, or employee podiatric operations of any kind, diagnoses or professes to diagnose, prescribes for or treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human feet or adjacent structures, or uses the words 'podiatrist,' 'chiroprapist,' or any letters or title in connection with his name which in any way represents him as being engaged in the practice of podiatry; or who is a manager, proprietor, operator, or conductor of a place where podiatry operations, podiatric surgery, or podiatry services are performed; or who shall state, advertise, or permit to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can, or will attempt to, perform podiatric operations of any kind or render a diagnosis in connection therewith.

"Sec. 12. Nothing in this act shall apply to a bona fide student of podiatry in the clinic rooms of a reputable podiatry college; to a licensed and legally qualified physician or surgeon unless he practices podiatry as a specialty; to a podiatrist of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of podiatry in another State or Territory making a clinical demonstration before a bona fide society, convention, association of podiatrists, or podiatry college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.

"Sec. 13. Whoever engages in the practice of podiatry and fails to keep displayed in a conspicuous place in the operating room in which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

"Sec. 14. Whoever sells or offers to sell a diploma conferring a podiatry degree or a certificate granted for postgraduate work, or a license granted pursuant to this act, or whoever procures such diploma, certificate, or license with intent to use the same as evidence of the right to practice podiatry as defined by law, by a person other than the one upon whom such diploma was conferred, or to whom such license was granted, or any person who with fraudulent intent alters such diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

"Sec. 15. Whoever practices podiatry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered podiatry college, or makes use of the words 'podiatry college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

"Sec. 16. No person or persons, corporation, or educational institution shall conduct classes or a school for postgraduate podiatry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

"Sec. 17. Whoever engages in the practice of podiatry without a license so to do, or whoever violates any provision of law relating to the practice of podiatry, or the application for examination and licensing of podiatrists for which no specific penalty has been prescribed shall be fined not more than \$1,000.

"Sec. 18. When used in this act—

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Podiatry Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"Sec. 19. Rules and regulations adopted by the Board shall become effective 30 days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for 3 consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered podiatrist in the District of Columbia.

"Sec. 20. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the validity of the act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this act is hereby expressly reserved.

"Sec. 21. All acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

With the following committee amendments:

Page 3, line 2, after the word "examinations", strike out "and the securing of compliance with the code of ethics of the National Association of Chiroprapists."

Page 5, line 16, after the word "written", strike out "or oral test, or both" and insert "and oral test."

Mr. SECCOMBE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I regret very much that I was unable to attend the meeting this morning. I would like to know if these committee amendments have the approval of the District of Columbia Medical Society which should be working in conjunction with the podiatrists in the preparation of this bill.

Mr. RANDOLPH. I may say, in answer to the inquiry of the gentleman from Ohio [Mr. SECCOMBE], that we have the approval of the Podiatry Society of the District of Columbia, the Medical Society, and the District health officer. This was given most careful consideration by these groups as well as by members of the Committee on the District of Columbia.

Mr. SECCOMBE. I may say to the gentleman from West Virginia that up until the time this bill was presented I did not know what a podiatrist was. I question whether many Members of the House know what a podiatrist is. It seems to be a back-door handle to some other bill that was heretofore presented. I do not know why they put on this title of podiatrists, and furthermore, I will not vote for any bill that pertains to the health and welfare of our citizens that does not have the approval of the Medical Society of my own State of Ohio, together with the approval of the Medical Society of the District of Columbia, and if this bill has that endorsement I have no objection to it.

Mr. RANDOLPH. I may say to the gentleman that a chiroprapist engages in the practice of podiatry, and in this measure we are attempting to regulate that practice more properly.

I may say that the chiroprapists and podiatrists in the District of Columbia are now operating under an act passed in 1918. This existing law is considered inadequate for the proper protection of the public health as it fails to prescribe any standards of training for podiatrists desiring to practice in the District, contains no standards for examination of podiatry applicants and is devoid of any provisions for the revocation or suspension of licenses. The purpose of this pending legislation is to supply the standards and administrative provisions necessary and consistent with modern podiatry practice acts of other jurisdictions. Of course, as I have said, this measure has the approval of the Podiatry Society and of the health authorities of the District of Columbia.

Mr. SECCOMBE. And also the Medical Society?

Mr. RANDOLPH. Yes; also of the Medical Society of the District of Columbia.

Mr. SECCOMBE. There were some differences of opinion and I did not get to attend the meeting. That is the reason I asked this question.

Mr. BOLLES. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, I am opposed to this bill. In the first place, it sets up a new board. The bill is a tangle of words. All it does is to regulate foot doctors. A good many people here have learned for the first time what podiatry is. Someone thought it was something to eat, but it is not. It is a part of chiroprapy. If you read the bill, you will find it is a welter of words. It contains a number of provisions to which I am opposed. I do not believe we should do any more regulating. We have regulated everything now except the blacksmiths, and they have gone out of business. I think it is time that we call a halt on this regulation. I should like to see the bill killed.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 11, beginning in line 14, strike out all of section 11 and insert in lieu thereof the following:

"Sec. 11. Any person shall be regarded as practicing podiatry who, gratuitously or for a salary, fee, money, or other compensation paid either to himself or to any other person, directly or indirectly, furnishes, or advertises to furnish, or performs or causes to be performed, by himself or by any other person, agent, or employee,

podiatry service; or who uses the words 'podiatrist,' 'chiroprapist,' or any letters or title in connection with his name which in any way represents him as being engaged in the practice of podiatry; or who is a manager, proprietor, operator, or conductor of a place where podiatry service is performed; or who shall state, advertise, or permit to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can, or will attempt to, perform podiatry service or render a diagnosis in connection therewith. Podiatry and podiatry service, within the meaning of this section and this act, are hereby defined to be the surgical, medical, or mechanical treatment of any ailment of the human foot, except the amputation of the foot or any of the toes; and, also, except the use of an anesthetic other than a local one."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 13, line 6, after "surgeon", strike out "unless he practices podiatry as a specialty."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. RANDOLPH: On page 9, line 15, after "acquired thereby", insert the following: "Any podiatrist whose license has been revoked or suspended by the Board may, within 20 days after the order of revocation or suspension was entered, appeal from such order to the District Court of the United States for the District of Columbia where the case shall be heard de novo, and the court after such hearings shall enter such order as in its judgment the Board should have entered. During the pendency of such appeal the order of the Board shall remain in full force and effect unless the court shall otherwise order."

Mr. RANDOLPH. Mr. Speaker, this amendment is similar to the one offered on the dentistry bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes at this time, prior to calling up the bill (H. R. 8980) to provide revenue for the District of Columbia and for other purposes, in order to make certain explanations, and I shall be joined in this matter by the gentleman from Oklahoma [Mr. NICHOLS].

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

Mr. HOLMES. Reserving the right to object, Mr. Speaker, and I shall not object, on page 4 of the proposed bill, in line 10, I find the words "every individual," after all the discussion and debate we have had on this very particular point. Does this mean that every individual, whether or not he pays an income tax in his home State, is going to be included in this proposed tax that it is expected to be considered today?

Mr. RANDOLPH. That is a question which certainly is not clear in the minds of a great many individuals.

Mr. HOLMES. The gentleman was going to discuss the bill, and I wanted to know what "every individual" means.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Illinois.

Mr. DIRKSEN. May I say to the gentleman from Massachusetts that at the proper time I propose to offer an amendment in the nature of a substitute for the bill that will soon be called up, in order to clarify certain provisions relating to residence, nonresidence, domicile, exemptions, and so forth, and that will come in good time. However, the chairman has asked for 10 minutes in order to give the chairman of the subcommittee an opportunity to make a statement to the House that he felt he did not have a chance to make when the bill came on for action 2 weeks ago.

Mr. HOLMES. I withdraw my reservation of objection, Mr. Speaker.

Mr. RANDOLPH. I may say in answer to the inquiry that there is a difference of opinion with regard to who is included.

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

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I have asked the indulgence of the House to make certain statements and I think the gentleman from Oklahoma [Mr. NICHOLS] desires also to supplement the remarks which I may make at this time.

There was an attempt made on the last District day to have the House of Representatives consider the proposed tax bill, H. R. 8980. Members will recall that the House took action which kept the committee from bringing the actual bill before you for consideration.

I would like at this time to call your attention to language on page 3 of the first report filed last June by the gentleman from Oklahoma [Mr. NICHOLS] from the Committee on the District of Columbia when this same subject was under consideration. The report reads as follows:

The estimated revenue of the general fund of the District of Columbia for the fiscal year ending June 30, 1940, using a tax rate of \$1.50 per \$100 on real estate and tangible personal property, and including a tax on intangible personal property, plus a Federal payment of \$5,000,000, amounts to approximately \$37,370,000. On the basis of the District of Columbia appropriation bill for 1940, as passed by the House, the general fund revenue deficit in the fiscal year 1940 is estimated to amount to approximately \$3,500,000.

The District of Columbia appropriation bill, as passed by the Senate, provides for an increase in the appropriation and using a tax rate of \$1.50 per \$100 on real estate and tangible personal property, and including a tax on intangible personal property, plus a Federal payment of \$5,000,000, will result in a general fund deficit in the revenues of the District of Columbia in the amount of \$6,045,000. This bill provides that the Federal contribution for any one fiscal year after June 30, 1939, which in no event shall be in excess of \$5,000,000.

The House will recall that that was increased from \$5,000,000 to \$6,000,000 last year. That would leave, after the intangible personal property tax was taken off, a deficit for this year of approximately \$1,000,000.

I have asked the officials of the District of Columbia to give me the returns on the income-tax payments. As of this morning I find that the individual tax returns amount to \$1,330,199; the corporate returns, \$1,327,651, leaving the total reported as of this morning at \$2,657,850. It is believed that in the unopened envelopes there will be an estimated additional \$200,000, making a total of \$2,857,850.

It is to be noted, however, that in filing these returns we have those individuals who file a claim for refund, and we believe this will bring about an additional deficit. In other words, they are paying but they are paying it under protest, and they will file a claim under a recent decision of the court of appeals. Therefore, it is estimated that approximately \$120,000 of this amount would be in the category of "not now in the hands of the District of Columbia." Only 80 of these, of course, have been filed.

Now, going back to the estimated deficit of \$3,500,000. With the repeal of the intangible personal property tax of \$3,000,000, we find a total deficit of \$6,500,000 and deducting the additional contributions that are to be made of \$1,000,000, we have a net deficit of \$5,500,000.

The income tax, as estimated when the present law was under consideration, was supposed to raise the necessary additional revenue as follows: The individual income tax, \$1,500,000; the corporate tax, \$2,700,000; making a total of \$4,200,000.

I believe, therefore, on the basis of the situation that exists at the present time, there will be a deficit for the present fiscal year of approximately \$1,000,000.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. BATES of Massachusetts. I know the chairman desires to state the exact facts, but in the estimate given to us at the beginning of the year the estimate for personal income was \$1,000,000 instead of \$1,500,000, and the estimate on corporations of 5 percent was \$2,200,000. Against the estimate of \$1,000,000 from personal returns, the actual receipts up to date, the gentleman states, amount to \$1,330,000, and yet the returns are not complete, and I am informed by the same source as the chairman that the actual income from personal tax is about 50 percent above the estimates, while the actual returns from the corporate tax is about one-third off.

Mr. RANDOLPH. Of course, I am attempting to state the situation as I understand it. The figures I have quoted were given to me this morning by those who have charge of the collection of taxes in the District of Columbia and, I am told, are the statistics given by the District auditor last June when this matter was discussed.

Now, Mr. Speaker, an attempt will be made today to consider the present tax bill, and the only thing I wish to say at this time is that the committee finds the subject of taxation in the peculiar jurisdiction of the District of Columbia a most difficult subject to cope with. I know that most of you are sympathetic with the problem presented to us, and I trust that we will have an opportunity today to hear this proposed measure discussed. I understand there are members of the committee who will offer amendments and proposals in lieu of what the committee itself will attempt to have passed. I ask the indulgence of Members today so that we may take this afternoon to discuss tax matters relating to the District of Columbia.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?
There was no objection.

CALL OF THE HOUSE

Mr. KENNEDY of Maryland. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. RANDOLPH. Mr. Speaker, I move a call of the House. The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Anderson, Calif.	Fay	Kilburn	Rodgers, Pa.
Barton	Fenton	Kinzer	Rutherford
Boand	Flaherty	Kirwan	Sacks
Boren	Flannagan	Kunkel	Schulte
Bradley, Pa.	Flannery	Lambertson	Schwert
Buckley, N. Y.	Ford, Leland M.	Lemke	Scrugham
Burdick	Gamble	Lynch	Seger
Burgin	Gavagan	McArdle	Shafer, Mich.
Byron	Gifford	McDowell	Sheppard
Cannon, Fla.	Gilchrist	McGranery	Sheridan
Carter	Graham	McLean	Simpson
Celler	Green	Maciejewski	Smith, Conn.
Chapman	Gross	Magnuson	Smith, Ill.
Clark	Halleck	Maloney	Starnes, Ala.
Clason	Hancock	Martin, Ill.	Stearns, N. H.
Claypool	Harter, N. Y.	Mason	Stefan
Connery	Hartley	Massingale	Sullivan
Cooley	Healey	Merritt	Taylor
Corbett	Hill	Miller	Thomas, N. J.
Culkin	Houston	Monkiewicz	Vorys, Ohio
Darden	Jarman	Moser	Walter
Darrow	Jarrett	Murdock, Utah	Ward
Delaney	Jenks, N. H.	Myers	West
Ditter	Jennings	Nelson	Wheat
Douglas	Johns	O'Leary	Whelchel
Duncan	Johnson, Ind.	Osmers	White, Idaho
Dunn	Johnson, Lyndon	O'Toole	White, Ohio
Durham	Johnson, Okla.	Patrick	Williams, Del.
Dworschak	Keller	Pfeifer	Wood
Eaton	Kelly	Rabaut	Youngdahl
Eberharter	Kennedy, Martin	Rich	Zimmerman
Englebright	Kennedy, Michael	Risk	
Faddis	Keogh	Robson, Ky.	

The SPEAKER pro tempore. Three hundred Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein an address delivered by Hon. Fred M. Raymond, of Grand Rapids, judge of the Federal District Court of Western Michigan, on the life of the late Carl E. Mapes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma [Mr. NICHOLS] for 10 minutes.

REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. NICHOLS. Mr. Speaker, as many gentlemen remember, on the last District day there was called up for considera-

tion a combination tax bill for the District of Columbia. After the House refused to consider the bill I made the statement that I was convinced that had I had opportunity to explain the bill to the House, it would not have taken that action. We will in a few minutes ask the House to go into the Committee of the Whole House on the state of the Union for the consideration of that bill. Before we do that I want to explain the bill. First, let me tell briefly the tax situation that exists here at the moment. It affects to a greater or less degree every Member of Congress who has constituents working in the District of Columbia. We have now here an income-tax law which exempts no one. It has been held by the corporation counsel's office that every person living in the District of Columbia, whether or not this is his domicile, is subject to the payment of that tax. Unless that is remedied, here is the practical thing that will happen, which should appeal to some of the Members of the House. Many hundreds or thousands of men and women here in the District of Columbia desire to maintain their voting residence back home, and as a matter of fact, it was the very scheme of things that the District of Columbia would always be a jurisdiction where, though in residence here, you would have the privilege of voting at some place outside of the District.

If this tax is imposed and paid, then these constituents of yours employed here in the District of Columbia will pay, first, a Federal income tax, next, an income tax to the State, if one is provided in the State whence they come, and, third, an income tax to the District of Columbia. They simply cannot afford to do that. What is the out? The only out, then, is to withdraw their voting residence from the State from which they come and declare the District of Columbia to be their residence, but avoiding the payment of the tax back home. In other words, you compel your constituents, in order to dodge the payment of an impossible tax, to deprive themselves of the vote at home. This bill provides three things: First, it imposes an impersonal income tax, with certain exemptions which I shall explain. Title II imposes a 2-percent sales tax, with certain exemptions which I shall explain, but they must work in combination with each other or the bill is no good. Third, it repeals the present income-tax law.

Let me touch briefly, first, the provisions for the income-tax features of the bill. The bill provides for an income tax with an exemption of \$10,000 on earned income and an exemption of \$1,000 on unearned income. Working in conjunction with that is a sales tax of 2 percent, but food, medicine, and rent are exempt from the payment of the sales tax. The purpose of the \$10,000 exemption is this: If you were getting all of your taxes from a sales tax, people with incomes about \$10,000 would be getting the best of it under that kind of tax.

I mean if you were raising all of your taxes from a sales tax up to \$10,000, the people over the income bracket up to there spend practically all of the money they make. When they get above the \$10,000 class they save more money and thus avoid the payment of taxes under the sales-tax system. So, in order to make it equitable, when the tax reaches the \$10,000 on sales, then at that point you set in at \$10,000 on income, and those above have the two groups.

Now, it has been said that the sales-tax portion of this bill should not be passed because it will be so burdensome on those of the lower income brackets. If you are going to vote against this sales tax, you will have to vote against it for some other reason than that.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I am very sorry. I only have a limited time. I am trying to do rather a good job.

I want to give you a table of what the effect of this bill would be under the sales tax. This is adapted from how urban families spent their incomes in 1935 and 1936, Bureau of Labor Statistics, United States Department of Labor.

Under this bill persons with an income of \$800 a year would pay a tax of \$3.28, which is forty-one one-hundredths of 1 percent of their income. Persons with \$950 income would pay forty-six one-hundredths of 1 percent of their income. Skipping on down to \$1,800, those with an income of \$1,800, under the sales-tax portion of this bill, would pay

\$9.94 in taxes, or fifty-five one-hundredths of 1 percent of their gross income. We will skip down to \$3,000. At \$3,000 persons would pay, under the sales-tax portion of this bill, fifty-three one-hundredths of 1 percent of their income, or a tax of \$19.19.

Coming down to \$8,000, you are still at fifty-two one-hundredths of 1 percent of the gross income. When you get above that point, then the percentage starts going down in favor of the high brackets. So there we step in with the income tax, and I will show you what they would pay under a combination of the two, as provided for in this act. On a \$1,000 income, a combination of the two taxes, they would pay \$4.70—forty-seven one-hundredths of 1 percent of their entire income. That is a combination of the two taxes. At \$2,500 they would pay fifty-five one-hundredths of 1 percent of their entire income, because you will remember there is no income tax there. There is your exemption. When you get up to \$15,000, under a combination of the two, they would pay \$20, or thirteen one-hundredths of 1 percent of their entire income.

Now, if there ever was an equitable tax measure written for a jurisdiction, tailor-made for the application of the tax, this is it, and the District of Columbia is the jurisdiction. You must remember that there is simply no other jurisdiction in the United States comparable to that of the District of Columbia and from which you can get experience in the levying and collection of taxes to run the municipal government.

I sincerely hope that the House will carefully consider this bill and, in the end, pass it. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore (Mr. PACE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I do not suppose that the Members of the House will have any difficulty in coming to a resolution on the bill that is soon to be pending before the Committee of the Whole, if they perfectly understand what is involved.

The bill that will be before you in a little while is known as the Revenue Act for the District of Columbia and is divided into three titles. The first title sets up an income tax. The second title sets up a sales tax. The third title repeals the income tax which is now on the books of the District of Columbia and which has worked very satisfactorily.

I do not contend for a moment that that act does not need some clarification. May I say parenthetically now that in place of the bill which will be offered by the committee, I propose to offer a substitute which will do nothing more than amend existing law so as to clarify the questions of domicile, the questions of residence and nonresidence, the question of credit to people who pay taxes back home, and those other things that are necessary in the light of a certain decision in the Federal circuit court of appeals.

Now, there is an act on the books today which provides for an income tax. It was put on the statute books in 1939 by this Congress. It was the third or fourth effort that we made before we finally succeeded. Under that law we provide for only 1 percent on the first \$5,000, a very low rate. We provide for 1½ percent on the second \$5,000. Nobody can kick about the rates that are imposed upon incomes in the District of Columbia.

We have the same exemptions in the law that are in the Federal law, namely, \$1,000 for single individuals, \$2,500 for families, \$400 credit for each dependent. It is a pretty good law. When we placed it on the books the estimate was that it would raise \$1,000,000 from the personal income tax and \$2,200,000 from corporate sources. Keep those figures in mind. When I say \$1,000,000 from personal income and \$2,200,000 from corporate income I want to document that statement and to make sure that you get the whole story. I read from the testimony of the District auditor before the Appropriations Committee on the District of Columbia appropriation bill for 1941. He said this:

In lieu of those two taxes; namely, the intangible and another which were repealed, Congress provided a personal net-income tax and a 5-percent corporation net-income tax. The estimated revenue from the first tax is \$1,000,000; from the second, \$2,200,000. So we hope to derive a total of \$3,200,000 from the corporate and individual income taxes.

How close did we get to it? This morning I talked to the collector for the District of Columbia. Here are the latest current figures. We expected to raise \$1,000,000 on the personal income tax. There has already been returned \$1,330,000, and there are 15,000 returns that have not been opened. As a result instead of the \$1,000,000 we expected to raise, we shall have about \$1,530,000.

So we shall raise \$500,000 more under the personal income tax than we expected. Under the corporate income tax we expected to raise \$2,200,000. How close did we get to that? To date there has been returned \$1,327,000 with 400 supplemental returns not yet examined. Those are expected to yield another \$100,000. Substantially, therefore, we shall have \$1,500,000 on corporate returns, and we are only \$700,000 behind on that. Bear in mind also that under the corporate income tax in the District of Columbia we do not tax intercompany dividends; we do not tax capital gains where these assets have been held for 2 years or more. We make it just as easy as possible, and we are only about \$200,000 under the estimate which we made last year.

In view of all that, why should this Congress be fussing with a new tax which, instead of being patterned somewhat on the Federal tax, undertakes first of all to exempt \$10,000 of earned income and \$1,000 of unearned income? I say to you that I would be reluctant to go back home and say to my people that I supported a tax which first exempted \$11,000. How are you going to justify that? How, in the light of current trends and tendencies where they are trying to put the tax down into the lower brackets in order to get revenue, how can you hold up your head back in your district and say that you did not place your profane hands on income until it was over \$10,000 in the case of earned income and \$1,000 in the case of unearned income? Yet that is the bill they propose to give you today. I prefer the one we have with an exemption of \$1,000 for an unmarried person and \$2,500 for a married couple with \$400 for dependents; and then we have a 1-percent tax on the first \$5,000. All we have to do to clarify the present law is to resolve these questions of domicile and residence, which can easily be done, and which can be supplemented by a reciprocity clause so that if they pay a tax back home they get a credit here. We had such a reciprocity clause in the bill when we went into the Senate conference over a year ago. We discussed around the table with the distinguished Members of that body, but somehow that reciprocity clause was taken out. I was against taking it out at the time.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield? Mr. DIRKSEN. Very briefly.

Mr. RANDOLPH. The gentleman's talents, of course, are admirable in connection with this legislation as with all legislation, and I compliment him; but I want to know if it is the contention of the gentleman from Illinois that there does not exist for this present fiscal year a deficit of approximately \$1,000,000 as I stated earlier in the afternoon?

Mr. DIRKSEN. Definitely not from the income-tax source, let me say to the gentleman.

Mr. RANDOLPH. I am asking if there is not a deficit in District of Columbia finances?

Mr. DIRKSEN. Yes; and when we had a deficit of \$1,800,000 this Congress in its generosity gave them \$1,000,000 because we raised the lump sum from \$5,000,000 to \$6,000,000.

Mr. RANDOLPH. Will the gentleman yield further?

Mr. DIRKSEN. Let me continue just a moment.

Mr. RANDOLPH. I always yield to the gentleman. Just yield to let me make a brief statement.

Mr. DIRKSEN. I yield.

Mr. RANDOLPH. The gentleman knows that my position in this committee is similar to his. I do not desire to

get out from under the payment of a tax. Certainly the \$10,000 limitation does not apply in my case. The gentleman knows that I have made that clear several times. I am ready to pay the tax.

Mr. DIRKSEN. Why talk about a sales tax? In the main, it will be collected from visitors and from those residents of the District who are least able to carry the burden. To be sure, it contains exemptions of food and medicines, but it has been the history of sales tax to begin in a limited way and then be extended to every known commodity. Instead of all this fol-de-rol the common-sense thing for the Members of the House to do is to go along with a substitute that I shall offer which clarifies existing law. It modifies the law in several respects. The first is to define gross income of a non-resident as to income that is derived in the District of Columbia. Another has to do with residents. One who is domiciled here or who has maintained a place of abode here for 6 months is classified as a resident. Another provision will be to exempt Congress, the President, the Members of the Cabinet, the members of the courts, and the clerks and secretaries. Now they hold up their hands in holy horror about that sort of thing, but let me read to you from the provisions of the District Code passed in 1926, section 756, title XX.

Here is what Congress did in that code with respect to taxation of personal property. The Members exempted themselves. That was 14 years ago. There is plenty of precedent for it. Here is the language:

Provided, That the Cabinet officers and the persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this section.

It is in the law now; so I am willing to clarify it and simply recite a little bit further that the same section shall apply so far as the income tax is concerned. Then it will offer no difficulty in respect of clerks, secretaries, and others whose status has been in doubt.

The other item is No. 5, to give a resident of the District of Columbia credit on taxes if he is taxed out in your State and taxed here at the same time. He is entitled to a credit, so that he will not have to pay twice. We will do the same thing with nonresidents; that is, give credit to a nonresident who is liable for a tax back home, provided there is in the law back home a substantially similar reciprocity provision.

What could be fairer than that? By those amendments, which I will offer in the form of a substitute to the existing law, we can solve this whole tax controversy and throw the bill that will come up for consideration into the wastebasket. Let us not fool with another income-tax law and a sales tax.

[Here the gavel fell.]

Mr. ARNOLD. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. ARNOLD]?

There was no objection.

Mr. ARNOLD. Mr. Speaker, I do not hope to change the decision of any Member of this House with respect to this tax matter, but I yield to no man in the House concerning my knowledge of a sales tax and how it works. In order to explain, it will be necessary to refer somewhat to myself, and I ask your indulgence in that regard.

I was a member of the Illinois House of Representatives from 1923 to 1927, and I saw the finances of Illinois dwindle and the difficulties increase. I voluntarily retired as a member at that time, but naturally I went back to Springfield on occasions, and I remember that in 1928 or 1929 I heard a group of members talking, most of whom were Republican members, because they were largely in the majority at that time. They were concerned about the situation into which the State was drifting, and it was stated, "If we could put on a sales tax without the people knowing they were paying it, it would be the ideal way to collect revenue in order to run the State."

The situation drifted on. Governor Emmerson assumed office in 1929. The depression came on, and before his term

of office expired it was necessary to mortgage for relief purposes the gasoline-tax fund for \$30,000,000. Half of the counties of the State of Illinois had defaulted on their real-estate tax, and Illinois itself was on the verge of bankruptcy, when in 1933 Governor Horner came in with a Democratic legislature, of which I was reelected a member.

There was soon proposed and enacted into law a sales tax which was declared unconstitutional because under our archaic constitution of 1870 our forefathers had provided for equal taxation. We had to enact a tax for the privilege of engaging in business, and we let the merchants fight it out so far as collection was concerned. We enacted a second sales-tax law, and it was not any pleasure for a member to vote for it.

We went back to our homes, and half the businessmen, who had to collect the tax, would not speak to us. Many of us thought we would be defeated for reelection. But in 1936, when Governor Horner was told that he could not again run, overnight the objection of the customers and the objection of the businessmen stopped, and the sales tax has proceeded in a way that has produced results which could not be obtained otherwise. Governor Horner was reelected, and not one member of the legislature was defeated because of his vote for the sales tax.

We have a 2-percent sales tax for running the State which has enabled us to increase our distributive fund for school purposes; we have been able to pay old-age assistance averaging about \$20 per person to 140,000 clients, and we have enacted in addition thereto a 1 percent temporary sales tax for relief purposes. Now, 1 percent in Illinois produces about \$35,000,000 a year. The 3 percent produces over \$100,000,000 a year.

How could Illinois survive without this sales tax? We had the "guts" to put it into force and it has worked. The District of Columbia is one of the best suited taxing bodies in the world for assessing a sales tax. We want to see this the greatest capital on earth and it will be, but to obtain that objective we must have adequate revenue. We have many circles under which we have to construct underpasses. We have bridges to construct. In order to be the Capital City that it should be, we must have more revenue than can be derived from a property tax and from an income tax. I am not opposed to an income tax. We cannot levy such a tax in Illinois under our constitution. Businessmen and men who make money on which to pay an income tax are claiming they are already overtaxed. We are doing much for the small man today. They require and should have much. They nearly bankrupted the State of Illinois. These were men who had a vote, but no property, and paid no taxes. In Illinois bond issues were voted to construct swimming pools, parks, and other public improvements. Now, these people who work in Washington will pay a sales tax, and those people who would pay the sales tax want the best roads, highways, and streets that money can buy. They want their parks, swimming pools, and every other sort of recreation in this wonderful National Capital, and they are entitled to that. The people who come here expect to see the greatest Capital City on earth. They do not see it as yet, but they will some day.

I am predicting that in time the District of Columbia will have a sales tax. It depends on the Members of this House whether or not the District has it now.

I am not a member of the subcommittee on taxation. I was 2 years ago, and I was for a sales tax then. I retired from the District Committee. But I think it is one of the taxes to enact.

I saw Florida exempt homesteads up to \$5,000, and if you will pardon the personal reference, I own an apartment building in Miami. There is one street there they claim was paved with gold, Biscayne Boulevard. My tax on that apartment building, before the \$5,000 exemption on all homesteads was passed by the legislature, was \$300 to \$400 a year. It is now from \$600 to \$700 a year, on a nonresident.

The gentleman from Michigan [Mr. MICHENER] tells me there is being considered in the Committee on the Judiciary

a bill to permit the counties to take bankruptcies so they can default on their bonds and "gyp" our people all over the country out of about 50 percent of their money invested in the bonds of counties in Florida and other States. That bill is likely to come out here on the floor for consideration. A few years ago we passed a bill exempting the cities of Florida. Why did they not have the "gumption" to put on a sales tax in Florida when they took off the property tax on homesteads up to \$5,000? I tell you that we did the job in Illinois, and they have done it in other States. No one is going to miss this 2 percent. You have exemptions here that we do not have in other States. This sales tax should be enacted now. If it is not, it will be enacted in the not far distant future. [Applause.]

Mr. NICHOLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8980) to provide revenue for the District of Columbia, and for other purposes; and, pending that, I ask unanimous consent that general debate on the bill be limited to 1 hour, one-half to be controlled by the gentleman from Illinois [Mr. DIRKSEN] and one-half by myself.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, a preferential motion. I move to lay the pending motion on the table.

The SPEAKER pro tempore. The Chair may say to the gentleman from Wisconsin that his motion is not in order. It applies to the order of business and is not in order at this time.

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

Mr. SCHAFFER of Wisconsin. I object, Mr. Speaker. The SPEAKER pro tempore. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. SCHAFFER of Wisconsin) there were—ayes 67, noes 5.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 231, nays 39, answered "present" 2, not voting 158, as follows:

[Roll No. 80]

YEAS—231

Alexander	Cluett	Fulmer	Johnson, Okla.
Allen, Ill.	Coffee, Nebr.	Garrett	Johnson, W. Va.
Allen, Pa.	Cole, Md.	Gartner	Jones, Tex.
Anderson, Mo.	Cole, N. Y.	Gathings	Jonkman
Angell	Collins	Gearhart	Kean
Arends	Colmer	Gehrmann	Kee
Arnold	Cooper	Gibbs	Keefe
Austin	Costello	Goodwin	Kennedy, Md.
Ball	Cox	Gore	Kerr
Barnes	Cravens	Gossett	Kitchens
Bates, Mass.	Crawford	Grant, Ala.	Kleberg
Beam	Creal	Grant, Ind.	Knutson
Beckworth	Crosser	Gregory	Kramer
Bell	Crowe	Griffith	Lanham
Bender	Crowther	Guyer, Kans.	Larrabee
Blackney	Cullen	Gwynne	Lea
Bland	Cummings	Hall, Edwin A.	Leavy
Bloom	Curtis	Hall, Leonard W.	LeCompte
Bolles	Davis	Hancock	Lesinski
Boykin	Dempsey	Hare	Lewis, Colo.
Bradley, Mich.	DeRouen	Harness	Lewis, Ohio
Brewster	Dies	Harrington	Luce
Brooks	Dingell	Harter, Ohio	Ludlow
Brown, Ga.	Dirksen	Havenner	McAndrews
Brown, Ohio	Disney	Hawks	McCormack
Bryson	Dondero	Hendricks	McGehee
Buck	Doughton	Hennings	McKeough
Buckler, Minn.	Doxey	Hess	McLaughlin
Bulwinkle	Duncan	Hinshaw	McLean
Burch	Edmiston	Hobbs	McLeod
Byrne, N. Y.	Elliott	Holmes	McMillan, Clara G.
Camp	Ellis	Horton	McMillan, John L.
Cannon, Mo.	Elston	Hull	Magnuson
Carlson	Engel	Izac	Mahon
Cartwright	Evans	Jacobsen	Marcanonio
Case, S. Dak.	Ferguson	Jeffries	Martin, Iowa
Casey, Mass.	Folger	Jenkins, Ohio	Martin, Mass.
Chaperfield	Ford, Miss.	Jensen	Mason
Church	Ford, Thomas F.	Johns	May
Clevenger	Fries	Johnson, Ill.	Michener

Mills, Ark.	Polk	Satterfield	Thill
Mills, La.	Powers	Schaefer, Ill.	Thomason
Mitchell	Ramspeck	Schiffner	Tolan
Monroney	Randolph	Schuetz	Treadway
Mundt	Rankin	Seccombe	Van Zandt
Murray	Rayburn	Shannon	Vinson, Ga.
Nichols	Reed, Ill.	Smith, Ohio	Voorhis, Calif.
Norrrell	Reed, N. Y.	Smith, Wash.	Wallgren
Norton	Rees, Kans.	Smith, W. Va.	Warren
O'Brien	Richards	South	Weaver
O'Connor	Robertson	Sparkman	Welch
O'Day	Robinson, Utah	Spence	West
O'Neal	Rogers, Mass.	Summers, Tex.	Whittington
Pace	Rogers, Okla.	Sweet	Wigglesworth
Patton	Romjue	Talle	Williams, Mo.
Peterson, Fla.	Routzohn	Tarver	Wood
Peterson, Ga.	Ryan	Tenerowicz	Woodrum, Va.
Pierce	Sandager	Terry	

NAYS—39

Allen, La.	Fernandez	Oliver	Sutphin
Andersen, H. Carl	Fitzpatrick	Patman	Sweeney
Andersen, A. H.	Geyer, Calif.	Pearson	Taber
Barden	Gillie	Pittenger	Thomas, Tex.
Bates, Ky.	Hoffman	Sasscer	Thorkelson
Byrns, Tenn.	Hunter	Schafer, Wis.	Tinkham
Coffee, Wash.	Kilday	Secret	Vincent, Ky.
Courtney	Kocialkowski	Smith, Va.	Wolcott
D'Alessandro	Landis	Springer	Woodruff, Mich.
Drewry	Mott	Sullivan	

ANSWERED "PRESENT"—2

Cochran	Parsons
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NOT VOTING—158

Anderson, Calif.	Fenton	Kunkel	Sacks
Andrews	Fish	Lambertson	Schulte
Barry	Flaherty	Lemke	Schwert
Barton	Flannagan	Lynch	Scrugham
Boehne	Flannery	McArdle	Seger
Boland	Ford, Leland M.	McDowell	Shafer, Mich.
Bolton	Gamble	McGranery	Shanley
Boren	Gavagan	McGregor	Sheppard
Bradley, Pa.	Gerlach	Maas	Sheridan
Buckley, N. Y.	Gifford	Maciejewski	Short
Burdick	Gilchrist	Maloney	Simpson
Burgin	Graham	Mansfield	Smith, Conn.
Byron	Green	Marshall	Smith, Ill.
Caldwell	Gross	Martin, Ill.	Snyder
Cannon, Fla.	Halleck	Massingale	Somers, N. Y.
Carter	Hart	Merritt	Starnes, Ala.
Celler	Harter, N. Y.	Miller	Steagall
Chapman	Hartley	Monkiewicz	Stearns, N. H.
Clark	Healey	Moser	Stefan
Clason	Hill	Mouton	Sumner, Ill.
Claypool	Hook	Murdock, Ariz.	Taylor
Connery	Hope	Murdock, Utah	Thomas, N. J.
Cooley	Houston	Myers	Tibbott
Corbett	Jarman	Nelson	Vorys, Ohio
Culkin	Jarrett	O'Leary	Vreeland
Darden	Jenks, N. H.	Osmers	Wadsworth
Darrow	Jennings	O'Toole	Walker
Delaney	Johnson, Ind.	Patrick	Ward
Dickstein	Johnson, Luther A.	Pfeifer	Wheat
Ditter	Johnson, Lyndon	Plumley	Whichel
Douglas	Jones, Ohio	Poage	White, Idaho
Dunn	Kefauver	Rabaut	White, Ohio
Durham	Keller	Reece, Tenn.	Williams, Del.
Dworshak	Kelly	Rich	Winter
Eaton	Kennedy, Martin	Risk	Wolfenden, Pa.
Eberharter	Kennedy, Michael	Robson, Ky.	Wolverton, N. J.
Edelstein	Keogh	Rockefeller	Youngdahl
Englebright	Kilburn	Rodgers, Pa.	Zimmerman
Faddis	Kinzer	Rutherford	
Fay	Kirwan	Sabath	

So the motion was agreed to.

The Clerk announced the following pairs:
Until further notice:

- Mr. Rabaut with Mr. Carter.
- Mr. Cochran with Mr. Gifford.
- Mr. Fay with Mr. Short.
- Mr. Boren with Mr. Wolfenden of Pennsylvania.
- Mr. Chapman with Mr. Hartley.
- Mr. O'Leary with Mr. Eaton.
- Mr. Maloney with Mr. McGregor.
- Mr. Clark with Mr. Jennings.
- Mr. Cooley with Mr. White of Ohio.
- Mr. Massingale with Mr. Wolverton of New Jersey.
- Mr. Darden with Mr. Wadsworth.
- Mr. Mouton with Mr. Seger.
- Mr. Patrick with Mr. Robson of Kentucky.
- Mr. Keller with Mr. Rich.
- Mr. Caldwell with Mr. Osmers.
- Mr. Colmer with Mr. Maas.
- Mr. Keogh with Mr. Culkin.
- Mr. Poage with Mr. Gerlach.
- Mr. Sabath with Mr. Harter of New York.
- Mr. Martin J. Kennedy with Mr. Miller.
- Mr. Durham with Mr. Plumley.
- Mr. Delaney with Mr. Andrews.
- Mr. Starnes of Alabama with Mr. Stefan.
- Mr. Flannagan with Mr. Vreeland.

Mr. Michael J. Kennedy with Mr. Lambertson.
 Mr. Steagall with Mr. Ditter.
 Mr. Faddis with Mr. Bolton.
 Mr. Gavagan with Mr. Williams of Delaware.
 Mr. Houston with Mr. Clason.
 Mr. Ward with Mr. Reece of Tennessee.
 Mr. Zimmerman with Mr. McDowell.
 Mr. Kirwan with Mr. Kilburn.
 Mr. Green with Mr. Tibbott.
 Mr. Lyndon B. Johnson with Mr. Barton.
 Mr. Celler with Mr. Simpson.
 Mr. Jarman with Mr. Lemke.
 Mr. Walter with Mr. Darrow.
 Mr. Sheridan with Mr. Englebright.
 Mr. Schulte with Mr. Fish.
 Mr. Flaherty with Mr. Corbett.
 Mr. Barry with Mr. Carl H. Andersen.
 Mr. McGranery with Mr. Thomas of New Jersey.
 Mr. Mansfield with Mr. Graham.
 Mr. Pfeifer with Mr. Douglas.
 Mr. Shanley with Mr. Burdick.
 Mr. Murdock of Arizona with Mr. Vorys of Ohio.
 Mr. Nelson with Miss Sumner of Illinois.
 Mr. Scrugham with Mr. Youngdahl.
 Mr. Somers of New York with Mr. Kunkel.
 Mr. Healey with Mr. Gross.
 Mr. Hart with Mr. Shafer of Michigan.
 Mr. Martin of Illinois with Mr. Wheelchel.
 Mr. Boehne with Mr. Dworshak.
 Mr. McArdle with Mr. Penton.
 Mr. Boland with Mr. Gamble.
 Mr. Maciejewski with Mr. Halleck.
 Mr. Bradley of Pennsylvania with Mr. Leland M. Ford.
 Mr. Murdock of Utah with Mr. Hope.
 Mr. Cannon of Florida with Mr. Kinzer.
 Mr. Connery with Mr. Marshall.
 Mr. Eberharter with Mr. Jarrett.
 Mr. Flannery with Mr. Rutherford.
 Mr. Smith of Connecticut with Mr. Jenks of New Hampshire.
 Mr. Dickstein with Mr. Monkiewicz.
 Mr. Snyder with Mr. Rockefeller.
 Mr. Taylor with Mr. Wheat.
 Mr. O'Toole with Mr. Stearns of New Hampshire.
 Mr. Moser with Mr. Rodgers of Pennsylvania.
 Mr. Myers with Mr. Johnson of Indiana.
 Mr. Lynch with Mr. Risk.
 Mr. Burgin with Mr. Jones of Ohio.
 Mr. Hill with Mr. Gilchrist.
 Mr. Kefauver with Mr. Smith of Illinois.
 Mr. Kelly with Mr. Hook.
 Mr. Edelstein with Mr. Claypool.
 Mr. Byron with Mr. Buckley of New York.
 Mr. Sheppard with Mr. Merritt.
 Mr. Schwert with Mr. Sacks.

The result of the vote was announced as above recorded.
 The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8980) to provide revenue for the District of Columbia, and for other purposes, with Mr. THOMASON in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. NICHOLS. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. DIRKSEN], and now yield myself 5 minutes.

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

Mr. NICHOLS. Mr. Chairman, I have heretofore explained the high points in this bill, and I wish to take this time to answer, if I can, any constructive question that anyone would like to ask about the proposed legislation.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from California.

Mr. GEYER of California. Are there any exemptions in the application of the sales tax?

Mr. NICHOLS. Yes; food, medicine, and rent are exempted from the payment of the tax, and I may say to the gentleman that I read a moment ago the sales-tax portion of this bill. The tax is 2 percent, but with the exemption the average amount of tax paid throughout is about fifty-one one-hundredths of 1 percent.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Will the gentleman explain what effect this income tax has where a person actually lives in a State, like Virginia, for instance, and pays an income tax under the laws of that State?

Mr. NICHOLS. I will be pleased to explain that, and I thank the gentleman for asking the question. There is a nonresident and a resident provision in the bill, and to fit the case that the gentleman from Virginia inquires about, the nonresident provision would apply. The bill provides that a nonresident pays to the District of Columbia an income tax on that portion of his income earned within the District of Columbia. Of course, the \$10,000 exemption applies, but if he pays an income tax to the State of his domicile or his home State; in other words, that amount of money which he pays to his home State goes as a credit against the amount that he would pay to the District of Columbia, and in every instance that would mean he would pay no tax to the District of Columbia, because, of course, of the \$10,000 exemption, and in the other States of the United States the tax starts very much lower than that. So if he pays it in his resident State, then he will not pay anything to the District.

Mr. SMITH of Virginia. In those instances, however, would he have to make a return to the District of Columbia?

Mr. NICHOLS. I do not believe he would.

Mr. SMITH of Virginia. The reason I ask that question is because if a person lives in Virginia, but works in Washington, I would like to know whether he would have to make a return or not.

Mr. NICHOLS. I will say to the gentleman that I should know positively about that, but I do not know positively, although I do not think he would.

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

Mr. NICHOLS. Yes; I yield.

Mr. RANDOLPH. In answer to the inquiry of the gentleman from California [Mr. GEYER] as to exemptions, I think the gentleman would want to include also exemptions on motor fuel.

Mr. NICHOLS. Of course, there is no sales tax paid on any commodity which is already paying a special tax, such as motor fuel.

Mr. RANDOLPH. I wanted the gentleman to make that clear.

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

Mr. NICHOLS. I yield to the gentleman from Montana.

Mr. O'CONNOR. How does the proposed sales tax work with reference to the banks? How do they handle their accounts and are there any taxes charged on the accounts?

Mr. NICHOLS. In the District of Columbia we levy special taxes against the banks.

Mr. O'CONNOR. Are the banks included in the operation of the proposed bill?

Mr. NICHOLS. No; they are not. This is only on retail sales and nothing else.

Mr. SCHAFFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Certainly.

Mr. SCHAFFER of Wisconsin. Is there any provision in this bill which would prevent driving private business institutions out of the District by reason of a situation such as I shall briefly mention? Under this 2-percent sales-tax provision, if a Government employee or a resident in the District were to buy a new automobile for \$1,000, he would pay \$20 tax. What would stop him from going to Arlington and buying there and saving that \$20? And, if that practice is followed, it will put every automobile dealer in the District out of business.

Mr. NICHOLS. The provision in the bill, which is called a use tax, which is in every State which has a sales tax, would stop that very practice.

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

Mr. NICHOLS. I yield myself 5 minutes more. There will perhaps be one herring, so to speak, that will be drawn across the path of this bill, in which it will be argued that by the application of the use tax, if a person from the District of Columbia should go to Baltimore and buy a tooth brush, he would be stopped at the District line and searched, as he entered the District, in order to compel him to pay a tax on the tooth brush. Just do not get hooked by that

argument. There is no State in the United States that has a sales tax that does not have a use-tax provision, and the only purpose of the use-tax provision is to catch the large-sale items, automobiles particularly.

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

Mr. NICHOLS. Certainly.

Mr. BLOOM. What do the tradespeople, the boards of trade, or the merchants' associations of the District think about this?

Mr. NICHOLS. They are for it.

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

Mr. NICHOLS. Yes.

Mr. COLLINS. Suppose some person is employed by a governmental agency in the District of Columbia. Will that person be compelled to pay a tax on his salary to the District of Columbia?

Mr. NICHOLS. Under the income provision of this bill there is in the first place a ten-thousand exemption on earned incomes, which would let out most of the Government employees, but if a person is employed by the Government and he earns above \$10,000 and lives in some other State, he would pay an income tax to the State of his home, and the amount he paid would be a credit against what he would have to pay here in the District and would in every instance wipe it out, because of the \$10,000 exemption.

My good friend the gentleman from Illinois [Mr. DIRKSEN], who has worked on this committee hard and long with me, and on this bill, said that he would be ashamed himself to bring in such a perfectly ridiculous bill as to exempt \$10,000 in income. I could make quite an argument on that being a pretty good practice in the Federal income-tax law. I forget exactly the figures that I just mentioned a moment ago, but if the figures I used are wrong, I shall make them right in my remarks.

I think that less than 30 percent of the money derived from the collection of Federal income tax comes from the brackets below \$10,000, and the object of this \$10,000 is because we are doing a brand new thing, we are attempting to write a combined tax bill of sales and income. The sales and the income taxes essentially must be used together under these exemptions, or it will be no good. Certainly, if you are writing simply an income-tax law to raise all the revenue for the District, then it might be a bit absurd to give \$10,000 exemptions, but the purpose of this exemption, as I explained originally, is that when you collect a sales tax and you get to those having an income of \$10,000 or over, and all of the taxes are collected from the sales tax, those with incomes above \$10,000 would be getting the best of it, because they would be able to save the largest portion of their income.

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

Mr. NICHOLS. Mr. Chairman, I yield myself 5 minutes more.

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

Mr. NICHOLS. Certainly.

Mr. MICHENER. Much is being said about a sales tax. I come from Michigan. The State of Michigan adopted a sales tax. It was enacted after a struggle. The party in power was condemned, and the other party coming into power promised it would do something about the sales tax or at least give the people an opportunity to express their views on it. As a result, after we had had the sales tax in operation for a period of 2 years, a referendum was held in Michigan on whether or not they would exempt from the sales tax, food, clothing, and medicine, and the proposition was beaten overwhelmingly. After practical experience with a sales tax, the people of Michigan by popular vote refused to even remove the tax from food and clothing.

The people of Michigan were satisfied and the people voted to keep the sales tax on, even on food and clothing. I think there is a lot of scare here about a sales tax, and there is nothing to it.

Mr. NICHOLS. The gentleman had a very similar experience to one in Oklahoma. Our legislature passed a 2-per-

cent sales tax. We have the initiated petition in Oklahoma, where enough signers can initiate a petition demanding a vote of the people on an act of the legislature. A year after the sales tax was put on it was submitted to a vote of the people, without any exemptions, and it carried 4 to 1 in Oklahoma.

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

Mr. NICHOLS. I yield.

Mr. DONDERO. What is the attitude of the business people of the District of Columbia toward this?

Mr. NICHOLS. I will say that the business people are for this bill. I want to say further \$5,000 was appropriated by this Congress to employ an expert to study the tax structure of the District of Columbia. A man by the name of Pond was employed. He is the head of some tax unit in the State of New York. He came here and a citizens' committee was appointed and a committee of the District officials was appointed. Pond and Mr. Stamm, who is now chairman of the Joint Committee on Taxation between the House and Senate, in collaboration, wrote this bill that is now before the House for consideration.

Mr. DONDERO. May I say to the gentleman that I just called a prominent businessman on Pennsylvania Avenue and asked what their attitude was, and he said they preferred the sales tax.

Mr. NICHOLS. Of course, this should not be classed as a sales tax. It is a combination of sales and income, and essentially must be left as is and applied altogether, or if you tear one from the other you would have a bad bill, in my opinion.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. REES of Kansas. I would like to know what objection there would be to letting the present income tax stay right where it is, with a \$5,000 exemption, and then have the 2-percent sales tax?

Mr. NICHOLS. There are many things in the present income-tax bill which are bad. The income-tax bill that we now have was not considered—well, it was considered at one time on the floor of this House, but it was actually written in conference between the House and Senate, and they garbled the job terribly. You may remember that I was in charge of the House conferees and I had to bring this bill back here and report it favorably, but I announced from the floor that I would oppose its passage, and I did oppose its passage. It was passed anyway. But it is a terrible piece of legislation.

Mr. REES of Kansas. Why do you put the exemption at \$10,000? You almost take out the income-tax revenue if you have a \$10,000 exemption.

Mr. NICHOLS. Oh, no. Let us not get confused. The \$10,000 exemption is on earned income. You only have \$1,000 exemption on unearned income, which is investment, and which is the crowd that you want to get if you talk about "soaking the rich," or something. I mean, theirs is unearned income. That is where they get the big money. The \$10,000 exemption on earned income is started there because of the application of this combination sales and income tax. It makes it absolutely equitable. If we can get this bill on the books, we will have a broad tax structure for the District of Columbia, tapping every taxable source, and there will not be a class of people in the District of Columbia who will be bearing any undue burden of taxation.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I yield myself 1 additional minute in order to yield to my chairman.

Mr. RANDOLPH. Mr. Chairman, supplementing the observation made by the able gentleman from Michigan [Mr. MICHENER] as to the workings of the sale tax in that State, I simply want to state that which I have repeatedly said to the House in the discussion of District taxation legislation. That is to the effect that in the State of West Virginia we have a 2-percent sales tax. I believe it is a safe, conservative statement to make that at the time the legislature passed that act, perhaps 90 of every 100 citizens of the State viewed

it with alarm. Now we have had it in effect, and I believe 90 out of every 100 are in favor of it. It did away with the deficit and placed us in the black. I believe that the people of West Virginia feel that that tax is fair and equitable.

Mr. NICHOLS. I thank the gentleman.

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

Mr. DIRKSEN. Mr. Chairman, I think under the rule I would be entitled to an hour; but we are not disposed to insist, so I yield to the gentleman from Massachusetts [Mr. BATES] 15 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. Under the rules of the House, I doubt whether the gentleman from Illinois [Mr. DIRKSEN] has any time to yield to any other Member. The House resolved itself into the Committee of the Whole House, and the time for general debate was not fixed. The time was not limited. No agreement was reached as to the disposition of time, and under the rules of the House each individual Member of the House who is recognized is recognized for 1 hour.

Mr. DIRKSEN. Mr. Chairman, I concede the point of order.

Mr. NICHOLS. Mr. Chairman, I yielded 30 minutes to the gentleman from Illinois [Mr. DIRKSEN], and he can dispose of that as he sees fit.

The CHAIRMAN (Mr. THOMASON). No. Under the rules the gentleman cannot do that.

Mr. NICHOLS. Then, Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Chairman, the question before the Committee today is whether or not we are going to have in the District of Columbia a continuation of the present tax system, with language inserted in the present law that clarifies somewhat of the language which today is uncertain, or a sales tax. I presume the purpose of all taxation is to meet the cost of government and to spread that load as evenly as possible in the most equitable way for the people of the District, of the State, or the tax jurisdiction, whatever it may be called. Before proceeding, let me clear up one point.

The gentleman from Michigan [Mr. MICHENER] a moment ago spoke about the sales tax in the State of Michigan. I think it should be made clear that there was some little misunderstanding left by his statement, because in the State of Michigan they have not a sales tax such as is proposed in this bill today. They have in Michigan the so-called gross-income sales tax, which is paid entirely by the retailer and not passed down deliberately to the purchaser.

This bill is not, as the report of the committee states, based on the so-called Pond committee report. That committee made a thorough study of the tax system of the District of Columbia 2 years ago. I wish to call the attention of the gentleman from Oklahoma to the fact that the report of the committee advocating the passage of this so-called retail-sales tax makes special reference to the so-called Pond report which recommended the sales tax 2 years ago. The Pond report was entirely different from this bill that is now being recommended by the gentleman from Oklahoma and other members of the committee, because in the Pond report nothing less than 25 cents was taxed. In other words, if you went into a store and bought 24 cents' worth of goods—and this is done by many of our poorer families—there would be no sales tax on that amount. Under this bill, however, if you went into a store and bought even 2 cents' worth of goods, you would pay a 2-percent retail sales tax on that 2-cent purchase. In other words, this tax goes right down to the very bottom of the lowest income group in the District of Columbia. Not only that but another provision of the bill to which I invite your attention provides that this tax shall apply on meals consumed on or off the premises. In other words, if you should go into a restaurant and buy that meal you pay the 2-percent sales tax. If you are a resident of the District and you go over into the State of Maryland or into the State

of Virginia and buy anything, whether it be worth 5 cents, 10 cents, \$10, or \$100, under the provisions of this bill when you come back into the District you pay a 2-percent sales tax on the value of the articles that you purchased.

Mr. NICHOLS rose.

Mr. BATES of Massachusetts. Does the gentleman from Oklahoma wish me to yield?

Mr. NICHOLS. No.

Mr. BATES of Massachusetts. The gentleman from Oklahoma apparently does not take issue with that statement.

Mr. NICHOLS. Oh, yes; I take issue with that statement. I did not want to interrupt the gentleman unless he wants to be interrupted. I still have time left and will reply in my own time.

Mr. BATES of Massachusetts. Then the gentleman does not wish to ask a question?

Mr. NICHOLS. No; I was just listening to the gentleman.

Mr. BATES of Massachusetts. It seems to me, Mr. Chairman, that what we ought to be particularly interested in is the revenue to be derived under any system of taxation and how much revenue the District needs in its operation. I hold in my hand a statement compiled by the Auditor of the District of Columbia showing a revenue deficit for the year 1940 of \$1,085,000 with a tabulation of returns already made on the personal-corporate income tax collected so far this year and the amount in the returns that will be paid later on in the year. We find as a result of the total amount to be collected, as shown from reports on both the personal and corporate income taxes that it would wipe out the deficit. If this be so, I am wondering why we should embark on another program that is estimated to yield to the District nearly \$5,000,000 additional in revenue, which is the estimated return made by the committee in its report on this so-called sales tax and income tax on incomes above \$10,000. It seems to me that from the standpoint of the additional revenue we are pretty nearly to the point of balancing the accounts of the District for the year 1940 and would have balanced them had the Congress not split the payment of the income tax this year into two payments, one of which will be made after the close of the fiscal year.

It seems to me that any tax ought to be based on the principle of ability to pay. This bill very definitely states that the exemptions shall not apply to meals whether consumed on or off the premises where sold, nor to candy, confectionery, alcoholic beverages, soft drinks, and soda. It does not exempt clothing, and I submit that one of the major expenses of a family, and particularly the poor family, is made up in the item of clothing for the members of the family. It seems to me that the sales tax is a regressive tax, and I think that is acknowledged by all students of taxation in the country. It is the tax of last resort. In other words, we find in the country today 35 States in the Union resorting to the income tax based on ability to pay. This 2-percent sales tax applies to the small income earner and to those receiving up to \$10,000 a year, when, in the opinion of the gentleman from Oklahoma, the tax becomes regressive. I believe we can all agree that this is the case. It seems to me, therefore, that before we put into effect a sales-tax system, we ought to put into effect first the most economic, the fairest kind of tax, and that is the income tax which has already been well established in the country, in 35 States in the Union as well as being used by the Federal Government itself.

Mr. COLE of New York. Will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from New York.

Mr. COLE of New York. Does the gentleman have any information on the comparative cost of the administration of the sales tax as against the income-tax law?

Mr. BATES of Massachusetts. The income tax is the least expensive of all taxes to collect, and we can well understand when residents of the District go into Maryland, Virginia, New York, Texas, or other States, if they are residents of the District, and buy goods in those other States and come back here into the District; under the provisions of this bill they

would be compelled to report these purchases and 2 percent would be assessed for the purpose of taxation. This will take a large number of people to be added to the assessor's office in the District of Columbia in order to audit the accounts that are so reported, along with other reports in the District of Columbia. It seems to me that the most expensive system to audit and to collect would be the so-called sales tax which is recommended in the pending bill.

In addition to what I have already said that there is no real occasion for additional revenue in the District today beyond that developed from the present basis of taxation, certainly there is no justice, there is no equity in forcing upon the people of the District and those who come to the District, and buy various things that they may need while in the District, a 2-percent sales tax which will yield \$5,000,000 more than it will cost to run the District this year and the coming year. In view of all these factors we should be extremely cautious in recommending any legislation for the people of the District of Columbia which is not in effect in 20 other States of the Union. We should keep in effect the present income tax, which is yielding even more money from personal income-tax sources than was first estimated by those who recommended that bill.

Mr. NICHOLS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEYER].

Mr. GEYER of California. Mr. Chairman, I would hate to see us come to a vote on this bill without a little more discussion of the sales-tax angle. I enjoyed very much what the previous gentleman said and I agree with him 100 percent. I do not own any apartment houses in Florida, as does one of the previous Members who spoke. Perhaps that is one reason that I still take the view of the fellow who has to pay some taxes but who does not possess great property. I hope I can always take that view even if somebody should die accidentally and leave me an apartment house somewhere.

I was interested in the excuses or reasons given for the refusal of the voters of various States to repeal sales taxes. I believe in Oklahoma they have tied up an objectionable tax with some worthy cause, because there they give the money to old people in the form of old-age pensions. All you have to do is tell the voters that if this is repealed and pa cannot have their old-age pensions; then they will be adverse to voting against such repeal.

Mr. NICHOLS. Will the gentleman yield?

Mr. GEYER of California. Perhaps I am wrong. If I am, the gentleman will tell me now.

Mr. NICHOLS. The gentleman is wrong. At the time it was voted it was simply a general retail sales tax, but since that time it has been spent for the payment of old-age pensions through recent act of the legislature.

Mr. GEYER of California. They probably told the voters that is what they would do. In California in order to put the 3-percent sales tax over, they erroneously told the people it would go to the public schools. They got every public-school teacher in the State of California to go before the public and to propagandize their students into believing they were going to lose their education if the sales tax did not go through. The Michigan proposition has been straightened out also. That was not a sales tax, however. If you put the issue up to the people in an honest and straightforward manner whether or not they want these folks taxed, who have not the wherewithal to buy the necessities of life, they will not vote for a sales tax.

Let us not kid ourselves. We are exempting incomes up to \$10,000 and saying to the charwomen down here and to the day laborers down there, "You have to pay the amount that should be paid by people earning \$10,000 or more." There is something rotten in Denmark.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GEYER of California. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The gentleman is making a very fine speech for the great rank and file of the people of the District and I think we should have a quorum. I re-

spectfully make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. (After counting.) One hundred and two Members are present, a quorum. The gentleman from California [Mr. GEYER] will proceed.

Mr. GEYER of California. Mr. Chairman, there is another angle I would like to stress. I believe this country is in the condition in which it finds itself because of a lack of purchasing power. If every man had a pay roll from which he could draw, we would have no difficulty in coming out of the depression in a hurry. Now, we propose to tax a portion of that pay roll when it should be taken from those who are not spending their entire pay roll. I do not see how anybody can defend a sales tax in this day and age. To me it is just impossible to contemplate.

Someone said that the great plain people should pay this sales tax because they get so much. A Member mentioned about people voting bonds to buy parks. He stated that these people did not own property. Since when is the man who buys at the store not paying a portion of the taxes on that property? That type of argument is the poorest kind of argument I have ever heard. I maintain we are all taxpayers, whether the property is in our name or not.

Mr. Chairman, I certainly hope that this body will not set an example to the other bodies of the Nation by enacting a sales-tax law.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, does the gentleman from Illinois [Mr. DIRKSEN] yield back the 30 minutes?

Mr. DIRKSEN. Yes.

Mr. NICHOLS. Now, Mr. Chairman, I yield 10 minutes to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I may say to the gentlemen of the Committee that the purpose of yielding back and then reyielding was simply to clarify and straighten out the record, because the gentleman from Oklahoma yielded 30 minutes in the first instance, and under the rule he is entitled to 1 hour.

Before I emphasize what I have said before on this subject, let me pay a little testimonial to the members of the subcommittee who have labored on this tax bill. I do not believe the Members of the House have an adequate appreciation of the frightful amount of work that is done by the District Committee. For instance, they labor for weeks and weeks on a tax measure. They will be laboring then on matters relating to unemployment compensation, which parallels at times the labors of the great Ways and Means Committee of the House. They labor on everything that would normally come before a State legislature, and it becomes a tremendous chore. Making a modest exception for myself, I believe the members of the Committee on the District of Columbia, and particularly the members of two subcommittees who carry the load on fiscal and revenue legislation, are entitled to a tremendous credit in discharging the responsibilities of the Congress to the inhabitants and for the welfare of the District of Columbia. [Applause.]

Getting back to the bill that is pending before us at the present time, let me clarify and emphasize some of the things I said before. I want everybody to make note right here and now that there is an income-tax law upon the books. That is number one. I want everybody to make note that that income-tax law is working; in fact, it is working so well that under the estimates for individual income returns we will probably receive \$500,000 more this year than we estimated when that act went on the books.

Why take an act that is working and throw it in the discard? Why take an act that is working and junk it for an entirely new and experimental venture in the taxing field, consisting first of all, in the estimates of this bill, of a new income tax which exempts everything below \$10,000 of earned income and \$1,000 of unearned income, and then come along with a sales tax?

It has been argued here rather persuasively and convincingly that the sales tax is agreeable in some of the jurisdictions of the country, that it was submitted in a referendum

to the people of the State of Michigan and that they wholeheartedly stayed with the sales tax. The fact of the matter is that they do not have a sales tax in Michigan. The strict fact of the matter is that it is a gross-receipts tax, and that is something a little bit different, in the way that it is administered. It would be more nearly comparable to the business-privilege tax we had on the books a year or two ago and that we repealed in favor of an income tax.

Keep in mind that the income tax of the District of Columbia is working, and despite every prophecy, despite every gloomy prediction that was made that the revenue would be negligible, the revenue comes in at the rate of \$500,000 more than what we anticipated. I will say to my friend, the gentleman from Massachusetts, a member of the Committee on Ways and Means, that that is a pretty fair record. When your tax yields infinitely more than you anticipate, you really have no occasion for a squawk.

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

Mr. DIRKSEN. I yield to the gentleman from Tennessee.

Mr. COOPER. I regret to interrupt the gentleman in the splendid statement he is making, but I should like to get some information, if I may. I understood the gentleman to say in his previous statement that the personal-income tax has yielded something like \$500,000 more than it had been estimated to yield, and at the same time the corporation-income tax has yielded considerably less than it was estimated to yield. Is anything proposed here to make an adjustment to increase the corporation tax and bring it up to its anticipated yield or to reduce the personal-income tax to stay within the estimate of that yield?

Mr. DIRKSEN. The gentleman anticipated me just a little, but I am glad he raised the question. I was trying to finish first with the personal-income tax, where the yield is infinitely larger than we anticipated.

At the same time, in that original act we put on a corporate-income tax of 5 percent. In that act we first of all exempted intercompany dividends, and, secondly, taxes on capital gains where the capital assets had been held for 2 years or more. The net result of all that was that the tax base, as far as corporate income was concerned, was diminished from about \$44,000,000 to \$31,000,000. Had it not been for that fact, the corporate-income tax yield would have been up to expectations also. As it is, we estimated a return of \$2,200,000, and the tax will produce about \$1,500,000. Therefore when the two are joined we will be only about \$200,000 behind the game. Whether we make any changes in the tax structure, or in the base or in the rate, is not of any great consequence, because that can be absorbed somewhere. If necessary, we can always empower the District Commissioners—they have that basic right now—to raise the rate on real estate so as to garner in the extra \$200,000. Otherwise we can let the matter go over to a more propitious time and then reexamine the rate structure and see whether it ought to be revised upward.

The thing I want to emphasize all along is that we have a working income tax. We do not need a sales tax. So why go in for a new experiment rather than clarify existing law?

When we start reading the bill I shall move, after the reading of the first section, to strike out everything after the enacting clause and offer a substitute amendment, which is a series of amendments, simply clarifying amendments, having to do with questions of domicile and questions of residence, and then I am offering for the existing law a reciprocity feature, so that we will be in comity with all the other States that have income-tax laws. This can be done, and it will meet the present revenue situation and the present tax situation as it applies to the District of Columbia.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. It will also eliminate the necessity of raising the \$6,000,000 as contemplated under this bill.

Mr. DIRKSEN. That is right. It is contemplated that the sales tax will yield \$5,500,000. How easy it is to say that such a tax is easily administered. That is true. How easy it is to impose a sales tax on the ground that it is a great producer. That is true, I may say to the gentleman from Ohio [Mr. CROSSER], as you so well know in Ohio. But that it is a prolific producer or that it is easily administered is no justification for any tax, if it is regressive and if it falls with greatest burden upon the people who can least afford to pay. The President of the United States in a message a year or two ago, indicated his opposition to any type of regressive taxation that falls with greater burden upon the people least able to pay.

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

Mr. DIRKSEN. I yield to the gentleman.

Mr. CREAL. Your proposition does make it possible for some people to pay three income taxes.

Mr. DIRKSEN. If the substitute were adopted it would extend reciprocity to other States so that where they have an income tax and they given substantially similar reciprocity to the District of Columbia, the same privilege will be extended to any nonresident here.

Mr. CREAL. That will require State legislative action, however.

Mr. DIRKSEN. Only in those States where there may not be an income-tax law at the present time.

Mr. CREAL. What citizens from the District of Columbia might be expected to live in those States where reciprocity agreement would be necessary?

Mr. DIRKSEN. We make that reciprocal, also.

Now, as between the substitute proposal which I shall offer and the language of the pending bill, there will be no difference, because the pending bill at page 4, section 2 (a), states:

There is hereby levied for each taxable year upon the taxable income of every individual a tax at the following rates.

I propose to say the same thing and then to go on with a series of amendments clarifying the question of residence, the question of domicile, setting up a reciprocal feature and then a specific exemption with respect to the President, the Cabinet, the constitutional officers, like the judges of the courts, Members of Congress, and the Senate and their clerks and their secretaries.

We did this in the 1926 act, in title 20, when they imposed an intangible personal-property tax on the people of the District. They made such a specific exemption. So there is precedent for it, and there is no reason for anybody being alarmed.

I will say to you over again, as I have maintained before, I will never give my vote to any kind of a bill that exempts \$10,000 of earned income and on \$1,000 of unearned income. If that does not look like a run-out, I do not know what could be so designated, but it is easy to understand. When you start at \$10,000, you resolve a lot of troublesome questions. I would rather meet them head-on than indulge in that kind of device for the purpose of getting out.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SECCOMBE].

Mr. SECCOMBE. Mr. Chairman, I am opposed to the sales-tax feature contained in H. R. 8980. I have a sales tax in my own State, and I have the feeling, and I think everyone else has, that the people of the District of Columbia should stand on their own feet and pay their own way. I mean by that that real-estate rents are at their highest here, wages are at the highest, while the real-estate tax is at its lowest. I think with the sales-tax feature you are catching those in the low-income brackets. I think with an increase of the real-estate tax, which is \$1.70 on \$100, you will not need the sales-tax feature. Why should visitors by the thousands who come to Washington carry the burden for the District of Columbia when, as has been said here, all we need is a clarification of the present law in order to provide the necessary revenues? Mr. Chairman, as we go into the figures that have been offered here by the gentleman from Oklahoma, I am

positive we will find that those people who receive the least amount of wages will pay the greatest amount of sales tax, because they have to make the greatest number of purchases. Not only that, but, as has been said here, it would drive a great deal of this business into Virginia and Maryland, where they have no sales tax; and, while I am entirely in accord with some adjustments in the income-tax feature, I am absolutely opposed to the sales tax. I base that on the experience of my own State; and not only that, but I think the District of Columbia should be the last place where we should have a sales-tax provision, with millions of visitors coming here yearly, paying the bill that belongs to the residents of the District of Columbia.

I am in accord with the real-estate and income-tax features of this bill, and let those pay who make the money, and not burden the poorer class of people.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I want to take the remaining few minutes to answer in my feeble way some very pertinent questions propounded by the distinguished gentleman from Massachusetts [Mr. BATES] and the distinguished gentleman from Illinois [Mr. DIRKSEN].

The gentleman from Massachusetts [Mr. BATES] asks at the outset, Why should we raise \$5,000,000 more than the deficit? Well, there are two reasons. No. 1, I hope to see the time, Mr. Chairman, when the Federal Government will not have to pay to the District of Columbia \$6,000,000 annually as a Federal contribution to the support of the District government. That is No. 1.

We raised it \$1,000,000 last year. It was only \$5,000,000. The House passed it at \$5,000,000. It went to the Senate, and because there was a deficit the Senate raised it to \$6,000,000, and the House agreed to it. Another reason for going a bit above the Budget is that there is no businessman or no person, resident of the District of Columbia, who for the last 6 years during the time that I have been here and a member of this committee, was able to budget his taxes. Every year a tax bill has been brought to this Congress for the 6 years that I have been here. Taxes are continually revised and revamped, and they will continue to be revised annually until an adequately broad tax structure such as is provided by this bill in conjunction with existing law is passed; and then when it is, and we raise a little more money than the deficit, we can forget the tax problems of the District of Columbia for 4 or 5 or even 10 years, and this Congress can go along with its business on which it enjoys working better than it enjoys working on District problems.

To answer the gentleman from Illinois [Mr. DIRKSEN], who says that we have an income tax on the books and that it is working, I say that it sure is working. It is working to the point where, as I said earlier today, if it is not taken off the books your constituents and my constituents, who are employed in the District of Columbia, will have to move their voting residence from their home State and make the District of Columbia their residence where they will have no vote, in order to dodge the payment of three income taxes. Yes, it is on the books, and it is working. The Corporation Counsel wrote an opinion and said that nobody was exempt from its payment.

Some gentlemen are worried for fear the sales tax will drive some business from the District of Columbia to Maryland and Virginia. I wonder if they would be interested in this side of the picture. Thousands and thousands of people who live in Maryland and Virginia today earn 100 percent of their income within the District of Columbia. They use the police department, the fire department, the streets, the parks, the electric lights, and every other thing that the taxpayers of the District and you pay for, and those citizens of Maryland and Virginia pay not one dime toward the support of the municipal government of the District of Columbia which gives them fire and police protection, the parks, good roads, and everything else.

Is it so perfectly terrible for the people of Maryland and Virginia along with the other tourists who it is estimated

spend \$70,000,000 a year in the District of Columbia, to pay a small sales tax? Why should they not, even your constituents and mine, if they come to the District of Columbia and drive on the streets here and use the lights and parks and police and fire protection and whatever other protection the Government gives—why should they not pay 2 cents on the dollar for the food they eat in the restaurant, not for profit to go to the restaurant, but to go to the general fund of the government of the District of Columbia that is furnishing them this protection during the time that they are here? If they will defeat me because I am for something like that, if I am afraid of hurting somebody's feelings by making them pay 2 percent on the money they spend while here, then I am not big enough to be here, and they ought to defeat me.

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

Mr. NICHOLS. Certainly.

Mr. DIES. What I am interested to know is this: Will there be a deficit at the end of this year? Is it the purpose of this bill to meet a deficit, or is it the purpose to reform a bad tax law that now exists?

Mr. NICHOLS. It is twofold. In the first place so far as I am concerned, I am very much more interested in taking off the books a bad tax law than I am in the \$1,000,000 deficit which is facing us at this time.

Mr. DIES. That is the point that I am inquiring into. As I understood one of the previous speakers, he said that there would be no deficit at the end of this year.

Mr. NICHOLS. Oh, yes; there will be.

Mr. DIES. In view of the taxes that have been collected?

Mr. NICHOLS. There will be a deficit estimated at a million dollars.

Mr. DIRKSEN. We differ on that.

Mr. DIES. Whether there is going to be a deficit ought to be easily determined.

Mr. NICHOLS. As a matter of fact, if I have to be more accurate, I shall have to revise my figures upward. It is \$1,000,000 plus, according to the statement made by the auditor of the District of Columbia, Major Donovan, to me not less than 2 days ago.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. BATES of Massachusetts. According to the auditor's statement which I have in my hand—

Mr. NICHOLS. Of what date?

Mr. BATES of Massachusetts. There will be a deficit of \$1,500,000, but the actual receipts that we are going to get will be large enough to wipe that out; and, furthermore, this bill that we are now talking about—

Mr. NICHOLS. Oh, I do not yield further.

Mr. DIES. I am asking for information.

Mr. NICHOLS. I do not know about the auditor's statement that the gentleman has or how old it is. The auditor says early in this year there will be a deficit of \$1,080,000. Is that right?

Mr. BATES of Massachusetts. Yes.

Mr. NICHOLS. Now they say they have made up enough money to take it up. They have not. They have realized a little more yield on the personal income tax, but they are not nearly up on the corporate tax. I tell you that the auditor of the District, Major Donovan, told me no less than 2 days ago that the deficit of the District would be a little in excess of a million dollars.

Mr. DIES. Even taking into consideration the increased payments of the income tax?

Mr. NICHOLS. Yes, sir.

Mr. DIES. You propose by this bill to raise \$6,000,000; is that correct?

Mr. NICHOLS. Yes. At the end of 1941 if the expenses of the District are no higher than they are now, you will probably have about \$4,000,000 more than can be spent, but do not forget, that goes into the general fund and can only be spent by appropriations made by this Congress. I am interested, and this report by the citizens' committee and the

two experts, Mr. Pond and Mr. Stamm, says that if we are not going to have to write a tax bill every year we should raise more money in 1941 than we need, because the expenses will increase, according to the history of government, as it goes on up to 1942, 1943, and 1944, and when you fix your tax constant and your expense increases, as it always does, they will come together up here in about 4 or 5 years, and it will take away from this Congress the necessity of passing a tax bill every year.

Mr. DIES. If we increase the taxes of the District, will they give assurance that they will not ask for a Federal contribution?

Mr. NICHOLS. No. I wish that were true. They will always ask for it.

Mr. DIES. Does the gentleman have any doubt in his mind with regard to this fact, that if the \$6,000,000 or \$4,000,000 excess funds are paid into the Treasury, the District will be reluctant to advocate additional methods of expenditure?

Mr. NICHOLS. That is what I hoped for, I will say. I should think they would be reluctant. Of course, this House could be reluctant to give it to them. It seems to me that then we could, with all good conscience, say that we ought to reduce this Federal payment.

Mr. DIES. But there is no assurance to that effect?

Mr. NICHOLS. Oh, no.

Mr. DIRKSEN. Not a particle?

Mr. NICHOLS. Oh, no.

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

Mr. NICHOLS. I yield.

Mr. RANDOLPH. In other words, the gentleman is firmly convinced that the \$1,000,000 deficit this year must be made up by taxes paid in the District, or Congress must appropriate Federal funds to meet it?

Mr. NICHOLS. No; I will not say that. This is exactly what will happen: If this deficit is not made up by this bill or some other bill, then the real estate property tax in the District of Columbia will be increased.

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

Mr. NICHOLS. There may be even an argument for increasing the property tax in the District, except that I am one of those who hold to the theory that a man's home should not be forced to carry all of the burden of taxation. More than 60 percent of the revenue now raised in the District comes from real- and personal-property taxes.

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

Mr. NICHOLS. I yield.

Mr. McCORMACK. I am curious to find out if this bill will result in persons employed in the District by the Government paying three income taxes?

Mr. NICHOLS. No, sir; it will not. I will explain to the gentleman why.

Mr. McCORMACK. I am anxious to find that out.

Mr. NICHOLS. I have already explained it about three times. Nonresidents of the District of Columbia will pay an income tax to the District of Columbia on that portion of their income earned within the District of Columbia; but if they pay an income tax to their home State, that will be a credit against the tax that they would have to pay here, and in every instance it will wipe it out, because under this bill we have the first \$10,000 exempted on earned income.

Mr. McCORMACK. I notice there is a \$1,000 exemption here. Does that apply to married men as well as single men on unearned income?

Mr. NICHOLS. On unearned income?

Mr. McCORMACK. Yes.

Mr. NICHOLS. Oh, certainly.

Mr. McCORMACK. In other words, there is one exemption for both?

Mr. NICHOLS. There is one exemption for both in this bill; yes.

Mr. McCORMACK. What amount is the income-tax provision of this bill expected to raise?

Mr. NICHOLS. Under this bill?

Mr. McCORMACK. Yes.

Mr. NICHOLS. \$1,275,000.

Mr. McCORMACK. And the corporation tax \$2,000,000?

Mr. NICHOLS. \$2,200,000.

Mr. McCORMACK. With reference to the \$1,000,000 deficit that the gentleman just mentioned, would that offset the \$1,000,000 deficit?

Mr. NICHOLS. Oh, yes; and leave some money in excess of the deficit.

Mr. McCORMACK. So that if the sales-tax provision were not passed—

Mr. NICHOLS. Oh, no; now wait a minute. I misunderstood the gentleman. Of course, the \$1,275,000 I am talking about is the income tax under this bill. If you are going to pass this bill I presume you will pass the income and the sales tax. That is the way it is written. I know what the gentleman wanted to ask me. If we do not pass any legislation—

Mr. McCORMACK. No, no. Suppose you pass the income-tax provision of this bill, and you do not pass the sales-tax provision, would there be a deficit?

Mr. DIRKSEN. There would be a larger deficit than there is now, because it is estimated to provide less.

Mr. NICHOLS. If we pass the income-tax provision of this bill without the sales-tax provision, it would be a terrible bill.

Mr. McCORMACK. I am seeking information.

Mr. NICHOLS. I will answer my friend. If we were to pass the sales-tax portion without the income tax it would be a terrible bill. It is a combination tax, so it is not fair to ask me the question.

Mr. McCORMACK. The question of fairness or unfairness is a matter of opinion. Certainly I did not intend to be unfair.

Mr. NICHOLS. I know the gentleman from Massachusetts was not trying to cross me up, but if we do not pass the income-tax portion of the bill it would not raise enough money; no.

Mr. McCORMACK. What would be the deficit if the income-tax provision of the bill were passed?

Mr. NICHOLS. I would have to figure it out. It would be considerable.

Mr. McCORMACK. But there would be a deficit.

Mr. NICHOLS. Yes.

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

Mr. SCHAFER of Wisconsin. Mr. Chairman, I ask for recognition on this very important bill.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 1 hour.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would appreciate it if the Chair would notify me when I have consumed 55 minutes.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield to permit me to make a statement?

Mr. SCHAFER of Wisconsin. I yield.

Mr. BATES of Massachusetts. Mr. Chairman, in order to clear up the question of whether or not there is an actual deficit in the District revenue I again reiterate what is in the auditor's statement. He estimates that from the two sources of income, personal and corporate, \$1,600,000 will be received. From this source he has already collected \$1,700,000, or \$100,000 more than the estimate on this balance sheet.

Altogether according to the estimate on the basis of returns there is \$1,400,000 more due. Now, if there is a \$1,000,000 deficit and you collect \$100,000 more than was estimated, that added to the \$1,400,000 leaves a net surplus of \$500,000.

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

Mr. SCHAFER of Wisconsin. I yield for a question.

Mr. NICHOLS. Does the gentleman mean to say that the auditor's statement shows that the combination of the personal and corporate income taxes would yield only \$1,600,000?

Mr. BATES of Massachusetts. In this fiscal year due to the fact that the payments have been split into two parts. He, of course, knows what he is talking about.

Mr. NICHOLS. The gentleman is simply wrong.

Mr. BATES of Massachusetts. I do not think he is.

Mr. NICHOLS. I mean the gentleman from Massachusetts is wrong.

Mr. BATES of Massachusetts. The figures that I gave to the House are taken from the Auditor's statement issued as of March 9, 1940. They are the official figures of the District, and I feel that they are correct.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from California.

Mr. GEYER of California. Mr. Chairman, the gentleman always has something to add. I think the Members should be here to listen to him. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and nine Members are present, a quorum.

Mr. SCHAFER of Wisconsin. Mr. Chairman, this is a highly important and controversial piece of legislation, and I asked for this hour because the debate this afternoon clearly demonstrates that there is a great deal of conflicting opinion even among the members of the District of Columbia Committee which reported the bill—a great difference of opinion as to what the bill provides and what it does not provide. I shall, therefore, need most of the entire hour to read the bill and comment on it, so that the membership will be able to know what is in the bill, for certainly they have not so far been able to determine that from the conflicting debate between the opponents and the proponents who are members of the District of Columbia Committee which reported the bill.

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

Mr. SCHAFER of Wisconsin. I yield.

Mr. SECCOMBE. What does the gentleman suggest that the title of the bill should be?

Mr. SCHAFER of Wisconsin. It could properly be called a bill to place tax burdens on the backs of the people who are least able to bear them.

I hope that many of my colleagues will not ask me to yield. If they want me to yield for a question, I hope they follow me and take another hour on the bill and for the benefit of the membership read the balance of the bill, which I shall not be able to read because of interruptions.

Mr. Chairman, this bill has been rolling around the District of Columbia Committee for many months. Only a few weeks ago the membership of this House on a record roll-call vote by an overwhelming majority refused even to consider this legislative abortion, this legislative monstrosity, this hybrid legislative baby, whose father is Mr. Sales Tax—so the gentleman from Oklahoma, Brother NICHOLS, says—and whose mother is Mrs. Income Tax with a \$10,000 exemption. The sales-tax provisions of this bill are very vicious. The statement of the gentleman from Oklahoma to the contrary notwithstanding, this tax bill rests most heavily on the backs of those least able to pay—the rank and file of the working and poor people of the District of Columbia, particularly those who have many children to support, to feed, to clothe, and to house.

Before proceeding to talk to you about some of the unique and unusual exemptions appearing on page 58 of the bill, I call your attention to the fact that my question has not been answered by the gentleman from Oklahoma.

Mr. NICHOLS. I beg the gentleman's pardon.

Mr. SCHAFER of Wisconsin. My question has not been answered by the gentleman from Oklahoma, and in a moment I will yield to him to answer it.

Mr. Chairman, if this bill becomes the law of the land, there will be a 2-percent sales tax on automobiles. For illustration, let us take the case of a man with a family who lives in the District of Columbia who desires to purchase a

car for \$1,000. If he purchased that car in the District of Columbia, he would have to pay a \$20 sales tax under this bill. Where is he going to purchase it then? He can go to Arlington, Va., just across the District line, to purchase it and save \$20. This method of saving can be applied to very many other purchases which must carry a 2-percent sales tax under the bill. This bill will be a boon for Virginia and Maryland business institutions and a kiss of death for those in the Nation's Capital.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield.

Mr. BATES of Massachusetts. The fact is that if this bill becomes a law and he should go across to Virginia to purchase his car he would have to report the fact of that purchase when he got back here and pay his tax on the purchase he made over there.

Mr. SCHAFER of Wisconsin. He might and he might not make the report. And if the provisions of this bill require him to report the purchase of that automobile it will also require him to report the purchase of a toothbrush in Alexandria, a pair of socks in Arlington, a dog in Baltimore, or any other thing which is brought into the District. I believe the tooth brush was mentioned by the gentleman from Oklahoma, who said its purchase would not have to be reported, and that it would not be taxed under the sales-tax provisions of the bill.

Mr. HAWKS. He said Baltimore.

Mr. SCHAFER of Wisconsin. He might purchase two tooth brushes—one in Baltimore and one in Alexandria.

Mr. NICHOLS. Mr. Chairman, is the gentleman serious about wanting me to answer his question?

Mr. SCHAFER of Wisconsin. The other member of the committee, the gentleman from Massachusetts [Mr. BATES] has answered it.

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

Mr. SCHAFER of Wisconsin. I yield to the gentleman if he has a different answer.

Mr. NICHOLS. The only thing I want to do—and I know my friend is very serious about this—is to get the matter straight. The gentleman said that this bill would place a tax upon the great mass of the working people who spend their money for food, clothing, and housing. The gentleman said that, did he not?

Mr. SCHAFER of Wisconsin. In a few minutes I will get to many more of the extra tax burdens which the great masses of the common people will have to bear.

Mr. NICHOLS. Is not that what the gentleman said?

Mr. SCHAFER of Wisconsin. Yes.

Mr. NICHOLS. I want to point out to my friend that food, medicine, and housing are exempt.

Mr. SCHAFER of Wisconsin. I will point out some language which the gentleman apparently does not know is in the bill. Materials going into Government buildings are specifically exempted, but materials for homes and other private buildings are not and are subject to the sales tax.

Certainly, if the bill would require a resident of the District of Columbia to report and pay the 2-percent sales tax on the automobile, which he bought in Alexandria, Va., it would likewise require him to report and pay the 2-percent sales tax on the tooth brush purchased in Baltimore, and on any other thing which he purchased without the District and brought into the District, provided that the articles would be subject to the sales tax if purchased in the District.

The gentleman admits, in answering my question, that any District of Columbia resident who desired to purchase a \$1,000 automobile in Virginia would have to report and pay the sales tax when he brought the automobile into the District. Under the same provision of the law, if he purchased a tooth brush, which the gentleman mentioned, or any other article subject to the tax, in Baltimore, Alexandria, or any other place without the District, he would have to report it and pay the sales tax in the District when he brought it into the District.

Mr. BATES of Massachusetts. There is no denial of that.

Mr. SCHAFFER of Wisconsin. Of course, there is no denial. That is what the bill provides in clear, unmistakable language. Will the gentleman from Oklahoma point out the language of the bill under which tooth brushes purchased in Virginia and brought into the District would not have to be reported and taxed while the automobile would?

Mr. NICHOLS. Does the gentleman want that question answered?

Mr. SCHAFFER of Wisconsin. Yes. I yield to the gentleman.

Mr. NICHOLS. If the gentleman will turn to page 57 of the bill, and if the gentleman will be so kind as to look at subsection (b), then subsection 2, he will find the following in line 15:

The tax under this subsection shall not apply to—

(1) Property acquired in any month which does not exceed \$25 in aggregate value.

(2) Property brought into the District by a nonresident thereof for his use or enjoyment while temporarily within the District, unless such property is used in conducting nontransitory business activity within the District.

Mr. SCHAFFER of Wisconsin. Exactly. Therefore, if a nonresident of the District of Columbia purchased an automobile in Alexandria, Va., and brought it into the District for his own use or enjoyment, while temporarily within the District, it would be exempt from taxation. If a resident of the District did that he would have to report and pay the 2 percent sales tax.

Mr. NICHOLS. Does the gentleman want me to answer his question?

Mr. SCHAFFER of Wisconsin. Yes. I yield to the gentleman.

Mr. NICHOLS. It is quite a job, but I will do everything I can to make the gentleman understand this bill. It is a little difficult, but I am willing to try. On page 59, subsection (b)—this is the only portion of the bill which could possibly be deemed to do the thing that my friend says it will do with reference to tooth brushes—reads as follows:

(b) Use tax. The tax imposed by subsection (b)—

Which I just read to the gentleman—

of section 1 shall be paid by the person using, storing, or consuming the article taxable under that subsection.

I may say to the gentleman that is the use tax provision which is universally carried in every jurisdiction in the United States which has a sales tax, and that it is aimed always and only at big purchases, such as automobiles—and my friend is right about the automobile—and big pieces of machinery. In no State in the United States do they do the thing that the gentleman from Wisconsin [Mr. SCHAFFER] and the gentleman from Massachusetts [Mr. BATES] suggest will be done; that is, the placing of armed guards at the line to search innocent old widow women as they come back from Baltimore, where they have purchased Listerine and tooth paste.

Mr. SCHAFFER of Wisconsin. I thank the gentleman. I think he has now clearly pointed out that the position which I have outlined is absolutely proper and correct according to the language of his bill.

I yield now to another member of the Committee on the District of Columbia, the gentleman from Massachusetts [Mr. BATES], in order to clear up the situation and indicate whether my interpretation is correct or incorrect.

Mr. BATES of Massachusetts. The gentleman from Oklahoma has not yet denied the fact that any purchases made in Maryland, Virginia, Texas, New York, California, or in any other State of the Union, by a resident of the District of Columbia are not taxable when he brings those articles back into the District of Columbia for his own use.

Mr. SCHAFFER of Wisconsin. He cannot deny it, because the bill provides that they are.

Mr. BATES of Massachusetts. What he was referring to in the exemptions was property brought into the District by a nonresident thereof. Now, then, under the penalty provision on page 69, if the gentleman from Oklahoma has any ques-

tion about where the purchaser stands who is a resident of the District, there is the following:

Any person failing or refusing to comply with any of the provisions of this title or with any rule or regulations—

He must report these purchases or else we must establish customhouses all along the line—

made by the Commissioners hereunder shall be punished by a fine of not exceeding \$300 for each failure or refusal.

Mr. SCHAFFER of Wisconsin. Under the section of the law which the gentleman has quoted, if a resident of the District went to Alexandria and purchased a toothbrush, or any other thing which he brought into the District, and did not file a report and pay the District sales tax as required under that section, he would be guilty of violating the law. He would be subject to a fine and he could be sent to the jail house.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. SCHAFFER of Wisconsin. I yield to the distinguished lady Member from Illinois.

Miss SUMNER of Illinois. Of course, I cannot presume to say how the courts would interpret the language on page 57, "nontransitory business"; however, I believe it might well be held that under the New Deal all business is transitory. [Laughter and applause.]

Mr. SCHAFFER of Wisconsin. I may say, in answer to the distinguished lady Member from Illinois, that I agree with her. The gentleman from Oklahoma, the champion of this bill, perhaps might point to the language of section 11 appearing on page 13, and tell us that it will prohibit such an interpretation. I will read this section 11, on page 13:

Wagering losses. Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

Mr. Chairman, we remember, back in the days of prohibition, when we had a law in the District of Columbia requiring the enforcement of prohibition. We remember the horde of Federal Government and District pay rollers which it took to keep Virginia corn liquor and Maryland rye liquor out of the District.

We well remember with reference to enforcing the ban on importations into the District of Columbia of this Maryland rye liquor and Virginia corn liquor, the system of espionage and snooping of a horde of public enforcement officials. If this sales-tax bill is to be enforced, and almost everything purchased outside of the District of Columbia and brought into the District is to be reported and taxed, we will have to have tax collectors on every highway entering the District. We will have many more searches and seizures than we had when the Government sought to prevent the bootlegging of Virginia corn liquor and Maryland rye and their imports into the District. We will have to put a Chinese wall of Federal Government tax-collecting agencies around the District, as bootlegging into the District of the many purchases subject to the sales tax, in order to avoid payment of the tax, will make prohibition bootlegging shrink into insignificance.

If we do not have a horde of new District enforcement and tax collectors to enforce the law with reference to importations from without the District of toothbrushes, automobiles, and other articles subject to the tax, the residents of the District are going to make many of their purchases outside the District. This will be a blow to those who operate business institutions and pay taxes in the District. How long do you think an automobile dealer will be able to stay in business in the District of Columbia when a person can go across the District line and save from \$20 to \$60 in the purchase of an automobile?

Now, let us consider the poor people who have to pay this sales tax. Do not let the oratory of the distinguished gentleman from Oklahoma, the champion of this sales-tax bill, lead you astray. I have been wondering why, if the sales tax is such a fine tax, he has not had Oklahoma put a sales tax into effect.

We had another distinguished sales-tax champion from Illinois talking about the virtues of 2-percent sales tax in that

State. Perhaps that is one of the reasons why a certain New Deal political organization levied a 2-percent transaction or sales tax on the salaries of all of Illinois State employees. The political collector of revenue, under that 2-percent shake-down sales tax, recently was murdered, committed suicide, or died of natural causes. Four coroner's inquests, with reference to his death, have not been able, up to this time, to find out what was the reason for his sudden passing into the Great Beyond.

Mr. HOFFMAN. They did not find his little black book, either.

Mr. SCHAFFER of Wisconsin. I think it was a little black book and several big black satchels, which have not been found, up to this moment.

Mr. Chairman, the proponents point with pride to the sales-tax exemptions.

The exemptions appear on page 58 of the bill and are nothing to boast about. A poor man with five or six children to support will have to pay this sales tax on the coal which he stokes into his furnace to keep his family warm. Can any proponent of this bill deny that? Coal is not exempted. A poor man with a moderate or low income with five or six children to feed and clothe will have to pay this sales tax on every stitch of clothes his family wears, from the baby's diapers down to the shroud in which some member of his family might be buried. Can anyone deny that? I yield to the gentleman from Oklahoma. I see he does not answer.

On his very home, on the building materials which go into his home, the poor man will have to pay this sales tax. The gentleman from Oklahoma tried to tell this House that under this bill the poor man would not have to pay the tax on his housing. What do we find with reference to the exemptions for buildings under this bill? Subsection (7) reads as follows:

Sales of materials incorporated in any structure, building, or project constructed by a contractor or contractors for the United States or the District of Columbia, or any agency thereof.

Mr. Chairman, this is the only building-material exemption.

This does not refer to the poor man, who has to provide housing facilities for his family. In the District of Columbia, Mr. Chairman, we have many thousands of poor people who are ill-housed, ill-fed, and ill-clothed, according to the President of the United States. These ill-clothed and ill-housed underprivileged people, if you please, living in the District of Columbia, the Nation's Capital, under this iniquitous bill will have to pay a sales tax of 2 percent on every stitch of clothing which they buy and on every pound of coal which is purchased to heat their homes and keep them warm.

We do find some exemptions in the bill. I want to find out why the poor people in the District of Columbia, the underprivileged, should be forced to pay a sales tax on the clothing for their families and on the coal to keep their families warm, while their great friend from Oklahoma has a provision in his bill exempting "sales of newspapers and periodicals." This notwithstanding the fact that the big newspapers in the District of Columbia are owned by multimillionaires. Why exempt these multimillionaire newspaper owners in the District of Columbia and put this sales tax on the clothing, coal, housing, furniture, and many other necessities of the underprivileged?

Now, let us see some other commodities which are not exempted. Section 2 provides an exemption on—

Sales of food and food products for human consumption off the premises where sold: *Provided, however,* That this exemption shall not apply to meals, whether consumed on or off the premises where sold; nor to candy and confectionery, alcoholic beverages, soft drinks, and sodas.

Mr. Chairman, are we going to put a sales tax on the candy and the soda pop of the children of the poor people of the District and exempt the big multimillionaire newspaper owners from this sales tax? This is not a bill in the interest of the underprivileged poor. This is a bill for the special-privileged rich.

You indicate in this exemption that the exemption shall not apply to candy, confectionery, alcoholic beverages, soft drinks, and sodas. Alcoholic beverages now carry the highest burden

of taxation carried by any commodity. There is a \$5-a-barrel Federal Government tax on beer and an exorbitant Federal tax on liquor, and still you want to add an additional 2-percent sales tax.

Under this provision you exempt the sales of the materials going into the great marble palaces in which to house the Government employees, but the poor workingman who must build his own home or pay rent on a home that someone else builds for him must pay the sales tax on every bit of material going into that home, on the gravel, on the cement, on the roofing, and on every piece of lumber, on the paint, nails, and every other material.

Whether he rents that home or whether he is a home owner, he pays those taxes, because you and I know that the home renter carries the burden of taxation on the property which he rents.

After observing the utterances of the great New Deal President of the United States [laughter and applause], the New Deal leader, who talks much about the ill-housed, the ill-clothed, and the ill-fed, I believe that he will veto this bill within a few minutes after its arrival at the White House.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. SCHAFFER of Wisconsin. I yield.

Mr. GEYER of California. Do you not believe, then, we will be in the situation of having this mess we are in now—

Mr. SCHAFFER of Wisconsin. Yes.

Mr. GEYER of California. And the answer is to take the amendments of the gentleman from Illinois [Mr. DIRKSEN] and put them in this bill.

Mr. SCHAFFER of Wisconsin. I will tell the gentleman frankly what the answer is. We are confronted with facts and we have to face them. After this legislative abortion and monstrosity, with a sales-tax daddy and a \$10,000 exemption income-tax mammy, was repudiated by an overwhelming vote of the House, the District of Columbia Committee should have buried it and not brought it to the floor again. They should have been spending their time and effort to perfect the existing income-tax legislation along the lines suggested by the gentleman from Illinois [Mr. DIRKSEN] and the gentleman from Massachusetts [Mr. BATES].

Mr. GEYER of California. I want to say to the gentleman that I agree absolutely.

Mr. SCHAFFER of Wisconsin. I have been informed that the gentleman from Illinois will offer his amendment as a substitute. In order that we may have an opportunity to vote for that substitute and incorporate it in the bill and then vote for a real tax bill, I am not going to take up my entire 1 hour, and will yield the floor so that we can get on our way and strike out the sales-tax provision of this bill. [Applause.]

Mr. HOFFMAN. Mr. Chairman, I ask for recognition on this bill.

The CHAIRMAN. The gentleman from Michigan is recognized for 1 hour.

Mr. HOFFMAN. Mr. Chairman, this bill is like so many we have before us. It apparently is a device to raise more money. It would seem as though we had approached the problem from the wrong angle. There is no reason—that is, no reason under the Constitution, anyway, nor any sensible reason—why we should not endeavor sometimes to lessen expenditures instead of always increasing revenues. It has been said that a budget can be balanced in one of two ways: You can raise more money to meet the outgo or you can contract the hole in the barrel and let less out. I wonder how it would be if we tried the latter way; that is, reducing expenditures. It would certainly be something that has not been tried in the last 7 years.

Now, folks coming to the District are amazed, they are astounded, when they drive in here to see these miles on miles of Federal buildings. We do the same thing, perhaps, in some of the States. I know some States where we raise money to establish normal schools, so we can train teachers who can help educate the pupils, and then as soon as the teachers get out of the normal schools we build some more schoolhouses. We borrow some money from the Government

to build homes where folks can live, get married, and raise children to go to the schoolhouses we are building so the teachers will have a job. Round and round we go. Just like a pup chasing its tail. Spend and spend and tax and tax.

Now, we do that down here. The people who come down here from my State and from other States wonder whether the District in a few years will be large enough to contain all the buildings to house all the Federal employees and if the increase of employment of Federal employees continues at the same rate that it has during the last 7 years, we will say, a large proportion of the people will be on the Federal pay roll. It would seem as though it was time the Congressmen should begin to take that into consideration because, ultimately, if this process continues, they will have to cut down, and just suppose they begin to cut down on the number of Congressmen. Then where would we be?

Mr. COCHRAN. Better off.

Mr. HOFFMAN. No doubt. I have not heard anything about any resignations from Missouri, and I suppose the gentleman from Missouri [Mr. COCHRAN] knows more about who should resign better than anybody else, because he offers that suggestion.

Mr. COCHRAN. But the gentleman said to cut down—to reapportion.

Mr. HOFFMAN. That is all right. I think we are trying to do that. Did we not pass some legislation the other day to do that very thing? But that has not anything to do with reducing expenditures in the government of the District.

Mr. COCHRAN. It would have.

Mr. HOFFMAN. I mean the expenditures that we have to pay in the District of Columbia.

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

Mr. HOFFMAN. Yes.

Mr. DIES. It is very evident that under the rules a number of Members can ask for an hour's time and that there is not any probability of finishing this bill this afternoon. If the gentleman will yield to me, I shall be glad to move that the Committee do now rise.

Mr. HOFFMAN. I would reluctantly yield for that purpose.

Mr. DIES. Will the gentleman yield for that purpose?

Mr. HOFFMAN. Yes.

Mr. DIES. Then I move that the Committee do now rise.

Mr. HOFFMAN. That is, if I am not taken off the floor first. I do not want to yield, Mr. Chairman, and find that I have finished.

The CHAIRMAN. The Chair suggests that the gentleman keep the floor if he does not desire to yield.

Mr. HOFFMAN. I think we have a quorum here.

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

Mr. HOFFMAN. Yes.

Mr. RAMSPECK. Does the gentleman know that the number of Federal employees today in proportion to population is not as large as it was during the World War?

Mr. HOFFMAN. Well, we were pretty busy during the World War. There is no question about that. I guess the number you have here now frozen into jobs—that is, new dealers and Communists as well as some Democrats—is greater now than ever before.

Mr. RAMSPECK. Oh, no.

Mr. HOFFMAN. Oh, yes. For instance, at the present time in Michigan, in western Michigan, we have, or had, a postmistress who was a Republican, a holdover from better days.

Mr. RAMSPECK. Yes.

Mr. HOFFMAN. I just received an affidavit about it this morning, and because she will not contribute either in money or by attendance to the Democratic county chairman or to his activities in Barry County, she is going to be out of a job. I will put that affidavit in the Record, it speaks for itself, but I shall have to get permission to do that while we are in the House. They will not give her

an examination, and as long as the gentleman is on his feet, how about that under civil service? The gentleman is an expert on the civil-service rules. Is not that woman entitled to take that examination, noncompetitive?

Mr. RAMSPECK. Under the law that we passed, that is a matter for discretion on the part of the Postmaster General.

Mr. HOFFMAN. The gentleman means the chairman of the National Democratic Committee?

Mr. RAMSPECK. He happens to be the same man, and a darn good one, too. But I do not want to let the gentleman from Michigan get away with the statement that he made that under the New Deal, limiting it to 7 years, we have brought so many employees to Washington that we do not have room enough to house them. I make the point that we have not as many now in proportion to population and the number of people they must serve as we had during the World War.

Mr. HOFFMAN. Of course, carrying on that war, which was a democratic war, was a big job. The gentleman does not mean that he is bringing them down here now getting ready for another world war, does he?

Mr. RAMSPECK. Oh, no. We have been reducing them recently.

Mr. HOFFMAN. Recently, you have been putting them on more and more. Is it the gentleman's idea that he is getting them here ready so that when this war comes on they will be here on the spot?

Mr. NICHOLS. O, Mr. Chairman, I must make a point of order. I know the gentlemen are acting in good faith and are not attempting to be facetious, are not attempting to kill time, but I insist that they must speak in order on the bill. The gentleman from Michigan is not talking to the subject of the bill.

Mr. HOFFMAN. That might be. I was yielding to the distinguished gentleman from Georgia [Mr. RAMSPECK] and naturally we did get a little out of order, but the gentleman from Oklahoma is so often himself out of order that I think it is not cricket for him to raise that technical objection now.

Mr. DIES. Is the gentleman now ready to rise?

Mr. HOFFMAN. No; I think I had better not yield the floor, because the gentleman's motion might not prevail.

Mr. DIES. Then somebody else could get the floor.

Mr. HOFFMAN. Yes; but perhaps he is not ready. I suppose the gentleman has two or three others who want to speak. I am talking seriously to the gentleman from Oklahoma.

Mr. NICHOLS. Oh, I know that.

Mr. HOFFMAN. I am glad the gentleman understands, for once. I have tried on so many different occasions to get the gentleman to understand.

Now, my point about all of these great marble buildings—look at that great Supreme Court Building. Someone said it cost \$12,000,000. Over there just nine men are in there really doing business. Of course, there are some other hangers-on there—

Mr. RAMSPECK. You are not charging that up to the Democrats, are you? That was built by the Republicans.

Mr. HOFFMAN. Well, they say justice comes out of that building, so I would say "No." I do not say you are responsible for it. [Laughter.] I do say, however, that you are responsible for those later decisions, the last two particularly, where the Supreme Court said that under the laws we had passed—a familiar law that I will not call by name, but I am sure you know what I am talking about—where the right of a man to do business was taken away from him, where his business was being destroyed—that the Court, the Supreme Court, could not protect him—a duty that Court has never shirked before—that his remedy was through an appeal to Congress. With Congress listening to John L. Lewis, short shrift will the businessman get.

Mr. NICHOLS. Mr. Chairman, I make the point of order that the gentleman is not proceeding in order. I presume the gentleman is entitled to this hour by reason of the fact that he

is in opposition to the bill which is being considered. If I am not correct in that I would like to have the Chair correct me, but if I am correct, then I think the gentleman's remarks should be confined to the subject matter of the bill.

The CHAIRMAN (Mr. THOMASON). The point of order is overruled. The gentleman will proceed.

Mr. HOFFMAN. Did you get that? [Laughter.]

What I was attempting to state was this, that we spent all of that money over there on that Supreme Court Building, and instead of spending \$12,000,000 there, if we had spent one or two million—those nine judges, even those new dealers on there, do not need that cafeteria down in the basement or on the first floor—the District would not have suffered, nor would the Nation; and the Court would have retained the dignity and the historical association that made it such an object of respect when it held its sessions in the Capitol. It would have continued to be the one department of the Government to which all the people looked with confidence, with hope, and with respect.

They do not need all those acres of marble floor that someone has to wipe up every day, day after day, around there on their knees, scrubbing. Of course, it does give employment. I will admit that, but it is a waste of money. I think it was "Hoover's folly" down here that you "hollered" so much about. I will take that back. A statesman does not "holler." He just "yells" about something. There are many buildings down on the avenue the same way. Then here is this last one, the Jefferson Memorial, that was to cost three or four million dollars. It does not make any difference in the community. What good does it do?

Then when we come to Washington, only a few of us, like myself, from the sticks, perhaps two or three of us, and we are not accustomed to these high prices, and we get down here and we find ourselves paying \$980 a year for a couple of rooms. Why, the old corn crib at home had almost as much room as we pay \$980 a year for here. It has no furniture in it. Think of it. Not even a bed; not even a carpet; no rug on the floor to sleep on. [Laughter.] Not anything of that kind, and we pay \$980. It is a waste of money, but we must pay or sleep in the park.

Mr. ARNOLD. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. ARNOLD. Is the gentleman contending that this excess money spent in buildings should be diverted to our use?

Mr. HOFFMAN. Oh, no, no. I know the gentleman buys his own chewing gum and cigarettes and everything else that he uses, and other Members of the House do also. I suppose, being on the District Committee, the gentleman even buys his own theater tickets. I know I do [laughter], although I am not on that committee. [Laughter.]

Mr. ARNOLD. Of course, the gentleman should know I am not a member of the District Committee.

Mr. HOFFMAN. The gentleman is not? Well, he should be congratulated, because that committee has a world of hard work. As the gentleman from Oklahoma says, of course, they do not get tickets to the shows. Why should they? No reason in the world. The point I am trying to make is that they are getting a lot more money out of the taxpayers of the District than they need. That is the point. They do not need all that money. They charge us plenty.

One of the young men in the elevator said, "Well you fellows gave us a raise over there beginning the first of next month. When I go down to breakfast, although it was only the 5th of the month, I find a nickel or 10 cents more on my breakfast charge." So that they take it away from them as fast as they can get it. That is why the Federal Government has got into this terrible situation. I commend that thought to the gentleman from Missouri. That is one thing that causes these deficits. The excessive spending. We have had 7 years of it. Then they collect all this money by tax, and what does the poor taxpayer get for it? You would think that the man who paid taxes on a piece of real estate, for example, would get something for his money. You would think he would get fire protection. Well, he does, to a certain

extent. I suppose he gets good fire protection. You would think, for example, he would get police protection, would you not? Well, the policemen are so busy—I am not criticizing the policemen. They have to follow the "big boss" here in Washington, and of course if someone from the White House calls up or someone from some department, the policeman has to jump to it; but they are so busy hunting a Congressman who is parked on a side street or the main street where he should not be, that they cannot give protection to the businessmen downtown.

What I have reference to is this: You have probably heard about the Press Cafeteria. There was a man, or rather a corporation—one of these big dirty corporations employing people and paying wages—they ought to be outlawed really [laughter]—I see the gentleman nod. That is right under some people's theory. They should be outlawed because they are giving jobs—not with Government money but with the money that they really make in their business, if they make any.

According to this statement, which does not seem to have been denied, two of these gentlemen who worked there happened to be colored boys. They got into a drunken fight in the restaurant, so the management fired them.

Then another one of those colored boys got fresh with one of the white girls. You remember we had an antilynching bill here a while ago, but you know that did not apply to petting, or patting, or just fussing around. So he put his hands on one of these girls in an improper and in an indecent way and then he made advances to another. Then the cafeteria corporation fired him. That, you say, was cause. But, lo and behold, he belonged to the union, he belonged to the union; and you cannot fire anyone, if the union has its way, without the union's consent. They have been carrying placards around down there. One is a dirty one, "Food Prepared by Scabs," I have been told. The other day I put in the Record the statements showing the union demands. The cafeteria association put out a pamphlet setting forth their side of the story, and that is the situation.

Now what is the really vital demand of the union? It is this: That no one shall be discharged without the consent of the union. It is not likely that the union intended to get itself into such a position, nevertheless it is in the position of picketing that place because these men were discharged without its consent and because they are not reinstated.

Here we have two men discharged for a drunken fight in a public dining room; another colored man discharged because he insulted and assaulted one white girl, made improper, indecent advances to another; and we have a union raising a row about it and insisting that the corporation which discharged those three colored men for the unlawful and the indecent conduct shall agree that it will not hereafter discharge an employee without the union's consent.

What do you suppose the taxpayer who owns that building thinks about that? What do you suppose the taxpayer in the District of Columbia that you are going to soak some more figures he is getting, the fellow who rents space in that building, the fellow who operates the cafeteria in the Press Building? Is he getting protection for his business? Are the renters in the building getting protection of their rights? I have no authority to do so, but I would ask you all to go down there some evening and walk around the building and notice this oval, rather stretched out, of pickets, one white man, maybe one colored man, maybe one white woman, and maybe a colored woman walking within about a foot, a foot and a half, or 2 feet of the entrance to the building, walking close together, almost in lockstep so that the people who want to trade there with the man who rents space in that building, with the man who owns the building, with the proprietor of the restaurant, cannot freely pass in and out—and the police standing back just looking on. Is Lewis getting another installment on the political theft he claims the administration owes him? The customers have difficulty in getting in and out. Is there any reason why anybody in the District should be taxed to pay for that kind of protection or lack of protection? That is what they are doing over here.

Mr. NICHOLS. Mr. Chairman, I appeal to my friend as soon as he has finished his remarks to let us get to the consideration of this bill. It is rather important.

Mr. HOFFMAN. Really? I have not talked for 3 or 4 days.

Mr. NICHOLS. I appeal to my friend not to be facetious.

Mr. HOFFMAN. I appreciate the fact that my remarks are not of any interest to the gentleman from Oklahoma and perhaps not to anybody else. Maybe they are not of any interest even to myself, but if the Committee would rise and bring this bill back some other day, it might help somewhat. We might get a better bill. This bill was up 2 weeks ago and the House would not even consider it. Yet you bring it back, waste another day, and complain when I suggest you can get along without additional taxes.

I wonder, too—maybe the gentleman from Oklahoma could answer this question. The gentleman from Wisconsin was talking about the different articles that were taxed by this bill. Could the gentleman tell me what would be the situation in this hypothetical case: Suppose somebody high in Government circles, not really a Government official but someone closely connected with a high Government official, were on the radio and sold soap here; over a broadcast, or by means of a broadcast, would a sales tax be levied on that soap under this bill? [Laughter.]

Mr. NICHOLS. Is the gentleman talking to me or to the gentleman from Wisconsin?

Mr. HOFFMAN. The gentleman from Wisconsin is on his feet.

Mr. SCHAFER of Wisconsin. I just wanted to ask the gentleman to include in his question Beauty-Rest Mattresses and Pond's Vanishing Cream.

Mr. HOFFMAN. No; there is plenty of this washing of political linen going to be done here, and I have been wondering as time went on whether or not this soap sale was in anticipation of the washing that was going to be done when Dewey was made Attorney General. But just getting back to the bill, now, let us confine ourselves to the bill. [Laughter.] Would the tax apply to the soap that was sold in that kind of way if the soap was delivered outside of the District of Columbia? And would it apply if the soap was delivered inside the District of Columbia? I do not see anything in here about soap, but could the gentleman from Oklahoma [Mr. NICHOLS] tell me whether the tax would apply? I see he is going out, he is leaving the Chamber, he is giving up the attempt to educate me.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. SCHAFER of Wisconsin. The gentleman has brought up a very important point, because under this sales-tax monstrosity the poor washerwoman in the District of Columbia would have to pay a 2-percent sales tax on the soap and washing powder which she uses to wash clothes in order to earn her livelihood. Soap, washing powder, and wash-tubs are not exempt under this bill.

Mr. HOFFMAN. Yes; but the gentleman understands that in my hypothetical question the soap sold was not laundry soap, it is not—we'll it may be soft soap like our grandparents used to make—no, it does not quite fall in that class, for it is a perfumed soap, but not the New Deal soft soap of the fireside-chat era.

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

Mr. HOFFMAN. I yield.

Mr. KEEFE. Will the gentleman refer to subsection 2 on page 58 and tell us if he has given any consideration as to whether or not the exemption there stated: "This exemption shall not apply to materials whether consumed on or off the premises where sold," applies to these spaghetti meals and things of that kind that one can buy in a grocery store which are specifically called meals and all that the purchaser is required to do is to heat them—will they be exempt or not?

Mr. HOFFMAN. I take it that those meals are not exempt. Is not that the gentleman's understanding? The gen-

tleman is a lawyer of long years of experience. He has been educated in three or four universities giving law courses. I would like to have his opinion on that before I proceed.

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

Mr. HOFFMAN. Just a minute.

Mr. KEEFE. I suggest that is a very proper subject of inquiry, because the large manufacturers are now processing entire meals in packages, which are sold in retail stores and are being consumed off the premises. On such a sale would you be taxed or would you not? If you eat a meal in a grocery store or restaurant, you would have to pay a tax.

Mr. HOFFMAN. Yes.

Mr. KEEFE. If you went out and sat in your car at one of these hamburger stands and bought something to eat, you would have to pay a tax on it. If you went into a grocery store and bought something that is sold there, you would not be taxed.

Mr. HOFFMAN. Why not stick to your and my kind of a meal, crackers and Wisconsin cheese and bologna?

Mr. KEEFE. Would you pay a tax on that or not?

Mr. HOFFMAN. That is something we ought to consider.

Mr. COCHRAN. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman is a great constitutional lawyer.

Mr. HOFFMAN. No; that is a mistake. I do not want to be charged with something I do not make any pretense of being, because there is no such thing now as a constitutional lawyer. As Justice Frankfurter recently stated, the Constitution is what the Court says it is. That was in his first decision. We do not know what the Constitution is from day to day or from Monday to Monday.

Mr. COCHRAN. Well, let us admit for the sake of argument, one part of the Constitution still remains.

Mr. HOFFMAN. That is, the preamble?

Mr. COCHRAN. It is the responsibility of the Congress of the United States to legislate for the District of Columbia. Now, is it not a travesty on legislative procedure to carry on as the House is carrying on today in connection with this bill, regardless of whether we might be for the bill or against it? I have always been against a sales tax, but I am willing for the House to vote.

Mr. HOFFMAN. That may be the gentleman's opinion, and he is entitled to it, but a lot of us on the outside, who have to pay some of these bills, and the people generally throughout the country, think that the District of Columbia is getting plenty. Let me tell the gentleman something. If he lived in a small community, a farming community, where the merchants and the people living in that community depend on farm products for their livelihood from year to year, or if he lived in an industrial city where hundreds of thousands of people depend on continuous operations of the industrial plants and factories, and where the people in the small community, if the farmers missed a crop, are drawn almost into starvation, they have to eat a little more cornbread and baked potatoes without butter, he would know better. They have to buy oleo instead.

Mr. COCHRAN. That is pretty good eating, cornbread and baked potatoes.

Mr. HOFFMAN. Yes; many of us in the country know that, but many now on relief want oranges, grapefruit, and things the average farmer cannot afford. Farmers are not living on the Government pay roll all the time. Here is the city of Washington, the most beautiful city in the world, where the people never miss a pay roll and never miss pay day; where almost all of the employees get a vacation of 26 days, and 15 days' sick leave. Is it not fine now to stick the rest of us? I think it is most reprehensible for the people of the District of Columbia to try to shirk their burden and put it on the people outside. Is there any city in all the world like Washington with its pay roll month after month?

Mr. COCHRAN. Why not debate the bill under consideration?

Mr. HOFFMAN. The only time you lay off down here is when you go away on a vacation. There is no such thing as missing a pay check. Nor is there a reduction in wages, nor does the boss go out of business even if he is bankrupt; Uncle Sam still pays.

Mr. COCHRAN. Does the gentleman know of any set of people in the District of Columbia who went out and kidnaped him or any other Member and brought him here or brought any of the rest of us here and made us take \$10,000 a year?

Mr. HOFFMAN. I am not talking about that. I am talking about the people who are always squawking about the Federal Government not taking care of them, but who insist on living in the District. Oh, the gentleman from Missouri [Mr. COCHRAN] looks up in the gallery. He may talk to the press boys, but I am not.

Mr. COCHRAN. No, I am not doing that.

Mr. HOFFMAN. I know all about that business. I know how the press jumps on some of us if we dare to say a word about cutting appropriations for the District. It is bunk. You can call it anything you want to. If we can cut down expenses, should we not do it? The gentleman belongs to the New Deal. He still has faith. No, he has not, because he has too much sense to have faith in it, but he still wants to go on and spend more, more, and more. So far as I know no one on the majority side in the last 7 years has made a real, successful effort to cut down expenditures. All the time it has been more money, either through taxation or borrowing. It is selfish. You are leaving it to the future generations to pay for your spending. You are not like the prodigal son. You do not take your own money and go out and spend it, but you spend other people's money; then come back for more. You want not only the fatted calf, but you want the calf's mother.

Mr. COCHRAN. Let us get back to the bill. How much money comes out of the Federal Treasury in connection with this legislation?

Mr. HOFFMAN. It all comes from the people.

Mr. COCHRAN. I am talking about the Federal Treasury.

Mr. HOFFMAN. The situation in Washington is somewhat similar to what happened in the gentleman's own city and State, where they boosted the price of their land. The land was appraised, the Federal Government was going to buy it, and the price was boosted from \$75,000 to \$300,000, was it not? It is like the Federal Government going down and building this New Deal T. V. A. The question was asked someone the other day whether it was damming the Tennessee River and draining seven States, and the answer was "No," it was draining the whole of the United States through taxes to benefit the people of a few States. I do not wonder that the gentleman from Tupelo, Miss., comes in here and talks about it almost every day. You are getting all the money from the industrial North. You talk about the Civil War and its cost. You have had it paid for over a dozen times by tax money from the North. You have been paid for everything that the Civil War cost you.

I ask the gentleman from Missouri, Is there anything unreasonable in cutting down instead of adding to all the time? Can we not balance the Budget? Can we not buckle up our belts a little bit? Do you have to have all these great buildings here in Washington?

Mr. COCHRAN. That is just exactly what the gentleman from Oklahoma is trying to do, as I understand, balance the budget in the District of Columbia.

Mr. HOFFMAN. The gentleman has some New Deal philosophy, all right, now.

Mr. COCHRAN. Why does not the gentleman get back to the bill?

Mr. HOFFMAN. You cut down by adding to the tax roll. That is a peculiar way to do it, but it is characteristic.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. SCHAFER of Wisconsin. I suggest that the gentleman not waste his time talking to the gentleman from Missouri,

who wants to put a sales tax on the building material which goes into the poor people's homes, their coal, their ice boxes, their furniture, their pictures, their beds, their dishes, knives, forks, spoons, soap, carpets, clothing, washtubs, cooking utensils, coffins, tombstones, and many other things which would take an hour to mention. Do not try to convert the gentleman from Missouri if he is so set on putting a sales tax on all of those commodities which are purchased by the poor people of the District of Columbia.

Mr. HOFFMAN. Well, here is something I do want to talk about. I call the attention of the gentleman to this provision on page 69, section 22:

Any person failing or refusing to comply with any of the provisions of this title or with any rules or regulations made by the Commissioners hereunder shall be punished by a fine of not exceeding \$300.

Mr. DIES. It is now 10 minutes after 4. The gentleman has consumed most of the hour.

Mr. HOFFMAN. No; I have used only half of it; half of it and 1 minute.

Mr. DIES. Will the gentleman yield so that I can make a motion that the Committee rise? There is no probability of passing the bill.

Mr. NICHOLS. Why do that?

Mr. DIES. I withdraw the request.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. SCHAFER of Wisconsin. The gentleman is a constitutional lawyer.

Mr. HOFFMAN. No.

Mr. SCHAFER of Wisconsin. An attorney.

Mr. HOFFMAN. No; a justice court lawyer.

Mr. SCHAFER of Wisconsin. A student of the law.

Mr. HOFFMAN. No; just one who studied and practiced law after he had a certificate to do so.

Mr. SCHAFER of Wisconsin. Is not this bill unconstitutional because it sets up a tax on commodities moving from the States into the District of Columbia, a tariff tax, if you please? The District of Columbia, standing in the position of a State, would be taxing the imports from another State, which is prohibited under the Constitution.

Mr. COCHRAN. The Supreme Court has decided that the tariff barriers can be put in every State in the country. Why not get busy and change the decision of the Supreme Court?

Mr. SCHAFER of Wisconsin. I am glad the gentleman from Missouri is now in favor of a protective tariff.

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

Mr. HOFFMAN. No; just wait a minute. I want to talk about that constitutional business.

Mr. COCHRAN. The gentleman was talking about section 22.

Mr. HOFFMAN. I will return to that.

Mr. COCHRAN. Tell us about tariff barriers.

Mr. HOFFMAN. I will not be long.

I believe the Court held over there that New York City could tax the coal and coke where it came in from other States through the sales tax.

Mr. COCHRAN. Yes; and it held that California could tax wine and beer; beer from Milwaukee, as well as other States, my own included.

Mr. HOFFMAN. Yes; and hard liquor from Missouri—and such liquor.

Mr. SCHAFER of Wisconsin. I wish to thank the gentleman, and I think he has contributed a great deal when he has converted the gentleman from Missouri [Mr. COCHRAN] to the principle of protective tariff on commodities moving between the States, although he does not as yet favor a protective tariff to protect the American people from unfair competition of cheaply produced commodities imported from foreign countries.

Mr. HOFFMAN. The gentleman raised the question. Now, that might be like this question of whether a company or a person is engaged in interstate commerce. You recall that up here in Philadelphia, I think it was, the circuit court of

appeals held in that Apex case, when the company was charged with the violation of the N. L. R. A.—

Mr. COCHRAN. That was a C. I. O. case.

Mr. HOFFMAN. Unless you amend that law you are going to have trouble over there in reelecting some of your Congressmen.

Mr. COCHRAN. Suppose the House would treat the gentleman the way the gentleman is treating the District Committee when the National Labor Relations Board bill comes up.

Mr. HOFFMAN. I am much kinder to the House than the House has been to me, because I am letting the House hear me, and the House would not hear me on that bill when I wanted to get an amendment placed in it. I have been trying since the 13th of March 1939 to get the House to amend the N. L. R. A.

Mr. COCHRAN. The gentleman talks so often they are tired of hearing him.

Mr. HOFFMAN. The gentleman may be right, but as I said to one gentleman, if you are so tired you need a rest there are davenport out there in the cloak room, and nobody objects to your using them, and before you get through with labor legislation you will adopt some of the amendments I have offered.

Mr. COCHRAN. I do not sleep during the day. How about section 22?

Mr. HOFFMAN. Do not bother me. I refuse to yield.

Mr. COCHRAN. How about section 22?

Mr. HOFFMAN. I refuse to yield for the minute. I will yield later.

The point I wanted to talk about was this Apex case. Now, get this, and see what the courts are doing, because you remember that by the time these 8 new judges are appointed, the President will have appointed 50 Federal judges of one kind or another, and some of these decisions are just samples of what is to come. The court up there held when the Apex Co. was proceeded against as being guilty of an unfair labor practice, that the Apex Co. was engaged in interstate commerce. Then when the Apex turned around and sued the union and the employees for destroying its property, the same court, mind you, not a different court, held that they were not engaged in interstate commerce. Just a little shell game with the little black ball interstate commerce? So how can anyone tell whether or not any particular law is constitutional until the court has said so? Now, section 22, that we were talking about, refers to rules and regulations.

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

Mr. HOFFMAN. We have had plenty of examples, both in the wage-hour law, in the A. A. A., and in the N. L. R. B., of rules and regulations made by boards and made by officials administering a law that were not fair, that were not just; and yet under this bill as it stands now, a man is subject to fine and imprisonment.

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

Mr. HOFFMAN. Yes.

Mr. COCHRAN. That is what I wanted to ask the gentleman. I wanted to know if he were fined as a result of violating these rules and regulations, would he be entitled to a review in the circuit court of appeals under the Logan-Walter bill.

Mr. HOFFMAN. Now, you are winking at the gentleman across the aisle and you thought that was a tricky question, did you not? If we get the Walter-Logan bill or the Logan-Walter bill and it gets through the Senate and the President puts his Hancock on it, then if it becomes a law, you will not have any rules or regulations of the kind the various boards have been handing out, so he could not be convicted, do you not see, if that law goes through, but why now give any more power to one of these boards?

Did the gentleman say he wanted to make a motion that the Committee rise?

My purpose in talking at this time and so long was with the idea that the House leadership would either realize that the bill cannot be passed at this time or that we might con-

tinue until enough Members came on the floor to make certain the adoption of the amendments to be proposed by the gentleman from Illinois [Mr. DIRKSEN] and by the gentleman from Massachusetts [Mr. BATES]. Indications are that the votes are now here so that I will no longer hold the floor, and I wish to thank the House for its very courteous consideration. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act divided into titles and sections may be cited as the District of Columbia Revenue Act of 1940.

TITLE I—INCOME TAX

This title, divided into sections and paragraphs according to the following table of contents, may be cited as "The District of Columbia Income Tax Act."

Mr. NICHOLS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that title I be considered as read.

Mr. DIRKSEN. Mr. Chairman, reserving the right to object, I was going to offer this amendment immediately after the reading of section 1.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Mr. DIRKSEN moves to strike out the first section and to substitute for the bill the following, with notice that if the substitute is adopted, he will move to strike out all remaining sections of the bill and insert:

"That (a) section 2 (a) of title II of the District of Columbia Revenue Act of 1939 is amended by striking the words 'domiciled in the District of Columbia on the last day of the taxable year' appearing in lines 2 and 3 thereof.

"(b) Section 4 (a) of title II of said act is amended by inserting the word 'resident' between the words 'of' and 'individuals' appearing in line 1 thereof.

"(c) Section 4 (b) of title II of said act is amended to read as follows:

"(b) Of corporations and nonresident individuals: In the case of any corporation or a nonresident individual, gross income includes only the gross income from sources within the District. The proper apportionment and allocation of income with respect to sources of income within and without the District may be determined by processes or formulas of general apportionment under rules and regulations prescribed by the Commissioners."

"(d) Section 4 (c) of title II of said act is amended by adding at the end thereof the following new paragraph:

"(11) Salaries paid to Justices of the Supreme Court and inferior courts established under article III of the Constitution of the United States; salaries paid to the members of the Cabinet of the President of the United States, and salaries paid to all elective officers of the United States, and to the clerks and secretaries to such elective officers when such clerks and secretaries maintain residence without the District of Columbia."

"(e) Section 5 (b) of title II of said act is amended by striking out the words 'an individual' in the second line thereof and inserting in lieu thereof the words 'a resident.'

"(f) Section 5 (c) of title II of said act is amended to read as follows:

"(c) Corporations and nonresident individuals to file return of total income: A corporation or a nonresident individual shall receive the benefits of the deductions allowed to it under this title only by filing or causing to be filed with the assessor a true and accurate return of its total income received from all sources, whether within or without the District."

"(g) Section 43 of title II of said act is amended by adding the following new paragraph:

"(22) The word 'resident' means an individual domiciled in the District on the last day of the taxable year and every individual who for more than 6 months of the taxable year maintained a place of abode within the District, whether domiciled in the District or not; but any individual who, on or before the last day of the taxable year, changes his place of abode to a place without the District with the bona fide intention of continuing to abide permanently without the District shall be taxable the same as a nonresident is taxable under this title. The fact that a person who has changed his place of abode, within 6 months from so doing, again resides within the District, shall be prima facie evidence that he did not intend to have his place of abode permanently without the District. Every individual other than a resident shall be deemed a nonresident."

"(h) Title II of said act is amended by adding the following new sections:

"CREDITS AGAINST TAX

"SEC. 44. (a) Allowed residents for income tax paid State or Territory: Whenever a resident individual of the District has become

liable for income tax to any State or Territory upon his net income, or any part thereof for the taxable year, derived from sources without the District and subject to taxation under this title, the amount of income tax payable by him under this title shall be credited on his return with the income tax so paid by him to any State or Territory upon his producing to the assessor satisfactory evidence of the fact of such payment: *Provided, however*, That such credit shall not exceed that proportion of the tax payable under section 2 of this title that the portion of taxable income taxed by such State or Territory bears to the total net income of such resident subject to tax under this title. The credit provided for by this section shall not be granted to the taxpayer when the laws of the State or Territory under which the income in question is subject to tax assessment provide for credit to such taxpayer substantially similar to that granted by paragraph (b) of this section.

"(b) Allowed nonresidents for income tax paid State or Territory: Whenever a nonresident individual of the District has become liable for income tax to the State or Territory where he resides upon his net income for the taxable year derived from sources within the District and subject to taxation under this title, the amount of income tax payable by him under this title shall be credited with such proportion of the tax so payable by him to the State or Territory where he resides as his income subject to taxation under this title bears to his entire income upon which the tax so payable to such other State or Territory was imposed: *Provided*, That such credit shall be allowed only if the laws of said State or Territory (1) grant a substantially similar credit to residents of the District subject to income tax under such laws, or (2) impose a tax upon the personal income of its residents derived from sources in the District and exempt from taxation the personal income of residents of the District. No credit shall be allowed against the amount of the tax on any income taxable under this title which is exempt from taxation under the laws of such other State or Territory.

"Sec. 45. Information returns: Every person subject to the jurisdiction of the District in whatever capacity acting, including receivers or mortgagors of real or personal property, fiduciaries, partnerships, and employers making payment of dividends, interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other income, shall render such returns thereof to the assessor as may be prescribed by rules and regulations of the Commissioners.

"Sec. 46. Withholding of tax at source.—Whenever the Commissioners shall deem it necessary in order to satisfy the District's claim for income tax payable by any foreign corporation or person not a resident of the District, they may, by rules and regulations, require any person subject to the jurisdiction of the District to withhold and pay to the collector of taxes an amount not in excess of 5 percent of all income payable by such person to a foreign corporation or nonresident. After such foreign corporation or nonresident shall have filed all returns required under this title, and the same shall have been audited, the collector of taxes shall refund any overpayment to the taxpayer."

"Sec. 2. The provisions of section 1 of this act shall apply to the taxable year 1939, and succeeding taxable years. In the case of individuals required to file returns and pay income taxes under the District of Columbia Income Tax Act, as amended by section 1 of this act, which individuals were not subject to the provisions of the District of Columbia Income Tax Act as originally enacted, returns for the calendar year 1939, or for a fiscal year ended prior to the date of approval of the act, may be filed and the first half of the tax paid without penalty on or before 60 days after the date of approval of this act."

Mr. DIRKSEN (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the substitute amendment be dispensed with.

Mr. NICHOLS. Mr. Chairman, may I inquire whether the gentleman proposes to offer that amendment as a substitute for all of this bill.

The CHAIRMAN. As I understand, the gentleman from Illinois moves to strike out section 1 and substitute therefor his amendment with notice that in the event the substitute amendment is adopted, the gentleman from Illinois will move that the subsequent sections be stricken.

Is there objection to the request of the gentleman from Illinois that the further reading of the substitute amendment be dispensed with?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, if the members of the Committee will give me their attention for just a moment, I shall do nothing more than merely reemphasize what I have said on other occasions this afternoon.

The bill that is offered by the gentleman from Oklahoma, which is pending before this Committee, has three titles: First, to give the District of Columbia a new income tax in place of the income tax which it has now; second, to give it

a sales tax; and third, to repeal the existing income-tax law, which is now on the books and which is working.

This substitute does nothing more than to seek to clarify the provisions of existing law and make them workable and, in substance, here is what it does.

It is the same bill as the one now before the Committee in that it makes the tax applicable to everybody. It is the same as H. R. 8980 now pending.

Second, this substitute amends existing law to define the gross income of nonresidents to include income derived from sources within the District of Columbia.

Third, it defines more nearly what constitutes a resident, namely, one who was domiciled in the District on the last day of the taxable year or one who maintained a place of abode in the District of Columbia for a period of 6 months.

Fourth, it makes specific exemptions of the President, the members of the Cabinet, the members of the Supreme Court and inferior courts, the Members of the House and of the Senate, and the clerks and the secretaries.

May I refresh your recollection with the fact that in title XX, section 756 of the Code of the District of Columbia there was a provision adopted in 1926, which is 14 years ago, in which this Congress exempted the Cabinet officers and the persons in the service of the United States Government elected for a definite term of office, and not to consider them as residents of the District of Columbia for the purpose of taxation on intangible personal property. So there is precedent for the exemption of that group over which there has been controversy before. This amendment makes that exemption specific.

Fifth, it extends to a resident of the District of Columbia a credit for taxes paid in another State where income may be taxable, and where there is no credit or offset.

Sixth, it restores to law a provision which we had in the original income-tax bill, which was stricken out in conference last year on the Senate side, namely, to set up a system of reciprocity whereby if people are taxed in the District of Columbia and at the same time their own local jurisdiction undertakes to tax them, there can be an offset for the amount of taxes that have been paid so as to avoid the possibility of complete triple taxation.

When we talk about double taxation, namely, by the Federal Government and the local jurisdiction, that applies to everybody. You, as Members of Congress are taxed by the Federal Government under the income-tax law. You are also taxed under the new interpretations of law, and under the provisions of the State income tax. Every butcher, baker, candlestick maker is in the same fix. So here we seek to revise it so that there will not be triple taxation. Those, in the main, and in addition some clarifying amendments relating to filing of returns and rules and regulations to be promulgated by the District of Columbia Commissioners will clarify this whole tax situation so that it is not necessary to bring in a new bill, and in addition thereto seek to impose a sales tax on the people of the District of Columbia.

Let me admonish you that this new venture in income taxation which is planned in the pending bill, and which I want to see defeated, starts an income tax on the basis of \$10,000 exemption of earned income and \$1,000 exemption of unearned income, before the tax applies. As I stated before, so far as the personal-income tax is concerned, we estimated a million dollars for this year, and the returns show over \$1,530,000 have already been returned. We are somewhat behind on corporate taxes, because of certain provisions in the law whereby the tax base was reduced, though to answer some questions raised regarding a deficit in taxes, we can raise the real-estate rate if necessary by 10 cents on the hundred, and that will yield \$1,200,000. So that there is ample law, there is ample authority, and with this substitute to clarify existing law, we can take this piece of legislation which is doubtful in its value, and which in my judgment has absurdities in it, and throw it to one side. This substitute will do the job.

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

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I rise only to point out to the Members of the House what impresses me as being a rather peculiar situation. The gentleman from Illinois [Mr. DIRKSEN] has complained all afternoon about the \$10,000 exemption on earned incomes, and now under the provisions of his substitute he proposes to do the same thing, almost, but by a different method. He now seeks to name who will be exempted. He will exempt Members of Congress, he will exempt members of the judiciary, he will exempt those that he sets out in his amendment, and so, while it does not apply clear through, yet I am surprised that he would exempt them when the matter of exempting the first \$10,000 on earned income was so abhorrent to him.

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

Mr. NICHOLS. Yes.

Mr. DIRKSEN. Everyone must know, of course, that Members of Congress are not residents of the District of Columbia. There has been much confusion of thought as to whether or not they are so considered, and to make sure that there can be no doubt about it, this specific amendment is provided in the bill, and there is precedent for it in the law of 1926.

Mr. NICHOLS. I am still surprised that the gentleman, on the one hand, objected to the exemption provided in the bill and then offers a substitute which provides the same thing in another way. Insofar as adding 10 cents to the real-estate tax to raise this money, you can do that. You can raise all of the money to run the District of Columbia against real and personal property if you want to, but at the moment real and personal property in the District of Columbia bears 67 percent of the tax burden. Now, I think there ought to be some encouragement given to the man who is working for \$2,000 a year in a Government department to build a little home for his wife and his kiddies, do not you?

I do not know why the necessity for heaping all of the tax burden on somebody's house. I do not think it is good taxing principles. All that we attempt to do in the pending bill is to widen the tax base and make it so broad that taxes can be paid by everyone, so that it will hurt no one. That is all there is to it.

By the Dirksen amendment you simply narrow it and you add to confusion. Whenever you pass an income-tax bill for the District of Columbia that will tax Government employees, practically all of whom are nonresidents, you add to the confusion. Even under the reciprocity provision of the gentleman's amendment, he might save the little girl or boy down here who is working in a Government department trying to get an education in George Washington University, if they happen to come from a State where they had an income-tax law, and had reciprocity, but if they come from a State where there was no income-tax law, then he or she would be paying a tax to the District of Columbia, and a tax to the Federal Government.

There is no other taxing jurisdiction in the United States like this jurisdiction in the District of Columbia. They are practically all nonresidents here. If we are going to collect money to defray the cost of the Government of the District of Columbia, a large portion of that money must be paid by nonresidents. I submit to you, in all fairness, that the best, the easiest, and the most equitable means of raising that money is by a sales tax, with the necessities, food, medicine, and rent, exempted. If that is not equitable and fair, then I have no conception of fairness.

As I stated earlier in the day, under the sales-tax provision of this bill, on the average clear across the whole score from \$1,000 to \$10,000, they would pay an average of only fifty-two one-hundredths of 1 percent of their gross income.

I trust the amendment is defeated.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 54 and noes 41.

Mr. NICHOLS. Mr. Chairman, I ask for tellers.

Tellers were ordered and the Chair appointed Mr. NICHOLS and Mr. DIRKSEN to act as tellers.

The Committee again divided, and the tellers reported there were—ayes 61 and noes 50.

So the amendment was agreed to.

Mr. BATES of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. BATES of Massachusetts moves to strike out the remaining sections of the bill.

Mr. BATES of Massachusetts. Mr. Chairman, this has been quite an extended day and I will only take a moment. I think this is now the crux of the bill against which a great deal of opposition has been leveled this afternoon. The motion I make is to strike out the so-called sales-tax provision of the bill. Those of us who have made a study of the tax situation in the District of Columbia have some idea of what is needed by way of revenue. This is not a new problem to me. I have given a great deal of thought and study to the particular tax situation in the District.

I hold in my hand again, as I did this afternoon, the report from the District auditor which sets up the estimates of expenditures within the District of Columbia for the fiscal year 1940 which closes on the 30th day of June of this year, and the fiscal set-up for the fiscal year 1941. According to this fiscal set-up, if the returns were all in the form of cash from the income and corporate taxes in conformity with the present law, we would have a revenue surplus of \$315,000 for the fiscal year of 1940. The only reason that we have this so-called \$1,000,000 deficit is because the Congress a few weeks ago changed the income-tax law, which permitted the payment of the personal-income and corporate-income tax in two payments to the District. It so happens that the fiscal year is closing on June 30, and only one-half of the revenue from the tax was included within the estimates for 1940.

The facts are, however, that actually more money was received to date than was in the estimate by the District auditor of the amount of money that would be received from both the personal- and corporate-income taxes. In other words, we have already collected \$100,000 in cash more than the auditor estimated in his tabulation would be collected in computing the balance for the fiscal year.

Now, if we have \$1,300,000 in addition to that, with a deficit of only \$900,000, it seems to me we will at least have a surplus of \$300,000 to \$400,000 at the end of this fiscal year if the payments were all made before that time. If that is so, why is it necessary to pass this bill and go into other channels to raise revenue by one of the most iniquitous of all taxes—and I think that statement will be agreed to by the tax experts—a tax of last resort, the so-called sales tax, which will yield additional revenue of about \$5,000,000? In other words, where is the justification, as we consider the fiscal situation in the District, for raising \$5,000,000 more, as this bill will do, than we actually need to run the District?

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

Mr. BATES of Massachusetts. I yield.

Mr. DIRKSEN. I simply want to make it plain to the Committee that the substitute which was adopted a moment ago was conditioned upon making a motion to strike out all subsequent sections of the bill. The amendment now pending, therefore, carries out the earlier action in order to make it consistent.

Mr. BATES of Massachusetts. And it eliminates the sales tax which we do not need. We do not need any other revenue legislation to take care of the fiscal requirements of the District, and the report of the District auditor shows this to be so.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. REES of Kansas. This report contemplates a contribution from the Federal Treasury, however, of from \$5,000,000 to \$7,000,000, does it not?

Mr. BATES of Massachusetts. It contemplates a continuation of what has been done through many generations, a contribution from the Federal Treasury toward the cost of running the District government. I do not know of anyone who can complain about a just contribution by the Federal Government to the District, particularly in view of the tremendous value of taxable property taken over by the Federal Government and the many services rendered by the District.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 3 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. NICHOLS. Mr. Chairman, I wish to use a portion of the time.

Mr. Chairman, let me point out to the Members of the House simply that if you send the District into the next fiscal year with a deficit you, not I, will have to be responsible if the Federal contribution is increased by any further sum above the present \$6,000,000 to meet that deficit. Not only that, but the District auditor's figures, which my friend used, were compiled in March, he says. I say to you that no later than 2 days ago Major Donovan, the District auditor, told me that in the present situation without further tax legislation there would be a deficit in excess of \$1,000,000.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield briefly. I have only 3 minutes.

Mr. BATES of Massachusetts. Does that not assume that the deficit is caused by a split in the payment of the tax?

Mr. NICHOLS. I do not know whether it does or not. All I can tell you is that if we are going to have a \$1,000,000 deficit all we want you to do in this bill is to let the people of the District of Columbia tax themselves to pay for their own government, that is all, and not make my constituents down in Oklahoma, by Federal contribution, help pay the cost of a government they never see.

All I want you to do is to let the people who live here and use the protection of the police and fire departments, and the parks, and all the rest, pay the tax. If you adopt the Bates amendment, of course, you will be right back where you were, you will have another straight income-tax law and nothing else; confusion will prevail, and Federal contributions will soar.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 49, noes 36.

So the amendment was agreed to.

Mr. NICHOLS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. RAYBURN, having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 8980) to provide revenue for the District of Columbia, and for other purposes, directed him to report the same back to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, I am not quite sure about the parliamentary situation. I want a separate vote on the two amendments. If I move the previous question on the bill and the amendments, shall I lose my right to demand a separate vote on the amendment?

The SPEAKER pro tempore. The gentleman does not lose that right by moving the previous question.

Mr. NICHOLS. Mr. Speaker, I move the previous question on the bill and the amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. NICHOLS. Mr. Speaker, I demand a separate vote on the Dirksen amendment and on the Bates amendment.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NICHOLS. Is it possible to have a separate vote on these amendments at the same time, en bloc?

The SPEAKER pro tempore. If a separate vote were not demanded, they would be voted on together.

Mr. TABER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TABER. If the gentleman from Oklahoma withdraws his demand for a separate vote, then the two amendments will be voted on together, would they not?

The SPEAKER pro tempore. That is correct.

Mr. TABER. And that would answer the entire question as to the amendments.

The SPEAKER pro tempore. The Chair made that reply to the gentleman from Oklahoma. If the gentleman from Oklahoma does not demand a separate vote, then both amendments will be voted on together. Does the gentleman from Oklahoma withdraw his request for a separate vote on the amendments?

Mr. NICHOLS. I do, Mr. Speaker.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand a separate vote on these amendments.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a separate vote on the amendments.

Mr. SCHAFER of Wisconsin. Mr. Speaker, in order to expedite action and give this bill the kiss of death, I withdraw my request.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 72, noes 41.

Mr. NICHOLS. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. Obviously a quorum is not present.

The Doorkeeper will close the doors; the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 169, noes 92, answered "present" 1, not voting 168, as follows:

[Roll No. 81]

YEAS—169

Alexander	Cole, N. Y.	Gore	Kee
Allen, Ill.	Collins	Gossett	Keefe
Allen, La.	Cooper	Grant, Ind.	Kefauver
Allen, Pa.	Costello	Griffith	Kilday
Andersen, H. Carl	Courtney	Gwynne	Kitchens
Andresen, A. H.	Cox	Hall, Edwin A.	Kocalkowski
Angell	Crawford	Hancock	Landis
Arends	Crosser	Hare	Lanham
Austin	Crowe	Harness	LeCompte
Bates, Ky.	Crowther	Havener	Lesinski
Bates, Mass.	Culkin	Hawks	Lewis, Ohio
Beckworth	Curtis	Hess	Luce
Blackney	D'Alesandro	Hinshaw	Ludlow
Bradley, Mich.	Davis	Hoffman	McGregor
Brewster	Dirksen	Holmes	McKeough
Brooks	Dondero	Hook	McLaughlin
Brown, Ohio	Elston	Hope	McLean
Bryson	Engel	Horton	McLeod
Buckler, Minn.	Englebright	Hull	Maas
Byrne, N. Y.	Fernandez	Hunter	Magnuson
Byrns, Tenn.	Fish	Izac	Mahon
Cannon, Mo.	Ford, Leland M.	Jeffries	Marshall
Carlson	Ford, Thomas F.	Jenkins, Ohio	Martin, Iowa
Cartwright	Fulmer	Jennings	Martin, Mass.
Case, S. Dak.	Garrett	Jensen	Mason
Chiperfield	Gathings	Johns	May
Church	Gearhart	Johnson, Ill.	Mills, La.
Clevenger	Gehrmann	Johnson, Okla.	Mott
Coffee, Nebr.	Geyer, Calif.	Jones, Ohio	Mouton
Coffee, Wash.	Gillie	Jonkman	Mundt
Cole, Md.	Goodwin	Kean	Murdock, Ariz.

Murray	Robinson, Utah	Sumner, Ill.	Vincent, Ky.
Norrrell	Rogers, Mass.	Sweet	Voorhis, Calif.
O'Brien	Ryan	Taber	Vreeland
Oliver	Sandager	Talle	Welch
Patman	Schafer, Wis.	Terry	Wigglesworth
Pearson	Schiffler	Thill	Winter
Pittenger	Secombe	Thomas, N. J.	Wolcott
Polk	Secrest	Thomas, Tex.	Wolverton, N. J.
Reece, Tenn.	Shanley	Thomason	Woodruff, Mich.
Reed, Ill.	Spence	Thorkelson	
Reed, N. Y.	Springer	Treadway	
Robertson	Steagall	Van Zandt	

NAYS—92

Anderson, Mo.	Doxey	Lea	Richards
Arnold	Drewry	Lewis, Colo.	Rogers, Okla.
Ball	Duncan	McAndrews	Romjue
Barden	Edmiston	McCormack	Sasser
Barnes	Elliott	McGehee	Satterfield
Beam	Ellis	McMillan, Clara	Schaefer, Ill.
Bland	Evans	McMillan, John L.	Schuetz
Bloom	Ferguson	Michener	Smith, Va.
Boehne	Folger	Mills, Ark.	Smith, W. Va.
Bolles	Ford, Miss.	Mitchell	South
Boykin	Gibbs	Monroney	Sparkman
Brown, Ga.	Grant, Ala.	Nichols	Tarver
Bulwinkle	Gregory	Norton	Tenerowicz
Burch	Guyer, Kans.	O'Connor	Tinkham
Camp	Harrington	O'Day	Tolan
Casey, Mass.	Harter, Ohio	Pace	Vinson, Ga.
Colmer	Hobbs	Peterson, Fla.	Wadsworth
Cravens	Johnson, Luthera.	Peterson, Ga.	Wallgren
Creal	Johnson, W. Va.	Ramspeck	Weaver
Dempsey	Jones, Tex.	Randolph	West
Dingell	Kennedy, Md.	Rankin	Whittington
Disney	Kerr	Rayburn	Williams, Mo.
Doughton	Kleberg	Rees, Kans.	Zimmerman

ANSWERED "PRESENT"—1

Cochran

NOT VOTING—163

Anderson, Calif.	Edelstein	Knutson	Routzohn
Andrews	Faddis	Kramer	Rutherford
Barry	Fay	Kunkel	Sabath
Barton	Fenton	Lambertson	Sacks
Bell	Fitzpatrick	Larrabee	Schulte
Bender	Flaherty	Leavy	Schwert
Boland	Flannagan	Lemke	Scrugham
Bolton	Flannery	Lynch	Seeger
Boren	Fries	McArdle	Shafer, Mich.
Bradley, Pa.	Gambie	McDowell	Shannon
Buck	Gartner	McGranery	Sheppard
Buckley, N. Y.	Gavagan	Maciejewski	Sheridan
Burdick	Gerlach	Maloney	Short
Burgin	Gifford	Mansfield	Simpson
Byron	Gilchrist	Marcantonio	Smith, Conn.
Caldwell	Graham	Martin, Ill.	Smith, Ill.
Cannon, Fla.	Green	Massingale	Smith, Ohio
Carter	Gross	Merritt	Smith, Wash.
Celler	Hall, Leonard W.	Miller	Snyder
Chapman	Halleck	Monkiewicz	Somers, N. Y.
Clark	Hart	Moser	Starnes, Ala.
Clason	Harter, N. Y.	Murdock, Utah	Stearns, N. H.
Claypool	Hartley	Myers	Stefan
Cluett	Healey	Nelson	Sullivan
Connelly	Hendricks	O'Leary	Summers, Tex.
Cooley	Hennings	O'Neal	Sutphin
Corbett	Hill	Osmer	Sweeney
Cullen	Houston	O'Toole	Taylor
Cummings	Jacobsen	Parsons	Tibbott
Darden	Jarman	Patrick	Vorys, Ohio
Darrow	Jarrett	Patton	Walter
Delaney	Jenks, N. H.	Pfeifer	Ward
DeRouen	Johnson, Ind.	Pierce	Warren
Dickstein	Johnson, Lyndon	Plumley	Wheat
Dies	Keller	Poage	Whelchel
Ditter	Kelly	Powers	White, Idaho
Douglas	Kennedy, Martin	Rabaut	White, Ohio
Dunn	Kennedy, Michael	Rich	Williams, Del.
Durham	Keogh	Risk	Wolfenden, Pa.
Dworshak	Kilburn	Robison, Ky.	Wood
Eaton	Kinzer	Rockefeller	Woodrum, Va.
Eberharter	Kirwan	Rodgers, Pa.	Youngdahl

So the amendments were agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Gamble (for) with Mr. Warren (against).

General pairs:

Mr. Cochran with Mr. Gifford.
 Mr. Rabaut with Mr. Carter.
 Mr. Keller with Mr. Rich.
 Mr. Starnes of Alabama with Mr. Short.
 Mr. Poage with Mr. Gartner.
 Mr. Patton with Mr. Eaton.
 Mr. Maloney with Mr. Halleck.
 Mr. Keogh with Mr. Jenks of New Hampshire.
 Mr. Hennings with Mr. Knutson.
 Mr. Gavagan with Mr. McDowell.
 Mr. Flannagan with Mr. Powers.

Mr. Martin J. Kennedy with Mr. Robison of Kentucky.
 Mr. Faddis with Mr. Plumley.
 Mr. Dies with Mr. Stefan.
 Mr. Delaney with Mr. Barton.
 Mr. Patrick with Mr. Andrews.
 Mr. Cooley with Mr. Cluett.
 Mr. Michael J. Kennedy with Mr. Wolfenden of Pennsylvania.
 Mr. O'Leary with Mr. Rockefeller.
 Mr. Clark with Mr. Osmer.
 Mr. Cullen with Mr. Miller.
 Mr. Nelson with Mr. Kilburn.
 Mr. Caldwell with Mr. Hartley.
 Mr. Boland with Mr. Ditter.
 Mr. Boren with Mr. Corbett.
 Mr. Celler with Mr. White of Ohio.
 Mr. Chapman with Mr. Tibbott.
 Mr. Maciejewski with Mr. Clason.
 Mr. Cannon of Florida with Mr. Rutherford.
 Mr. Pfeifer with Mr. Douglas.
 Mr. O'Neal with Mr. Graham.
 Mr. DeRouen with Mr. Bolton.
 Mr. Claypool with Mr. Anderson of California.
 Mr. Parsons with Mr. Vorys of Ohio.
 Mr. Buck with Mr. Burdick.
 Mr. McGranery with Mr. Smith of Ohio.
 Mr. Cummings with Mr. Lambertson.
 Mr. Fitzpatrick with Mr. Kunkel.
 Mr. Sheridan with Mr. Harter of New York.
 Mr. Hart with Mr. Leonard W. Hall.
 Mr. Sullivan with Mr. Ender.
 Mr. Woodrum of Virginia with Mr. Youngdahl.
 Mr. Darden with Mr. Simpson.
 Mr. Lyndon B. Johnson with Mr. Wheat.
 Mr. Ward with Mr. Risk.
 Mr. Flaherty with Mr. Rodgers of Pennsylvania.
 Mr. Sheppard with Mr. Monkiewicz.
 Mr. Pierce with Mr. Kinzer.
 Mr. Fay with Mr. Johnson of Indiana.
 Mr. Eberharter with Mr. Gross.
 Mr. Larrabee with Mr. Williams of Delaware.
 Mr. Kirwan with Mr. Stearns of New Hampshire.
 Mr. Jarman with Mr. Lemke.
 Mr. O'Toole with Mr. Dworshak.
 Mr. Schwert with Mr. Darrow.
 Mr. Walter with Mr. Gerlach.
 Mr. Somers of New York with Mr. Jarrett.
 Mr. Hill with Mr. Gilchrist.
 Mr. Edelstein with Mr. Routzohn.
 Mr. Sutphin with Mr. Seeger.
 Mr. Connery with Mr. Shafer of Michigan.
 Mr. Massingale with Mr. Marcantonio.
 Mr. Bell with Mr. McArdle.
 Mr. Byron with Mr. Myers.
 Mr. Schulte with Mr. Durham.
 Mr. Green with Mr. Smith of Illinois.
 Mr. Houston with Mr. Sweeney.
 Mr. Smith of Connecticut with Mr. Moser.
 Mr. Lynch with Mr. Summers of Texas.
 Mr. Scrugham with Mr. Merritt.
 Mr. Healey with Mr. Snyder.
 Mr. Jacobsen with Mr. Leavy.
 Mr. Wood with Mr. Kramer.
 Mr. Sabath with Mr. Murdock of Utah.
 Mr. Bradley of Pennsylvania with Mr. Dickstein.
 Mr. Kelly with Mr. Hendricks.
 Mr. Mansfield with Mr. Sacks.
 Mr. Taylor with Mr. Flannery.
 Mr. Burgin with Mr. Barry.
 Mr. Buckley of New York with Mr. Smith of Washington.
 Mr. Martin of Illinois with Mr. Whelchel.

MESSRS. FISH, GARRETT, MOUTON, FULMER, BROOKS, and NORRELL changed their votes from "nay" to "yea."

The doors were opened.

The result of the vote was announced as above recorded.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—yeas 48, noes 78.

Mr. NICHOLS. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

Mr. DIRKSEN. Mr. Speaker, a point of order. It occurs to me that there is a quorum in the Chamber.

The SPEAKER pro tempore. The Chair has just counted 176 Members.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 113, nays 140, answered "present" 1, not voting 176, as follows:

[Roll No. 82]

YEAS—113

Alexander	Engel	Jenkins, Ohio	Polk
Allen, Pa.	Englebright	Jennings	Reece, Tenn.
Andersen, H. Carl	Fernandez	Jensen	Reed, Ill.
Andersen, A. H.	Fish	Johnson, Ill.	Reed, N. Y.
Angell	Ford, Leland M.	Jones, Ohio	Robertson
Arends	Ford, Thomas F.	Jonkman	Robinson, Utah
Austin	Gearhart	Kean	Rogers, Mass.
Bates, Mass.	Gehrmann	Keefe	Sandager
Blackney	Geyer, Calif.	Landis	Schafer, Wis.
Bradley, Mich.	Gillie	LeCompte	Schiffler
Brewster	Goodwin	Lewis, Ohio	Secombe
Brooks	Grant, Ind.	Luce	Springer
Brown, Ohio	Griffith	Ludlow	Steagall
Bryson	Guyer, Kans.	McGregor	Sweet
Buckler, Minn.	Gwynne	McLean	Taber
Carlson	Hall, Edwin A.	McLeod	Talle
Case, S. Dak.	Hancock	Maas	Thill
Chiperfield	Harnock	Magnuson	Thorkelson
Church	Havener	Martin, Iowa	Treadway
Clevenger	Hawks	Martin, Mass.	Van Zandt
Coffee, Wash.	Hess	Michener	Voorhis, Calif.
Cole, N. Y.	Hinshaw	Mills, La.	Vreeland
Costello	Hoffman	Mott	Welch
Crowe	Holmes	Mundt	Wigglesworth
Culkin	Horton	Murray	Winter
Curtis	Hull	O'Brien	Woodruff, Mich.
Dirksen	Hunter	O'Day	
Dondero	Izac	Oliver	
Elston	Jeffries	Pittenger	

NAYS—140

Allen, La.	Drewry	Lanham	Rogers, Okla.
Arnold	Duncan	Lea	Romjue
Ball	Edmiston	Lesinski	Sasscer
Barden	Elliott	Lewis, Colo.	Satterfield
Barnes	Ellis	McAndrews	Schaefer, Ill.
Bates, Ky.	Evans	McCormack	Schuetz
Beam	Fitzpatrick	McGehee	Secret
Beckworth	Folger	McKeough	Shanley
Bland	Ford, Miss.	McLaughlin	Shannon
Bloom	Fulmer	McMillan, Clara	Smith, Va.
Boykin	Garrett	McMillan, John L.	Smith, W. Va.
Brown, Ga.	Gathings	Mahon	South
Bulwinkle	Gibbs	May	Sparkman
Burch	Gore	Mills, Ark.	Spence
Byrne, N. Y.	Gossett	Mitchell	Sumner, Ill.
Byrns, Tenn.	Grant, Ala.	Monroney	Sumners, Tex.
Camp	Gregory	Mouton	Tarver
Cartwright	Hare	Murdock, Ariz.	Tenerowicz
Coffee, Nebr.	Harrington	Nichols	Terry
Cole, Md.	Harter, Ohio	Norrell	Thomas, N. J.
Collins	Hobbs	Norton	Thomas, Tex.
Colmer	Hook	O'Connor	Thomason
Cooper	Johnson, Luthera.	Pace	Tinkham
Courtney	Johnson, Okla.	Parsons	Tolan
Cox	Johnson, W. Va.	Patman	Vincent, Ky.
Cravens	Jones, Tex.	Pearson	Vinson, Ga.
Crawford	Kee	Peterson, Fla.	Wadsworth
Creal	Kefauver	Peterson, Ga.	Wallgren
Crosser	Kennedy, Md.	Pierce	Weaver
D'Alesandro	Kerr	Ramspeck	West
Davis	Kilday	Randolph	Whittington
Dempsey	Kitchens	Rankin	Williams, Mo.
Dingell	Kleberg	Rayburn	Wolcott
Doughton	Kocalkowski	Rees, Kans.	Wolverton, N. J.
Doxey	Kramer	Richards	Zimmerman

ANSWERED "PRESENT"—1

Cochran

NOT VOTING—176

Allen, Ill.	Clason	Ferguson	Jarrett
Anderson, Calif.	Claypool	Flaherty	Jenks, N. H.
Anderson, Mo.	Cluett	Flannagan	Johns
Andrews	Connery	Flannery	Johnson, Ind.
Barry	Cooley	Fries	Johnson, Lyndon
Barton	Corbett	Gamble	Keller
Bell	Crowther	Gartner	Kelly
Bender	Cullen	Gavagan	Kennedy, Martin
Boehne	Cummings	Gerlach	Kennedy, Michael
Boland	Darden	Gifford	Keogh
Bolles	Darrow	Gilchrist	Kilburn
Bolton	Delaney	Graham	Kinzer
Boren	DeRouen	Green	Kirwan
Bradley, Pa.	D'ekstein	Gross	Knutson
Buck	Dies	Hall, Leonard W.	Kunkel
Buckley, N. Y.	Disney	Halleck	Lambertson
Burdick	Ditter	Hart	Larrabee
Burgin	Douglas	Harter, N. Y.	Leavy
Byron	Dunn	Hartley	Lemke
Caldwell	Durham	Healey	Lynch
Cannon, Fla.	Fenton	Hendricks	McArdle
Cannon, Mo.	Dworshak	Hennings	McDowell
Carter	Eaton	Hill	McGranery
Casey, Mass.	Eberharter	Hope	Maclejewski
Celler	Edelstein	Houston	Maloney
Chapman	Faddis	Jacobsen	Mansfield
Clark	Fay	Jarman	Marcantonio

Marshall	Pfeifer	Scrugham	Sutphin
Martin, Ill.	Plumley	Seeger	Sweeney
Mason	Poage	Shafer, Mich.	Taylor
Massingale	Powers	Sheppard	Tibbott
Merritt	Rabaut	Sheridan	Vorys, Ohio
Miller	Rich	Short	Walter
Monkewicz	Risk	Simpson	Ward
Moser	Robson, Ky.	Smith, Conn.	Warren
Murdock, Utah	Rockefeller	Smith, Ill.	Wheat
Myers	Rodgers, Pa.	Smith, Ohio	Wheichel
Nelson	Routzohn	Smith, Wash.	White, Idaho
O'Leary	Rutherford	Snyder	White, Ohio
O'Neal	Ryan	Somers, N. Y.	Williams, Del.
Osmers	Sabath	Starnes, Ala.	Wolfenden, Pa.
O'Toole	Sacks	Starnes, N. H.	Wood
Patrick	Schulte	Stefan	Woodrum, Va.
Patton	Schwert	Sullivan	Youngdahl

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Warren (for) with Mr. Gamble (against).

Additional general pairs:

Mr. Cannon of Missouri with Mr. Johns.
 Mr. Boehne with Mr. Kunkel.
 Mr. Wood with Mr. Mason.
 Mr. Casey of Massachusetts with Mr. Allen of Illinois.
 Mr. Anderson of Missouri with Mr. Bolles.
 Mr. Disney with Mr. Crowther.
 Mr. Ferguson with Mr. Kinzer.
 Mr. Lynch with Mr. Vorys of Ohio.
 Mr. Ryan with Mr. Fenton.
 Mr. Fries with Mr. Hope.

Mr. MOUTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. NICHOLS. Mr. Speaker, this completes the District legislation for the day.

INTERSTATE MIGRATION OF DESTITUTE CITIZENS

Mr. LEWIS of Colorado. Mr. Speaker, I submit a privileged resolution, House Resolution 63, and ask its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 63

Resolved, That the Speaker appoint a select committee of five Members of the House, and that such committee be instructed to inquire into the interstate migration of destitute citizens, to study, survey, and investigate the social and economic needs, and the movement of indigent persons across State lines, obtaining all facts possible in relation thereto which would not only be of public interest but which would aid the House in enacting remedial legislation. The committee shall report to the House, with recommendations for legislation, and shall have the right to report at any time.

That said select committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpoena or otherwise, and to take such testimony as it deems necessary. Subpenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192).

Mr. TOLAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOLAN: Page 1, line 11, after the period, add the following: "In the event the committee transmits its report at a time when the House is not in session, a record of such transmittal shall be entered in the proceedings of the Journal and CONGRESSIONAL RECORD of the House on the opening day of the next session of Congress and shall be numbered and printed as a report of such Congress."

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present. This is an important matter to be considered with a handful on the floor.

The SPEAKER pro tempore. The gentleman may make his point of order without the criticism. The present occupant of the chair has consulted with everybody he thought it was necessary to consult with, and certainly the gentleman from Massachusetts [Mr. MARTIN], and the Chair understood that this is a matter in which every Member from the State of

California, Republican or Democrat, is vitally interested. If the gentleman from Wisconsin wishes to insist on his point of order, however, that is his right.

Mr. SCHAFFER of Wisconsin. I withdraw the point of order, Mr. Speaker, but I hope the resolution, which is a wide, sweeping one, will be thoroughly discussed.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman from California explain his amendment and the resolution?

Mr. TOLAN. Mr. Speaker, the purpose of the resolution is simply to have a congressional committee of 5 appointed to investigate the migrant problem in the United States. In the 150 years of our experience we have never had such an investigation. There are 27 agencies now that have been pecking away at the problem. The American Bar Association, the American Federation of Labor, the Russell Sage Foundation, the leading newspapers of the United States, former President Hoover, and Mrs. Roosevelt have all endorsed this investigation, saying it is the only way to go about it to get the facts on the basis of which we can possibly draft remedial legislation.

Mr. MARTIN of Massachusetts. As I understand, this is a unanimous report from the Committee on Rules?

Mr. TOLAN. Yes.

Mr. MARTIN of Massachusetts. It is favored by every Member of the House from the State of California?

Mr. TOLAN. Yes; Republicans and Democrats.

Mr. MARTIN of Massachusetts. This is a tremendously important problem, and I hope the resolution will be agreed to.

Mr. COCHRAN. Does the gentleman say this is a unanimous report from the Committee on Rules?

Mr. TOLAN. As far as I know; yes.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. SCHAFFER of Wisconsin. Did I correctly understand from the reading of the resolution that it includes a provision that any citizen of the United States may be sent to jail for refusing to answer a question propounded by this committee?

Mr. TOLAN. I do not understand that this provision is different from similar provisions in other resolutions of this character, I may say to the distinguished gentleman from Wisconsin.

Mr. SCHAFFER of Wisconsin. It would be a pretty stringent penalty for refusing to answer a question.

Mr. MARTIN of Massachusetts. Is not this the normal provision in resolutions of this kind?

Mr. GEYER of California. It is exactly what is in the resolution providing for the Dies committee, and all the rest of such resolutions.

Mr. TOLAN. It is the usual form.

Mr. LESINSKI. Mr. Speaker, will the gentleman yield?

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

Mr. LESINSKI. Will this committee investigate migratory labor moving from one plant to another and from one State to another?

Mr. TOLAN. There are 2,000,000 people in the United States who annually go from State to State. They are jobless and they are Stateless. We are trying to make an investigation that will at least give them some sort of a status in this country. They are the best people in this country. We have residential laws in one State that are different from those in another. Last year New York paid out \$3,000,000 on nonresidents in their State alone, and they are trying to deport them up there.

Mr. LESINSKI. What I am interested in is the condition in some of our automobile plants in Michigan. A lot of labor comes from other States and takes the jobs of the men who live in a particular town and pay taxes there. Especially the Ford Motor Co. does this. The question is, Will this committee investigate that type of migratory labor?

Mr. TOLAN. It should investigate to this extent, to see where these people can get jobs and where they cannot, and try to keep them home.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. TOLAN. I yield to the gentleman from Georgia.

Mr. COX. The gentleman knows that I am not particularly interested in the bill, yet I appreciate the statement the gentleman made before the Rules Committee and the importance of the whole problem. The gentleman, however, is making commitments which, if carried out, would mean that this will be an ambitious sort of investigation.

Mr. TOLAN. Well, not so much, I believe.

Mr. COX. I understood from the gentleman and others appearing along with him that this investigation ought to be carried through with an expenditure of not exceeding \$10,000.

Mr. TOLAN. Twenty-five thousand dollars, and I may say that we have the reports and there will not be any extensive hearings at all and we should keep it within that amount and we will make it less, if possible. There will be no expensive investigation whatsoever.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TOLAN. I yield.

Mr. MARTIN of Massachusetts. As I understand, the gentleman is mostly interested in his problem in California.

Mr. TOLAN. Yes; and we take in all the other States, too.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TOLAN. I yield.

Mr. SCHAFFER of Wisconsin. And I ask this question in all seriousness—

Mr. TOLAN. I know that.

Mr. SCHAFFER of Wisconsin. The gentleman does not propose to investigate in Mexico as well as the United States, as the Dies committee is going to do, according to recent announcements appearing in the press?

Mr. TOLAN. I do not know anything about going down into Mexico. I am quite sure we will approach the problem fairly sensibly and conservatively, and I think we can even satisfy the gentleman from Wisconsin.

Mr. SCHAFFER of Wisconsin. And you will give due respect to the constitutional rights of the witnesses and not try to throw them into jail for not answering questions which have no bearing on the issue?

Mr. TOLAN. I will do my very best.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. TOLAN. Yes.

Mr. HOFFMAN. While this investigation is going on, do you expect, in California, to continue your advertising of your climate and the desirability of living there?

Mr. COX. Do not commit him on that.

Mr. HOFFMAN. No; that is a serious proposition. There is no use of trying to keep the people from going out there if they are going to direct a campaign to get them in.

Mr. TOLAN. I will say to the gentleman from Michigan that, of course, we will tell about our climate, just as Florida does, and just as Michigan about its automobile factories.

Mr. HOFFMAN. We are not asking anybody to take care of the folks in need there.

Mr. TOLAN. When you do, we will try to help you out, Clare.

Mr. HOFFMAN. That may be true, but I do not think it is fair to the rest of the country to coax them in, and then ask the rest of the country to pay after you get them out there.

Mr. TOLAN. Mr. Speaker, by calling up House Resolution 63 this afternoon, we are serving notice upon the Nation that Congress feels that we have a direct interest in any mass movement of our population.

Should the Speaker be authorized by this resolution to name five members of the House to study and recommend legislation relative to interstate migration, their immediate

concern would be to ease the burden upon States and communities of destination of what is termed the "removal migrant." In other words we are interested in families in search of new homes, in America's roadside population, in human erosion in the Dust Bowl, and in the 350,000 homes on the move at this moment—victims of drought, depression, and mechanized farming.

We are not interested in the "bindle stiff," the congenital hobo, only insofar as he adds to the confusion and the dislocation of national relief standards.

MILLIONS ON THE MOVE

Every year 2,000,000 of our citizens cross State lines in search of employment. For the most part they know nothing of our so-called settlement laws which require a period of residence of from 6 months to 5 years in the various States before they can qualify for county, State, and Federal relief. They travel in search of opportunity through Atlanta, Baltimore, Philadelphia, New York, Detroit, Cleveland, Chicago, Denver, El Paso, Los Angeles, Portland. Mostly they travel West—instinctively following the line of travel which began 500 years ago in Europe.

OBJECTS OF THE INVESTIGATION

Congress ought to know what is causing the present wave of unprecedented migration of agricultural families, and what are the reasons that they remain cut off from the land.

Congress ought to know what is the best and most practical way to anchor families to the soil in the light of existing conditions, and also how to stabilize industrial employment over a greater number of months in each year.

Congress ought to know the sources of and the ultimate destination of our great uncontrolled population movement.

Congress ought to have a full knowledge of the provisions for relief, education, housing, health, and resettlement of nonresident families in every State, and the Federal relief allocation should be made in conformity with a program which would be integrated with State and local aid.

Congress ought to know when the destitute condition of American families is the result of circumstances completely beyond their control.

HOPE IN RECLAMATION PROJECTS

Congress ought to know if the opportunities for resettlement on irrigated land made available by the great western reclamation projects will be opportunities for our families in the greatest need; if these projects will provide self-supporting status for families now almost permanent public charges, and thus decrease public relief expenditures.

Congress ought to know why 24 separate Federal agencies are attempting to cope with problems of migration and what are the needs for additional legislative authority to coordinate their programs.

DO HIGH RELIEF PAYMENTS DRAW INDIGENTS?

Many authorities on the subject of the migration of destitute families are convinced that high relief allocations have been a magnet drawing indigents to particular States. If that be true, Congress should work with New York, Pennsylvania, California, Illinois, New Hampshire, Massachusetts, Rhode Island, Connecticut—the States now granting the largest sums—to the end that their standards will not be driven to the lower levels which are the best effort possible in neighboring States.

While it is true that the Farm Security Administration has granted 800,000 farm families rehabilitation loans, we have 500,000 additional farm families needing this kind of help. One hundred and twenty thousand of these families are in the 5 States from which most of the California migrants have come—Oklahoma, Texas, Arkansas, Kansas, and Missouri. We know that they are prolific sources of migration. Many of the citizens of these States are now bound to the land only by the ties of poverty. Certainly we can direct their movement better than toward California where the great central valleys are now filled with Midwestern farmers looking for work—in some areas 6 men stand in the fields today for every available job.

THE TRAGEDY IN MECHANIZED FARMING

The Department of Agriculture estimates that it requires 1,600,000 less farm workers today than in 1929 to meet the visible foreign and domestic demand for farm products. But instead of less workers there are more. With urban unemployment, the rapidly growing rural population has backed up on the farms.

Even without the production of the mechanical cotton picker, mechanization is rapidly pushing more families off the land. The accumulated pressures threaten a mass migration far beyond anything America has ever seen. With no frontiers to conquer, no unfilled jobs in industry, such a migration would present welfare and relief problems more troublesome by far than those now facing us.

FEDERAL COOPERATION WITH STATES

Mr. Speaker, the primary objective of the proposed committee would be to work out a procedure whereby the Federal Government could more effectively assist States and communities to give emergency assistance to the nonresident, and work with public and private organizations toward permanent settlement and a rebirth of economically sound community life in the United States.

Are our problems even more complicated because of the conflicting local laws relating to citizenship, migration, home-steading, and relief? Is it possible to seek out and eliminate some of these problems in advance? Is there anything the Federal Government can do to forestall or soften the effects of interstate migration?

MOBILE LABOR RESERVOIRS

From 1930 to 1936 the flow of persons from farm to city has been estimated at over 1,250,000 persons a year. In addition, in agriculture, lumbering, construction, canning and packing, and in shipping, there are large numbers of casual migratory workers who, because of intermittent employment and low earnings, are apt to become periodic public charges. The total number involved and the number of destitute families has never been measured.

Should migration be stopped? Virtually every authority and student of migration agrees that in terms of the individual, the local community, the State, and the Nation continuing migration is necessary and desirable for fullest social and economic development.

FRICITION BETWEEN MIGRANT AND COMMUNITY

It must be apparent from the meager available figures that the great bulk of migration is healthy, but that during periods of depression and partial recovery there is a resultant friction between the destitute migrant and the community that leads to the following types of problems: (1) Competition for jobs; (2) health, with 10 States having no provisions for even emergency aid; (3) housing; (4) education, some tax rates in communities of destination have had a school-district increase of 400 percent; (5) family and child welfare, the normal resident care hopelessly inadequate; (6) prevention of delinquency, migrants being "Oakies" and "Arkies" or "outsiders," are excluded from the normal and better community relationships; (7) civil liberties; (8) social and community programs of culture and recreation are not available.

PROBLEM IS NATION-WIDE

Mr. Speaker, while the problem is admittedly national, and very little is known of its many sources, we do know that the old Cotton Belt, the southern Appalachian coal plateau, the Great Plains, and the cut-over region of the Great Lakes, provide a good future supply of migrants. It is estimated that under our present lack of employment opportunity in these areas that about 10,000,000 families will need to move somewhere else to eke out bare subsistence. I do not believe that Congress can make such a movement painless to the communities they move into, but I do believe that we can do a great deal not to complicate the movement when it gets even heavier than it is today.

DISARRANGED HUMAN RELATIONSHIPS

In the not too distant future industrialized farming is going to move inland from the great farm factories of the Pacific coast. Under a system of skilled foremen, gang labor, piece

rates, recruiting by labor contractors, the traditional relations between the farmer and the hired man does not exist. Work is irregular, and the workers will mill about from crop to crop. The average earnings per family now on the Pacific coast totals less than \$400 a year. Some one has to make up the difference when that family uses up its reserve in the off-season months. Will the county in which the roving farm family stops have to take the full burden? That is a question which only the State and the Federal Government can answer after a thorough investigation of the true responsibility which should fall upon each.

Homeless piece workers in American agriculture will make for class warfare. Mrs. Roosevelt and former President Herbert Hoover are urging the resettlement of these people upon small plots of land where pride of ownership will lead them to have a stronger sense of community responsibility. But can this be soundly advocated until we have appraised the success of the resettlement efforts of the Federal agencies from an independent and critical viewpoint?

TROUBLE SPOTS IN INTERSTATE MIGRATION

In Colorado today we have trouble with the sugar-beet worker; in Georgia, problems with fruit, truck, and berry-worker migration; in Illinois, with Chicago as the vortex of the movement of large numbers of seasonal workers, 4,000 single transients and 1,500 families registering every day, woodsmen, industrial, and agricultural workers meet in search of work, piling up on each other from east and west. In Indiana tomato harvesting and canning attracts too many workers, who stay too long. In Michigan sugar beets, berries, soft fruits, and vegetables are the crops in which most migrants seek work. In Mississippi tomato and cotton pickers work on into Florida. In Missouri the movement is northward and westward between crops, with a serious Negro indigent problem in St. Louis. New Mexico, in the flow of traffic from east to west, annually needs five or six thousand nonresidents to harvest its own cotton, broomcorn, and peas; yet the State treasury is not able to support the workers for the balance of the year. In New York the State Department of Social Welfare estimates that it cost \$3,000,000 last year to support nonresidents. In North Carolina the number of seasonal hands has been estimated at 20,000 to 30,000 annually. The situation in Texas is worse than in California, but there the problem is aggravated by a serious intrastate problem in addition to an annual flood of cotton pickers, onion setters and pullers from adjoining States. Virginia is disturbed by the flow of harvest workers from Florida to up-State New York.

Outside of these few scanty conclusions, we know nothing about the cost, the treatment, or any proposed remedies to alleviate the wasteful effects of these trouble spots in interstate migration.

THE F. S. A. CAMP PROGRAM

During the present fiscal year the Farm Security Administration has made available temporary housing in 7 States with its 26 stationary and 6 mobile camps. We have estimated that there are about 350,000 farm families living on the highways; 1,432 tent platforms, 749 shelters, and 166 labor homes are certainly never going to make an appreciable dent in the housing of these families.

Mr. Speaker, everywhere I have turned in my search for possible solutions to this problem I have met the necessity for facts. California counted the migrants crossing her border in automobiles in search of manual labor. In a little over 4 years they counted over 350,000 persons. But they did not count the migrants that left California. The Bureau of Agricultural Economics reports that 47 percent of these people ultimately found their way into Los Angeles County, and most of them that have been in the State over a year are on the relief rolls. San Francisco and Alameda Counties have absorbed about three-fourths of the balance—Alameda County getting the largest share.

AUTHORITIES CALL FOR CONGRESSIONAL ACTION

What can an investigating committee hope to accomplish? We can make some definite recommendations as to the most valuable suggested solution of the 27 principal recommenda-

tions made to date by the experts on this subject. Dr. Paul Taylor, of the University of California, puts it this way:

We need comprehensive congressional action. We need Federal aid to the States for general assistance, as we now give Federal aid for the aged, blind, and dependent children. This is necessary to diminish relief differentials between States of origin and States of destination, to equalize responsibility between them, and to care more surely and decently for families who seek opportunity by migration.

Again he says:

We know that continued or recurring agricultural depression or drought threatens the precarious foothold of many who still cling to the land. We know that more tractors were sold in 1937 than were in use on all the farms of the country in 1920, and read in our magazines of more and better machines soon to reach the market. By their very efficiency and advantage to some Americans on the land they spell tragedy for others. Surely the urgency of a national effort of first magnitude is not concealed by our lack of statistics.

A serious effort to obtain the facts by a thorough national study of this problem has the endorsement of the American Federation of Labor, the American Bar Association, the National Travelers Aid Association, the Russell Sage Foundation, the Secretary of Agriculture, the leading magazines and newspapers, every student of the problem, and practically every social-service agency, public and private, in the country. A special committee appointed by the President recommended such a study last year.

CAN THE STATES SOLVE THE PROBLEM BY JOINT ACTION?

Mr. Speaker, the Constitution—article I, section 10, clause 3—provides that—

No State shall, without the consent of Congress * * * enter into any agreement or compact with another State.

It is my hope that the proposed committee study will provide the Congress with standards by which any agreements between the States as to the transfer of indigents may be examined in the light of its effect upon the whole Nation.

The so-called Uniform Transfer of Dependents Act which is presently being urged upon several State legislatures is no more than an interstate compact within the meaning of the above-quoted section of the Constitution. It seems apparent that Congress should have facts at hand which are the result of independent study before it undertakes to approve or disapprove action which the dictates of necessity now forces upon the States.

IS ANY TYPE OF STATE ACTION AFFECTING MIGRATION CONSTITUTIONAL

Under the doctrine of the *Lottery Cases* (188 U. S. 321); *Cammenetti v. United States* (242 U. S. 470); *Hoke v. United States* (227 U. S. 308); and *Hague v. C. I. O.* (307 U. S. 496); it would appear that trade and business are not necessary elements in the traffic of persons in the channels of interstate commerce to bring the subject matter within the exclusive Federal power to act in that sphere. That being true, no State statute can affect the travel of an American citizen from State to State in search of employment. Appeals upon constitutional grounds of the infringement of the right of citizens to freedom of movement and selection of their place of residence by State statutes are now in the courts in two States. Chirillo against State, New York Courts of Appeals; and People against Ochoa, Superior Court of California in and for the County of Tulare. If the proposed congressional investigation committee determines that the New York statute which seeks to deport an indigent migrant and family back to Ohio affects interstate commerce; and the California statute which gives the migrant the alternative choice of departure or 6 months in jail affects a constitution guaranty of freedom of movement within our sovereignty, the necessity for action still is not solved. Should the courts determine that the States do not have the power to act, is there any alternative but the conclusion that it is the responsibility of the Congress to exercise its exclusive power in an effort to alleviate the hardship and regulate the movement of persons? Migration has always been a normal, healthy, and valuable safety valve in American economy. Are we going to allow the lack of an intelligent approach to the problem lead us

more deeply into the morass of wasteful movement of population which is the characteristic of our day?

STATES MUST DRAW ON FEDERAL RESOURCES

When the Thirteen Original States joined the Union and surrendered their power to the Federal Government to control the movement of persons and goods across their borders, they certainly did not expect that their citizens would be led into bankruptcy at some future date by the flow of poverty-stricken families from other States—good solid American families that must be fed, clothed, and housed, but which are refugees from the dislocated economy of certain blighted areas. They placed their trust in the resources of the Union, and every State which has since been brought into that Union feels the same sense of security. I do not believe that the Congress will throw up its hands and refuse to act.

I believe that after study and a well-considered definition of the national responsibility, assistance will be given within the limits of that responsibility. But first we must have the true picture based upon an independent search for the facts. I, therefore, urge the House to act favorably on House Resolution 63, so that we may be prepared to make recommendations to the various legislative committees of the House at the next Congress.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. TOLAN].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD letters addressed by me to Colonel Fleming, Administrator of the Wage and Hour Division, his replies, and a comparison of the Labor Committee amendments to the wage and hour bill, the Barden and the Ram-speck amendments, and also an analysis of how these various bills affect industry in our respective States.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. SUTPHIN, for 3 days, on account of death in family.

To Mr. HENNINGS, for 5 days, on account of important business in his district.

To Mr. SHEPPARD, at the request of Mr. THOMAS of Texas, indefinitely, on account of illness.

To Mr. JOHNSON of Indiana, for 1 week, on account of serious illness in his family.

To Mr. KELLER, for 1 week, on account of taking his wife home to Illinois.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a part of a speech by Chief Justice Hughes, as well as an editorial from the St. Louis Post-Dispatch.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a letter signed by John E. Yerxa, president of the Boston Stock Exchange, to Jerome Frank, of the Securities and Exchange Commission, and a copy of a letter I sent to Mr. Frank and a copy of his reply received from Mr. Frank in relation to a very unwise policy of the New York Stock Exchange.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter and the reply thereto in connection with the Wheeler-Lea bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent on behalf of the gentleman from Missouri [Mr. ANDERSON] that he may extend his remarks in the Appendix.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MIGRANTS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I rise to express my gratitude to the House for the action taken on this Tolan resolution. One of the great problems that our country faces today is the problem of homeless people seeking new homes elsewhere. It is well for us to get the facts regarding this matter, and I believe that through this investigation we may be able to do that job.

I ask unanimous consent to extend my remarks in the Appendix on two different subjects.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix by including a decision of the Supreme Court rendered today in the suit of the Federal Government against the City and County of San Francisco, to enjoin the sale of Hetch-Hetchy power.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PRESERVE PEACE FOR THE UNITED STATES

Mr. THILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THILL. Mr. Speaker, the overwhelming majority of the people in the world want to live in peace. They want to give their energy to the arts and sciences, to agriculture and manufacturing, that they may enjoy life by creating and building. They do not want to produce military planes, bombs, machine guns, poison gas, and cannon for the destruction of property and human beings. They believe, as did the signers of the Declaration of Independence, "that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." People crave that peace which will give them a common opportunity to live in security—to maintain and rear their families—to guarantee for themselves and their children the right to live as God had intended them to live, in peace and love for one another. But today, many parts of the world are at war. Men of supposedly civilized nations are striving with all the cunning they can command to kill one another. It seems that the world has forgotten Christ's message of love, peace, and sanctity of human life.

We, as Americans, cannot be blind to this mad travesty of civilization. But we can and must stay out of the wars now going on in the world. By maintaining a well-ordered neutrality, by preparing for defense against all potential enemies, we can avoid those wars which might bring to the United States nothing except misery, death, and destruction.

War propagandists in our midst seek by vicious means to involve us in the European conflict. Through the radio and the press, they circulate deliberate falsehoods with emotional appeal to excite our sympathy or stir up hatred of such intensity, that it might induce us to stifle our strong desires for peace and take up arms for war.

We must avoid the snares of these paid warmongers and actively work to keep the United States at peace. Those who guard their country's welfare will follow the precepts stated by the Father of our country in his Farewell Address:

Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only

on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests * * *

Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

Jefferson, too, was most outspoken against involvement in Europe. He said:

I have ever deemed it fundamental for the United States never to take an active part in the quarrels of Europe. * * * They are nations of eternal war.

We cannot disregard those words of wisdom and advice. We as citizens of the United States owe a sacred duty to our country to preserve those liberties which our forefathers willed to us. It is our job to make democracy work here, rather than to enter wars over there.

I detest war for the lies it lives, for the deaths it brings, for the undying hatreds it arouses, for the dictatorships it creates, for the starvation that stalks after it, and for the undying misery produced by it. I will do everything in my power to preserve peace for the United States.

EXTENSION OF REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address by Mr. James A. Farley, delivered before Westminster College in my State.

The SPEAKER pro tempore. Is there objection? There was no objection.

LEAVE TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under special order the Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Speaker, the gentleman from Washington [Mr. LEAVY] and myself had special orders set for this afternoon. Due to the lateness of the hour I ask unanimous consent that the time be deferred until tomorrow afternoon and granted to each of us, at that time.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that he be permitted to address the House tomorrow, after the conclusion of the legislative program, and that the gentleman from Washington [Mr. LEAVY] may have the same privilege. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3406. An act for forest protection against the white-pine blister rust, and for other purposes; and

H. R. 4929. An act to amend the act of June 23, 1938 (52 Stat. 944).

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Tuesday, April 23, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

IRRIGATION AND RECLAMATION COMMITTEE

The Irrigation and Reclamation Committee will meet at 10:30 a. m., Tuesday, April 23, 1940, in room 128, House Office Building, for the consideration of S. 1777.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings on the following resolution on Wednesday, April 24, 1940:

House Joint Resolution 509, to suspend section 510 (g) of the Merchant Marine Act, 1936, during the present European war. Hearings will be held at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold hearings on the following bill on Tuesday, April 30, 1940:

H. R. 8855, to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade. Hearing will be held at 10 a. m.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, April 24, 1940, at 10:30 a. m., to hold hearings on H. R. 909, a bill providing for the purchase by the United States of the segregated coal and asphalt deposits in Oklahoma from the Choctaw and Chickasaw Tribes of Indians.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds Wednesday, April 24, 1940, at 10:30 a. m., for the consideration of House Joint Resolution 487. Important. The hearings will be held in room 1501, New House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1557. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 10, 1940, submitting a report, together with accompanying papers and an illustration, on reexamination of Larchmont Harbor, N. Y., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted May 12, 1938 (H. Doc. No. 697); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1558. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of channel to Bolinas, Calif., requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted February 28, 1939, and the Committee on Commerce, United States Senate, adopted March 14, 1939; to the Committee on Rivers and Harbors.

1559. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of Big Sandy Creek and Mexico Bay, N. Y., for improvement of Little Salmon River, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted September 8, 1938; to the Committee on Rivers and Harbors.

1560. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of waterway from Miami to Key West, Fla., to improve section between Florida Bay and Key West, requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted April 27, 1938, and the Committee on Commerce, United States Senate, adopted October 22, 1936; to the Committee on Rivers and Harbors.

1561. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of Hingham Harbor, Mass., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted November 17, 1937; to the Committee on Rivers and Harbors.

1562. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of New Bedford and Fairhaven Harbors, Mass., requested by resolution of the

Committee on Rivers and Harbors, House of Representatives, adopted January 11, 1938; to the Committee on Rivers and Harbors.

1563. A letter from the Chairman, the Textile Foundation, transmitting the annual report of the Textile Foundation for the fiscal year ending December 31, 1939; to the Committee on Interstate and Foreign Commerce.

1564. A letter from the Chairman, the Commission of Fine Arts, transmitting a letter from the Commission to embellish public buildings in the District of Columbia and in the several States of the Union; to the Committee on Public Buildings and Grounds.

1565. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers, on reexamination of Mississippi River between Missouri River and Minneapolis, with a view to providing a roadway along or around the pool of Lock and Dam No. 26 for use in connection with the operation of the pool in the interests of navigation, or for recreational and other purposes, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted March 28, 1938; to the Committee on Rivers and Harbors.

1566. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to section 2 of H. R. 8668, entitled "An act 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 United States Senate on April 17, 1940 (H. Doc. No. 698); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BURDICK: Committee on Indian Affairs. H. R. 3048. A bill to relinquish concurrent jurisdiction to the State of Kansas to prosecute Indians or others for offenses committed on Indian reservations; with amendment (Rept. No. 1999). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 9477. A bill to apply laws covering steam vessels to certain passenger-carrying vessels; to the Committee on Merchant Marine and Fisheries.

H. R. 9478. A bill to provide for a preliminary examination and survey of Branson's Cove, in the lower Machodoc River, Va.; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee:

H. R. 9479. A bill authorizing the President of the United States to award posthumously the Congressional Medal of Honor to all persons who lost their lives in the *Squalus* disaster; to the Committee on Naval Affairs.

By Mr. CRAWFORD:

H. R. 9480. A bill to amend section 18 (U. S. C., title 46, sec. 817; 39 Stat. 735) of the Shipping Act of 1916 (U. S. C., title 46, sec. 801; 39 Stat. 723, ch. 451, approved Sept. 7, 1916), and to amend section 5 (U. S. C., title 46, sec. 8456; 52 Stat. 964) of the Intercoastal Shipping Act (U. S. C., title 46, sec. 848; 47 Stat. 1425, ch. 199, approved Mar. 3, 1933); to the Committee on Merchant Marine and Fisheries.

By Mr. FAY:

H. R. 9481. A bill to prohibit any age requirement for World War veterans applying for unclassified positions with the Panama Canal; to the Committee on Merchant Marine and Fisheries.

By Mr. FERNANDEZ:

H. R. 9482. A bill to amend the World War Veterans' Act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. GORE:

H. R. 9483. A bill to amend section 107 of the Judicial Code, as amended, to eliminate the requirements that suitable accommodations for holding the court at Winchester, Tenn., be provided by the local authorities; to the Committee on the Judiciary.

By Mr. MAY:

H. R. 9484. A bill to authorize appropriations for construction at the Army Medical Center, District of Columbia; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 9485 (by request). A bill to authorize the Administrator of Veterans' Affairs to furnish domiciliary and hospital care and medical treatment to World War veterans of the United States merchant marine, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. McGEHEE:

H. R. 9486. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended by the act of June 28, 1938; to the Committee on Flood Control.

By Mr. ANDERSON of Missouri:

H. R. 9487. A bill establishing a 5-day or 40-hour work-week in the Federal service; to the Committee on the Civil Service.

By Mr. BYRNS of Tennessee:

H. R. 9488. A bill to provide half holiday with pay for all employees of the Panama Canal on the Isthmus; to the Committee on the Civil Service.

By Mr. KING:

H. R. 9489. A bill to amend certain provisions of law relative to the production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions; to the Committee on Ways and Means.

By Mr. CROWTHER:

H. R. 9490. A bill to provide for the loan to the American Legion, department of New York, of cots, mattresses, and blankets for use in connection with its twenty-second annual convention; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 9491. A bill relating to compensation of former employees of the Railway Mail Service in certain positions and reinstated prior to August 14, 1937; to the Committee on the Post Office and Post Roads.

By Mr. BLAND:

H. R. 9492. A bill making it a misdemeanor to stow away on vessels engaged in interstate or foreign commerce and providing punishment therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. BUCK:

H. J. Res. 519. Joint resolution to suspend section 510 (g) of the Merchant Marine Act, 1936, during the present European War, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HENNINGS:

H. J. Res. 520. Joint resolution to provide for the issuance of a special postage stamp in honor of Florence Nightingale and the nursing profession; to the Committee on the Post Office and Post Roads.

By Mr. ROMJUE:

H. Res. 470. Resolution providing for the consideration of S. 1214, a bill to provide for more permanent tenure for persons carrying the mails on star routes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHURCH:

H. R. 9493. A bill for the relief of Lella Smith; to the Committee on Claims.

By Mr. COLLINS:

H. R. 9494. A bill for the relief of Essie Harrison; to the Committee on Claims.

By Mr. COURTNEY:

H. R. 9495. A bill for the relief of W. W. Carlton; to the Committee on Claims.

By Mr. CULKIN:

H. R. 9496. A bill granting an increase of pension to Kate L. Schultze; to the Committee on Invalid Pensions.

By Mr. FAY:

H. R. 9497. A bill to authorize the presentation of a Congressional Medal of Honor to William Sinnott; to the Committee on the Library.

By Mr. FITZPATRICK:

H. R. 9498. A bill for the relief of Matias Rosenbaum; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Maryland:

H. R. 9499. A bill for the relief of Edward Wahl, Rev. Martin Luther Enders, and S. Catherine Wahl; to the Committee on Claims.

H. R. 9500. A bill for the relief of Dr. Louis L. Jacobs and Dr. Louis Sachs; to the Committee on Claims.

By Mr. McLEOD:

H. R. 9501. A bill to confer citizenship on Edward Barchi; to the Committee on Immigration and Naturalization.

By Mr. MICHENER:

H. R. 9502. A bill granting a pension to Nettie E. Teeter; to the Committee on Invalid Pensions.

By Mr. SWEENEY:

H. R. 9503. A bill for the relief of Frank MacEwen; to the Committee on Claims.

By Mr. BATES of Kentucky:

H. R. 9504. A bill granting a pension to Florence Williams; to the Committee on Invalid Pensions.

By Mr. SWEENEY:

H. R. 9505. A bill for the relief of Walter Ream Lennox; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7564. By Mr. CULLEN: Petition of the American Legion of Kings County, Brooklyn, N. Y., urging upon Congress the necessity of enacting, at the present 1940 session, legislation that will prohibit the further expansion and, if possible, curtail the importation of refined sugar made in the tropical islands for our markets and thereby protect the jobs of the American men and women of Brooklyn, N. Y.; to the Committee on Foreign Affairs.

7565. By Mr. LUTHER A. JOHNSON: Petition of Garner Dunkerley, Jr., vice president of the Ennis Tag & Printing Co., Ennis, Tex., and Mr. T. E. Burleson, of Waxahachie, Tex., opposing House bill 8349, by Mr. O'TOOLE; to the Committee on the Judiciary.

7566. By Mr. MICHAEL J. KENNEDY: Petition of the Second District Dental Society of the State of New York, representing 1,300 dentists in second judicial district, urging enactment of House bill 7865, to improve dental service to public in District of Columbia; to the Committee on the District of Columbia.

7567. Also, petition of the National Association for the Advancement of Colored People, urging favorable action on Senate bill 591, to provide funds for continuation of the work of the United States Housing Authority; to the Committee on Banking and Currency.

7568. Also, petition of Hochenberg & Gelb, Inc., opposing adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7569. Also, petition of the Trinity Bag & Paper Co., Inc., of New York City, opposing enactment of House bill 1, known as the Patman chain-store bill; to the Committee on Ways and Means.

7570. Also, petition of the Textile Workers Union of America, representing 1,250,000 textile operatives, opposing all

amendments, including both the Smith and Norton bills, to the National Labor Relations Act; to the Committee on Labor.

7571. Also, petition of Rosenmond Shiers, Inc., of New York City, opposing adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7572. Also, petition of William P. Goldman & Bros., Inc., of New York City, opposing the adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7573. Also, petition of Eagle Clothes, opposing the adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7574. Also, petition opposing the adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7575. Also, petition of the American Newspaper Guild, representing 19,000 newspapermen and women, opposing any amendments to the National Labor Relations Act; to the Committee on Labor.

7576. Also, petition of the International Woodworkers of America, opposing all amendments to the National Labor Relations Act, including the Smith and Norton bills; to the Committee on Labor.

7577. Also, petition of the Progressive Coat Co., Inc., New York City, opposing adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7578. Also, petition of Quickturns, Inc., New York City, opposing the adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7579. Also, petition of Max Udell Sons & Co., opposing adoption of amendment 2 of the Norton bill (H. R. 9195); to the Committee on Labor.

7580. By Mr. KEOGH: Petition of the American Communications Association, Local No. 2, opposing the Smith and Norton amendments to the National Labor Relations Act; to the Committee on Labor.

7581. Also, petition of the United Construction Workers Organizing Committee, Washington, D. C., opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7582. Also, petition of the Railroad Labor Executives' Association, opposing the passage of House bill 7133; to the Committee on Labor.

7583. Also, petition of the International Union Aluminum Workers of America, New Kensington, Pa., opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7584. Also, petition of the National Aviation Day Association, Inc., favoring the creation of a standing committee on aviation affairs; to the Committee on Rules.

7585. Also, petition of the Textile Workers Union of America, New York City, opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7586. Also, petition of the National Association for the Advancement of Colored People, New York City, favoring the passage of Senate bill 591; to the Committee on Banking and Currency.

7587. Also, petition of the International Union of United Automobile Workers of America, Detroit, Mich., opposing the Norton and Smith amendments to the Wagner National Labor Relations Act; to the Committee on Labor.

7588. Also, petition of the American Newspaper Guild, New York City, opposing the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7589. Also, petition of the Steel Workers Organizing Committee, New York City, opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7590. Also, petition of the International Woodworkers of America, Seattle, Wash., opposing the passage of the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7591. By Mr. LAMBERTSON: Petition of G. W. Adams and 105 other veterans of Wadsworth, Kans., 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.

7592. By Mr. PFEIFER: Petition of the American Legion, Kings County, Brooklyn, N. Y., urging the enactment of sugar legislation that will prohibit expansion and curtail the importation of tropically refined sugar, thereby protecting the jobs of American workers in Brooklyn, N. Y.; to the Committee on Agriculture.

7593. By Mr. REES of Kansas: Petition of the Emporia Local Workers Alliance, G-715, Julian C. Davis, secretary; to the Committee on Ways and Means.

7594. By Mr. SANDAGER: Memorial of the General Assembly of the State of Rhode Island, urging Congress to appropriate \$50,000,000 for the aid of Polish war refugees; to the Committee on Foreign Affairs.

7595. By Mr. SPRINGER: Resolution of Indiana Manufacturers of Dairy Products Association, opposing the contemplated labeling regulation of the Federal Food, Drug, and Cosmetic Administration and its possible application to dairy products; to the Committee on Interstate and Foreign Commerce.

7596. Also, resolution of the International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America, American Federation of Labor, Local No. 369, Muncie, Ind., supporting Senate bill 591; to the Committee on Banking and Currency.

7597. Also, resolution of the National Aviation Day Association, Inc., urging the creation of a standing Committee on Aviation Affairs to take full rank with the other great committees of the Senate and the House; to the Committee on the Judiciary.

7598. By Mr. SUTPHIN: Petition of the Federation of Polish-American Democratic Clubs in New Jersey, opposing the importation of refined sugar; to the Committee on Foreign Affairs.

7599. By the SPEAKER: Petition of the Insurance Guild, Local 22, United Office and Professional Workers of America, Congress of Industrial Organizations, Philadelphia, Pa., petitioning consideration of their resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

7600. Also, petition of James W. Mustin, Jr., of the Tuscaloosa, Ala., Tuscaloosa County Democratic Executive Committee, petitioning consideration of their resolution with reference to House bill 7534, concerning the poll tax; to the Committee on the Judiciary.

7601. Also, petition of the International Aviation Day Association, Inc., Washington, D. C., petitioning consideration of their resolution with reference to a standing Committee on Aviation Affairs in the Congress of the United States of America; to the Committee on the Judiciary.

7602. Also, petition of Andy Verane (Kirov), Philadelphia, Pa., petitioning consideration of his resolution with reference to the Dies committee; to the Committee on Rules.

7603. Also, petition of the Walker County Council Parent-Teacher Association, Alker County, Ala., petitioning consideration of their resolution with reference to Federal support for general education; to the Committee on Education.

7604. Also, petition of the International Workers Order, of Shamokin, Pa., Branch No. 1587, petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7605. Also, petition of the Painters Local Union No. 469, of 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.

7606. Also, petition of the Hammond Fire Fighters Association, Local 556, Hammond, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7607. Also, petition of the United Garment Workers of America, Local 182, petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7608. Also, petition of the Plumbers and Steamfitters, Local 157, petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7609. Also, petition of the Steering Wheel Makers, Local 21613, Portland, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7610. Also, petition of Oliver Local No. 112, U. F. E. W. A., South Bend, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7611. Also, petition of the Amalgamated Lithographers of America, Local No. 23, Indianapolis, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7612. Also, petition of the International Hod Carriers' Building and Common Laborers' Union of America, Local 403, Princeton, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7613. Also, petition of Local Union No. 73, I. B. of T. C. S. H. of A., Clifton, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7614. Also, petition of the Plasterers Local No. 595, O. P. and C. F. I. A., 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.

7615. Also, petition of Huntingburg Lodge, No. 1394, Brotherhood Railway Carmen of America, Huntingburg, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7616. Also, petition of the Jackson Chamber of Commerce, Jackson, Miss., petitioning consideration of their resolution with reference to the construction of the Natchez Trace Parkway; to the Committee on Appropriations.

7617. Also, petition of the Alabama Bonded Warehousemen's Association, Frances Hoyle, secretary, Montgomery, Ala., petitioning consideration of their resolution with reference to House bill 7133, known as the Barden bill; to the Committee on Labor.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 23, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. RAYBURN.

Rev. Vernon VanBuren, B. D., pastor of the Methodist Church, Wilmington, Ohio, offered the following prayer:

Loving Father, reverently we pray that on earth Thy kingdom may come and Thy will be done both among men and nations in this tragic hour. We are not unmindful of our grave responsibilities. As we have bountifully been given our daily bread, so may we seek to share our blessings with the needy of earth. Hasten the day when ignorance, disease, poverty, and greed shall no longer blight the earth. Forgive us as we are willing to forgive.

Lead us and guide us in paths of righteousness. When others seek the way of the sword, God grant that this Nation shall seek the way of peace, good will, justice, and truth.

Let Thy light dawn in us, O God. Let there be rekindled a heroic and mighty faith among legislators and citizens alike, that evil shall not prevail. Deepen our affections, confirm our confidence, unite our hearts, and make strong the bulwarks of democracy. Guide us in the noble and lofty purposes of