6815. By Mr. STEVENSON: Petition of E. L. Stone and 50 others, against the withdrawal of appropriation for vocational education. Also, a petition to the same effect signed by W. A. Moore and 54 others; to the Committee on Economy.

6816. By Mr. SUTPHIN: Petition of Milltown Grange, No. 151, Patrons of Husbandry, opposing any plan to suspend the payments for one year to the States for vocational education; to the Committee on Appropriations.

6817. By Mr. TIERNEY: Petition favoring home loan bank bill; to the Committee on Banking and Currency.

6818. By Mr. WILLIAMS of Texas: Telegram signed by president, secretary, and superintendent of public schools, Bowie, Tex., protesting suspension of appropriation of Federal funds for vocational education; to the Committee on Appropriations.

6819. Also, petition signed by 50 citizens of Boyd, Tex., protesting suspension of appropriation of Federal funds for vocational education; to the Committee on Appropriations.

SENATE

FRIDAY, APRIL 22, 1932

Rev. Joseph R. Sizoo, D. D., minister of the New York Avenue Presbyterian Church, of the city of Washington, offered the following prayer:

Ever-living, Ever-loving God, whose punctual providence has rolled back the curtains of night and led forth the rejoicing sun, banish from our spirits all darkness, misunderstanding, and fear, that the sun of righteousness may shine upon us with healing in his wings.

Have in Thy gracious keeping those who are in particular need of Thy comfort. Help us to cast our cares upon Thee, knowing Thou carest for us. When Thou hearest our prayer, forgive us our sins, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VANDENBERG and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, transmitted the resolutions of the House adopted as a tribute to the memory of Hon. EDWARD M. BEERS, late a Representative from the State of Pennsylvania, and informed the Senate that a committee of 12 Members of the House was appointed to attend the funeral of the late Representative in conjunction with the committee appointed on the part of the Senate.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Copeland	Johnson	Robinson, Ind.
Austin	Costigan	Jones	Schall
Bailey	Couzens	Kean	Sheppard
Bankhead	Cutting	La Follette	Shipstead
Barbour	Dickinson	Lewis	Shortridge
Barkley	Dill	Logan	Smith
Bingham	Fletcher	Long	Smoot
Black	Frazier	McGill	Steiwer
Blaine	Glass	McNary	Stephens
Borah	Goldsborough	Metcalf	Thomas, Idaho
Bratton	Gore	Moses	Thomas, Okla.
Broussard	Hale	Neely	Townsend
Bulkley	Harrison	Norbeck	Tydings
Bulow	Hastings	Norris	Vandenberg
Byrnes	Hatfield	Nye	Wagner
Capper	Hayden	Oddie	Walcott
Caraway	Hebert	Patterson	Waterman
Carey	Howell	Pittman	Watson
Connally	Hull	Reed	Wheeler

Mr. SHEPPARD. I desire to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness.

I also desire to announce that the junior Senator from Utah [Mr. KING] is absent by reason of illness.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

ALABAMA SENATORIAL CONTEST—PRIVILEGE TO MR. HEFLIN

Mr. LONG. Mr. President, I desire to ask unanimous consent of the Senate in the Bankhead-Heflin contest, on Monday next, at 2 o'clock p. m., that the contestant, Mr. Heflin, be granted two hours' time of the Senate to present his side of the controversy as he sees fit. I make this request on the grounds of precedents which I understand have been made before in such cases.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

Mr. McNARY. Mr. President, at this time I could not, as one Member of the Senate, consent to the proposal. For that reason I object.

The VICE PRESIDENT. Objection is made for the present.

PETITIONS AND MEMORIALS

Mr. CAPPER presented petitions of sundry citizens of Downs, Concordia, and Stockton, in the State of Kansas, praying for the passage of the bill (H. R. 9891) to provide for the establishment of a system of pensions for railroad and transportation employees and for a railroad pension board, and for other purposes, which were referred to the Committee on Interstate Commerce.

Mr. NEELY presented memorials in the form of resolutions of the directors of the Huntington Manufacturers' Club, O. T. Fries, president, of Huntington; the Chamber of Commerce, James E. Mann, president, of Bluefield; directors of the Coal River Mining Institute, E. E. White, secretary, of Madison; the Kiwanis Club, C. G. Casto, president; and the Chamber of Commerce of Beckley; Railway Employees' and Tax Payers' Association of West Virginia, Charleston Unit, E. T. Williams, president, of Charleston; the Chamber of Commerce, O. W. Evans, president, of Williamson; the John Brawley Post, No. 20, American Legion, Department of West Virginia; the Raleigh County Bar Association, of Beckley, Raleigh County, Clarence W. Meadows, secretary; and the Charleston Clearing House Association, W. L. Motley, secretary, of Charleston, all in the State of West Virginia, remonstrating against the passage of the so-called Davis-Kelly coal bill, to regulate interstate and foreign commerce in bituminous coal, etc., which were referred to the Committee on Mines and Mining.

Mr. TYDINGS presented papers, in the nature of petitions, of the United Veteran Association (Inc.), of Baltimore, and Branch No. 24, Fleet Reserve Association, of Annapolis, both in the State of Maryland, praying for the passage of legislation providing for immediate payment of adjusted-service certificates of World War veterans (bonus), which were referred to the Committee on Finance.

He also presented memorials of sundry citizens and business firms in the State of Maryland, remonstrating against the imposition of taxes on automobiles and the motor industry, which were referred to the Committee on Finance.

Mr. JONES presented a resolution adopted by directors of seven savings and loan associations of Grays Harbor County, Wash., favoring the passage of legislation known as the Federal home loan bank bill, which was referred to the Committee on Banking and Currency.

He also presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the passage of measures proposing to curtail any of the benefits which disabled war veterans have been awarded, which was referred to the Committee on Finance.

He also presented a resolution adopted by the mayor and City Council of Aberdeen, Wash., favoring the imposition of adequate tariff duties for the protection of the lumber and timber industry, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Anacortes, Mount Vernon, and Seattle, all in the State of Washington, praying for the imposition of adequate tariff duties

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

on importations of logs, lumber, shingles, and pulp, which were referred to the Committee on Finance.

Mr. COPELAND presented a letter signed by Mrs. Lucy H. Whitney, of Syracuse, and 10 other citizens, in the State of New York, indorsing whatever measures are adopted at the Geneva Disarmament Conference to bring about reductions in armaments and increasing international cooperation for the peace and welfare of the world, which was referred to the Committee on Foreign Relations.

He also presented a letter from the Kings County Grand Jurors Association, Brooklyn, N. Y., indorsing a resolution adopted by the advisory board of the American Coalition of Patriotic Societies, urging upon Congress the enactment of legislation providing for the registration of aliens, embodying the provisions that a system of identification be adhered to, etc., which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Brooklyn and vicinity, N. Y., praying for the passage of legislation legalizing the manufacture and sale of 5 per cent beer, which was referred to the Committee on Manufactures.

He also presented a memorial of sundry citizens of Corinth, N. Y., remonstrating against the passage of House bill 8580, the so-called Hogg bill, to declare illegal the use of puzzle contests, naming contests, prize offers, or any other form of competition for prizes, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by New York Typographical Union, No. 6, of New York City, N. Y., and the board of supervisors of Cochise County, Ariz., indorsing legislation known as the Wagner bill, for the relief of unemployment by the inauguration of construction projects, which were ordered to lie on the table.

He also presented resolutions of Buffalo Post, No. 2, Jewish War Veterans of the United States, of Buffalo, and the First Ward Democratic Club, of Yonkers, both in the State of New York, protesting against proposed reductions in the compensation of postal and other Federal employees, which were referred to the Committee on Civil Service.

He also presented a memorial of sundry citizens of Staten Island, N. Y., remonstrating against proposed reductions in the compensation of postal and other Federal employees, which was referred to the Committee on Civil Service.

He also presented petitions of sundry citizens of New York City, of Amagansett, Sag Harbor, East Hampton, and Montauk, in the State of New York, praying for the imposition of an import duty of 2 cents per pound on fish oils and one-half cent per pound on meals and scrap, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for drastic reductions in Federal expenditures rather than the imposition of increased taxes, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the imposition of taxes on automobiles and the motor industry in the pending tax bill, which was referred to the Committee on Finance.

He also presented a memorial numerously signed by sundry citizens of Brooklyn, N. Y., remonstrating against the imposition of taxes upon jewelry and the manufactures thereof, which was referred to the Committee on Finance.

He also presented a resolution adopted by the congregation of St. Simeon's Episcopal Church, New York City, N. Y., favoring a bond issue to finance public works, so as to increase employment, etc., which was referred to the Committee on Finance.

He also presented petitions from the New York State Chapter of Rainbow Division Veterans, New York City, and of sundry citizens, being veterans at the United States Veterans' Home, at Bath, in the State of New York, praying for the passage of legislation providing for immediate payment of adjusted-compensation certificates of World War veterans (bonus), which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against the imposition of taxes on automobiles and the motor industry, which was referred to the Committee on Finance.

He also presented numerous letters, in the nature of memorials, from the student-representatives of the various trade, technical, and commercial courses in the Trott Vocational School at Niagara Falls; members of the Sir William Johnson Agricultural Society, Chapter of Future Farmers of America, of Leavenworth Central School, of Wolcott, and sundry citizens, all in the State of New York, remonstrating against the proposed reduction or withdrawal of the appropriation for vocational education, which were referred to the Committee on Appropriations.

Mr. GOLDSBOROUGH presented numerous letters and papers, in the nature of memorials, from sundry citizens and organizations in the State of Maryland, remonstrating against proposed reductions in the compensation of Federal employees, which were referred to the Committee on Civil Service.

He also presented letters and telegrams, in the nature of memorials, from sundry citizens and organizations, all in the State of Maryland, remonstrating against the curtailment or elimination of the appropriation for vocational education for the coming fiscal year, which were referred to the Committee on Appropriations.

He also presented letters and telegrams, in the nature of petitions, from sundry citizens and organizations in the State of Maryland, praying for the adoption of a general manufacturers' sales tax in the pending tax bill, which were referred to the Committee on Finance.

He also presented numerous letters, in the nature of memorials, from sundry citizens and organizations, all in the State of Maryland, remonstrating against the imposition of a tax on sales of securities in the pending tax bill, which were referred to the Committee on Finance.

He also presented numerous letters and telegrams, in the nature of memorials, from sundry citizens and organizations in the State of Maryland, remonstrating against the proposed increase in the first-class postage rate, which were referred to the Committee on Finance.

He also presented letters and telegrams, in the nature of memorials, from sundry citizens and organizations in the State of Maryland, remonstrating against the imposition of taxes on automobiles and the motor industry in the pending tax bill, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from sundry citizens and business firms of Baltimore, Md., remonstrating against the imposition of a 10 per cent tax on jewelry sales in the pending tax bill, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from Edwin R. Dodge, of Philadelphia, Pa., and Auman & Werkmeister, furriers, etc., of Baltimore, Md., remonstrating against the imposition of a 10 per cent tax on sales of furs in the pending tax bill, which were referred to the Committee on Finance.

He also presented a telegram, in the nature of a memorial, from Eugene Blackford, president Chamber of Commerce of Baltimore, Md., remonstrating against the proposed increase in the tax on sales of agricultural products on commodity exchanges, which was referred to the Committee on Finance.

He also presented a telegram, in the nature of a memorial, from the Eisenbrandt Co. (Inc.), of Baltimore, Md., remonstrating against the imposition of a tax on automatic refrigerators, which was referred to the Committee on Finance.

He also presented letters and telegrams, in the nature of memorials, from several candy and confectionary firms of Baltimore, Md., remonstrating against the imposition of a 5 per cent tax on sales of candy, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from several publishing companies and book firms of Baltimore, Md., remonstrating against the imposition of taxes on books, which were referred to the Committee on Finance.

He also presented a letter, in the nature of a memorial, from the Mountain Valley Water Co., of Baltimore, Md., remonstrating against the proposed tax on natural or artificial mineral or table waters, which was referred to the Committee on Finance.

He also presented several letters and telegrams, in the nature of memorials, from safe-deposit companies of Baltimore, Md., remonstrating against the imposition of a 10 per cent tax on safe-deposit box rentals, which were referred to the Committee on Finance.

He also presented several letters, in the nature of memorials, from welfare and health associations of Baltimore, Md., remonstrating against the imposition of a tax on toilet soaps, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from the Real Estate Board of Baltimore, Md., remonstrating against the proposed sales tax on conveyance of papers in real-estate transactions, which were referred to the Committee on Finance.

He also presented a letter, in the nature of a memorial, from Frank Feldmann, jr., of Baltimore, Md., remonstrating against the proposed tax on amusements and theaters, which was referred to the Committee on Finance.

He also presented a letter from J. Forney Young, of Hagerstown, Md., urging that the proposed tax on amusements be not applied to county fairs, which was referred to the Committee on Finance.

He also presented letters and a telegram, in the nature of memorials, from several business firms of Baltimore, Md., remonstrating against the imposition of a tax on bank checks, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from the Corinthian Yacht Club, of Baltimore, and the commodore of the Havre de Grace Yacht Club (Inc.), both in the State of Maryland, remonstrating against the imposition of a 10 per cent tax on motor boats and yachts, which were referred to the Committee on Finance.

He also presented letters from sundry citizens and organizations of the State of Maryland, suggesting various methods and means for raising additional revenue so as to properly balance the Federal Budget, which were referred to the Committee on Finance.

PRESENTATION TO SENATOR MOSES

Mr. NYE. Mr. President, petitions and memorials come to us in rather odd forms at times. I have a memorial or petition, whatever it may be called, for presentation this morning which is most unusual.

From certain of my constituents, organized in what is known as the Galesburg (N. Dak.) Farmers' Union Local, I have received a club which appears to have been cut from a cottonwood tree [exhibiting]. With it come some rather broad insinuations as to how it shall be used. There is painted upon the club the following words: "Regards. Sons of Wild Jackasses."

Mr. President, considering the insinuations that were offered as to how the club might be used, I appreciate more than does anyone else my own failing at a time when temper might be lost. I certainly am not one who wants to keep any such dangerous weapon about me. I am going to ask that the club from the Galesburg Farmers' Union Local may be presented for safe-keeping to the author of the "wild jackass" utterance, the senior Senator from New Hampshire [Mr. MOSES]. [Laughter.]

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Mr. ODDIE. Mr. President, I present for printing in the RECORD at this point a letter from Mr. Chester H. Gray, of the American Farm Bureau Federation, showing the damaging effect on agriculture of certain cuts which have been proposed in the Department of Commerce appropriation bill.

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

The letter is as follows:

WASHINGTON, D. C., *April 21, 1932.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR ODDIE: Perhaps any comment now is untimely, but I wish to commend you for having printed in the CONGRESSIONAL RECORD of April 19 a statement relative to the services of the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

Several of the activities of this bureau, noticeably those related to customs statistics and agricultural trade expansion both at home and abroad, are of the keenest interest to agriculture. Without intending to deny the necessity for economy in governmental expenditures, the observation may be permitted that economies which, when put into effect, will destroy the opportunity of citizens to make money are false economies.

It is to be hoped that some of the severe reductions of this bureau may be corrected before the supply bill for the Department of Commerce finally is enacted.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Washington Representative.*

REDUCTIONS IN PAY OF POSTAL EMPLOYEES

Mr. LA FOLLETTE. Mr. President, this morning, together with the chairmen of the Committees on Post Offices and Post Roads of the Senate and of the House, I was presented with a petition signed by 24,000 taxpayers of the city of Milwaukee, protesting against any reductions in pay of postal employees. The petition is a mile and a quarter long and very bulky. I ask that its reception may be noted in the RECORD and that the petition may be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, that order will be made.

PROPOSED REBATE OF COMMODITY TAX COLLECTED FROM NORTH CAROLINA

Mr. BAILEY. Mr. President, I present a memorial at the command of the Commonwealth of North Carolina, and, in obedience to that command, I request that it be read, published in the RECORD, and appropriately referred.

The VICE PRESIDENT. Is there objection to the reading of the memorial? The Chair hears none, and the memorial will be read and appropriately referred.

The memorial of the General Assembly of North Carolina was read and referred to the Committee on Finance, as follows:

A joint resolution requesting Congress to rebate at least 20 per cent of the commodity tax collected from North Carolina to relieve the land tax for schools of the State

The General Assembly of North Carolina do enact:

Whereas for the fiscal year 1920 the Federal Government collected from tobacco and cigarette taxes imposed in North Carolina $108,457,156.85, and in 1930, $256,729,938.33. For 11 years $2,009,878,428.98 has been collected. The income tax for 1920 was $44,962,859.99; for 1929, $20,066,795.21. The tobacco taxes have increased nearly two and a half times and the income tax lowered by over one-half. The tobacco and cigarette tax in 1929 was $233,915,029.11—an increase this year over last year of $22,814,909.22, yet North Carolina collected for all States purposes last year (1929) from income, inheritance, license, and franchise tax $15,823,932.63. Of this sum $6,500,000 was used for an equalizing fund for schools. This year the tobacco farmers are estimated to have gotten an average of about 12 cents a pound for tobacco, and the Federal Government placed a tax of about 96 cents a pound on tobacco and cigarettes—the Federal Government got eight times more a pound than the farmer. This tax tends to depress the tobacco industry and ultimately and adversely affects the tobacco farmer.

Whereas our schools (other than the equalization fund) are supported by a tax on land and 46½ per cent of our tax on land is levied for school purposes. The total levied on land for the year 1927–28 was $35,605,440.70. Since the World War every tax has been decreased except the tobacco tax, which has been increased two and a half times—which is heavy. Under the Federal law the Federal estate tax is reduced by the amount of State inheritance tax paid down to a minimum of 20 per cent of the Federal tax, by giving credit on the Federal tax of all State tax paid up to 80 per cent of the Federal tax. For example: If the Federal tax is $10,000 and the North Carolina State tax $8,000, the taxpayer pays the National Government $2,000 and the State $8,000. Thus our State collects $8,000 without increasing the taxpayer's burden. We have a precedent to request this rebate.

Resolved by the senate (the house of representatives concurring),

SECTION 1. That the Congress of the United States be requested and urged to pass a law providing that whenever any State of the Union levies a tax for revenue on any commodity or

article upon which the United States Government levied a like or similar tax, the United States Government will remit to the person, firm, or corporation paying said tax an amount equal to the tax levied by the State for said purpose upon said commodity or article provided the State tax does not exceed 20 per cent of the tax levied by the United States Government.

SEC. 2. That His Excellency, Gov. O. Max Gardner, is requested to appoint a committee to memorialize Congress as to this heavy tax and take such action as they deem proper in an effort to obtain a rebate as suggested or any other method whereby a portion of this tax can be used to relieve the heavy tax on land in North Carolina; this committee to act without cost to the State.

SEC. 3. That a copy of this resolution be forwarded by the secretary of State to each Senator and Member of the House of Representatives in Congress from this State, that they may use their utmost endeavor to obtain this rebate.

SEC. 4. That this resolution be in force and effect from and after its ratification.

In the general assembly read three times and ratified this 19th day of January, 1931.

R. T. FOUNTAIN,
President of the Senate.
WILLIS SMITH,
Speaker of the House of Representatives.

Examined and found correct.

LOVILL, *for Committee.*

THE FEDERAL RESERVE BANKING SYSTEM

Mr. GLASS, from the Committee on Banking and Currency, submitted a report (No. 584) to accompany the bill (S. 4412) to provide for the safer and more effective use of the assets of Federal reserve banks and of national banking associations, to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes, heretofore reported by him from that committee without amendment.

REPORTS OF COMMITTEES

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3852) to amend section 2288 of the Revised Statutes, as amended, with respect to the taking for highway purposes of lands entered upon under the homestead laws, reported it with amendments and submitted a report (No. 585) thereon.

He also, from the same committee, to which was referred the bill (S. 2654) to allow credit in connection with homestead entries to widows of persons who served in certain Indian wars, reported it with an amendment and submitted a report (No. 586) thereon.

Mr. KEAN, from the Committee on the District of Columbia, to which was referred the bill (S. 3929) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes, reported it with amendments and submitted a report (No. 587) thereon.

Mr. TYDINGS, from the Committee on the District of Columbia, to which was referred the bill (S. 570) to exempt from taxation certain property of the National Society of the Colonial Dames of America, in the District of Columbia, reported it with amendments and submitted a report (No. 590) thereon.

Mr. HASTINGS, from the Committee on Military Affairs, to which was referred the bill (S. 1562) for the relief of William S. Cook, reported it with an amendment and submitted a report (No. 588) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 2687) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, reported it with an amendment and submitted a report (No. 589) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 4193) to authorize the issuance of bonds by the St. Thomas Harbor Board, Virgin Islands, for the acquisition or construction of a graving or dry dock, reported it without amendment.

NATIONAL ECONOMIC COUNCIL—PRINTING OF HEARINGS

Mr. MOSES. From the Committee on Printing I report favorably without amendment Senate Concurrent Resolution 18, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

The Chief Clerk read the resolution (S. Con. Res. 18) submitted by Mr. LA FOLLETTE February 18, 1932, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907, the Committee on Manufactures of the Senate be, and is hereby, empowered to have printed 3,000 additional copies of the hearings held before the committee during the current session on the establishment of a national economic council.

The VICE PRESIDENT. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

ENROLLED BILLS PRESENTED

Mr. WATERMAN, from the Committee on Enrolled Bills, reported that on the 21st instant that committee presented to the President of the United States the following enrolled bills:

S. 2682. An act to amend section 5 of the Criminal Code; and

S. 3086. An act relating to the construction of a Federal building at Ponca City, Okla.

EXECUTIVE REPORTS OF THE MILITARY AFFAIRS COMMITTEE

As in executive session,

Mr. REED, from the Committee on Military Affairs, reported favorably sundry nominations of officers in the Regular Army, which were placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. SHEPPARD:

A bill (S. 4454) to amend section 13 of the Federal reserve act by making notes of automobile finance companies subject to discount; to the Committee on Banking and Currency.

By Mr. COUZENS:

A bill (S. 4455) for the relief of John Moore; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 4456) for the relief of the Bankers Reserve Life Co., of Omaha, Nebr., and Wisconsin National Life Insurance Co., of Oshkosh, Wis.; to the Committee on Claims.

By Mr. BINGHAM:

A bill (S. 4457) for the relief of Lillian L. Bushnell; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4459) for the relief of Anna Marie Sanford; to the Committee on Claims.

By Mr. McNARY (for Mr. BROOKHART):

A bill (S. 4460) to amend the Panama Canal retirement act, approved March 2, 1931; and

A bill (S. 4461) to amend the Panama Canal retirement act relating to retirement on annuities after 30 years' service; to the Committee on Interoceanic Canals.

DISPUTES BETWEEN COMMON CARRIERS BY AIR AND THEIR EMPLOYEES

Mr. BINGHAM. Mr. President, the pilots of various air mail lines and air transport lines are in some cases in difficulty with their employers. There is no provision of law whereby their disputes may be settled by a mediation board, as is the case with persons carrying the mails by rail. Therefore I am introducing a bill to amend the railway labor act of May 20, 1926. The purpose of this bill is to apply the procedure established by that act to the settlement of disputes between common carriers by air and their employees and to the settlement of disputes between air mail carriers and their employers. I ask that the bill may be referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, the bill will be received and referred.

The bill (S. 4458) to amend the railway labor act of May 20, 1926, was read twice by its title and referred to the Committee on Commerce.

AMENDMENT OF EMERGENCY OFFICERS' RETIREMENT ACT

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 3769) to amend the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," which was referred to the Committee on Military Affairs and ordered to be printed.

REVENUE AND TAXATION—AMENDMENT

Mr. HULL submitted an amendment intended to be proposed by him to the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes, which was referred to the Committee on Finance and ordered to be printed, as follows:

On page 266, after line 13, insert the following:

"(3) If a petition for redetermination of a deficiency has been filed within the time prescribed by section 308 of the revenue act of 1926 and upon the date this act is enacted no final order has been entered thereon, and thereafter a final order is entered upon the basis of which additional estate, inheritance, or legacy taxes are required to be paid to any State or Territory or the District of Columbia, then credit for such payment to the extent of 80 per cent of such deficiency shall be allowed if payment is made and credit claimed within 60 days of the entry of such final order by the board."

PRINTING OF CONSOLIDATED HEARINGS ON THE TAX BILL

Mr. SMOOT. Mr. President, I submit a Senate concurrent resolution and ask consent for its immediate consideration.

The concurrent resolution (S. Con. Res. 25) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed 1,500 additional copies of the consolidated hearings held before the committee during the current session on the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes.

WITHDRAWAL OF PAPERS—ZACHARA T. EDWARDS

On motion of Mr. CAPPER, it was

Ordered, That the papers filed with the bill (S. 108) for the relief of Zachara T. Edwards, Seventy-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

INTERNATIONAL BOUNDARY COMMISSION

Mr. CONNALLY submitted the following notice:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of Rule XVI for the purpose of proposing to the bill (H. R. 9349) making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1933, and for other purposes, the following amendment, viz: On page 16, after line 12, insert the following:

"That the American Section, International Water Commission, United States and Mexico, is hereby consolidated with the American Section, International Boundary Commission, United States and Mexico. Hereafter the powers, duties, and functions of such section of such commission shall be exercised by the American Section, International Boundary Commission, United States and Mexico.

"All records, files, and property of any nature whatsoever (including office equipment) of, and that portion of the unexpended appropriations less $25,000, for the American section of the International Water Commission, United States and Mexico, for the fiscal year 1931–32, are transferred to the American section, International Boundary Commission, and said appropriations shall be available for direct expenditure by the American section, International Boundary Commission, under the direction of the commissioner thereof. The commissioner is authorized to appoint to positions in the American section, International Boundary Commission, such employees of the American section, International Water Commission, or other persons as he may deem necessary in carrying out the provisions of this act, and said commissioner is further authorized to designate and redesignate, as he may determine to be necessary, the duties and headquarters station of all employees under his supervision."

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on April 21, 1932, the President approved and signed the following acts:

S. 1719. An act amending the act of Congress entitled "An act authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims," approved June 4, 1924;

S. 3569. An act to amend the act of May 27, 1930, authorizing an appropriation for the reconstruction and improvement of a road on the Shoshone Indian Reservation, Wyo.; and

S. 3655. An act to provide for the leasing of the segregated coal and asphalt deposits of the Choctaw and Chickasaw Indian Nations, in Oklahoma, and for an extension of time within which purchasers of such deposits may complete payments.

APPROPRIATION FOR ERADICATION OF GRASSHOPPER PLAGUE

Mr. SHIPSTEAD. Mr. President, I desire to take just a minute to call the Senate's attention to an item in the agricultural appropriation bill, which is now in conference.

The VICE PRESIDENT. Is there objection to the Senator from Minnesota making a statement? If not, the Senator is recognized.

Mr. SHIPSTEAD. There is an item in the agricultural appropriation bill providing a sum of money for the eradication of the grasshopper plague in four or five States of the Northwest. This, so far as I know, is the only emergency item in the bill. The information which comes from that part of the country is to the effect that unless that item shall be adopted immediately, and the money may be made available at once, the chances are that millions of dollars worth of damage will be done there. So, unless the bill now in conference is here in the Senate for action by Monday morning, I shall feel it necessary to ask during the morning hour on Monday, if there be one, consideration of Senate Joint Resolution 149, which would, if adopted by the Senate and the House, lift that item out of the appropriation bill so that the money for the purpose indicated may be made available at once. I want to give notice to the Senate now that I am going to make that move on Monday morning.

INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA—RETURN OF BILL

Mr. CAPPER. From the Committee on the District of Columbia I report an original Senate concurrent resolution, which the committee desires to have adopted, requesting the return to the Senate of a bill which is now in the hands of the President and in which it has been found a mistake has been made. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The VICE PRESIDENT. Let the concurrent resolution be reported for the information of the Senate.

The Chief Clerk read the resolution (S. Con. Res. 26), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3584) entitled "An act to require all insurance corporations formed under the provisions of Chapter XVIII of the Code of Law of the District of Columbia to maintain their principal offices and places of business within the District of Columbia, and for other purposes."

The VICE PRESIDENT. Is there objection to the consideration of the resolution at this time?

There being no objection, the concurrent resolution was considered and agreed to.

REPRINT OF NATIONAL BANK ACT

Mr. COPELAND. Mr. President, I should like to have the attention for a moment of the chairman of the Committee on Printing.

Mr. MOSES. Mr. President, the chairman of the Committee on Printing is not here. I happen to be the ranking member, and possibly I can serve the purposes of the Senator.

Mr. COPELAND. Mr. President, it is impossible to secure any copies of the national bank act as amended. I wish that the Committee on Printing might look into the matter, because there are many demands for the document, and, unless there are copies available, I think there should be a reprint.

Mr. MOSES. Mr. President, the Treasury Department has an ample appropriation for printing, and evidently must have on hand copies of the national banking act.

Mr. COPELAND. It is impossible at this moment to get them from the document room.

Mr. MOSES. That is probably so, because, of course, that particular legislation, so far as the document room is concerned, is quite old, but in the Treasury Department there must be an ample supply of copies.

Mr. COPELAND. I thank the Senator for his suggestion, and I will make application there.

FUNDING OF PUBLIC IMPROVEMENTS—PROPOSED AMENDMENT TO TAX BILL

Mr. VANDENBERG. Mr. President, I want to submit a proposed amendment to the pending tax bill, and I ask permission to make a very brief statement in explanation of it.

The VICE PRESIDENT. Is there objection to the Senator making a statement? The Chair hears none.

Mr. VANDENBERG. Mr. President, the able senior Senator from New York [Mr. COPELAND] has pending before the Senate a resolution proposing to take the sense of the Senate on the proposition that all permanent improvements shall be taken out of the pending current Budget and funded on a longer-time basis. Without seeking in any degree to anticipate a decision upon his proposal, I am taking the liberty of submitting a proposed specific amendment to the tax bill along the same general line for the purpose simply of developing in concrete form my own previous and somewhat long-time study of the same subject, and to indicate a possible formula for such procedure.

Mr. President, the proposition comes down simply to this—Let me exemplify it: We build a $4,000,000 post office in the city of Detroit this year which undoubtedly will stand for 50 years, and yet we charge the entire 50-year investment to the harassed taxpayers in the current tax year. On the other hand, if the Ford Motor Co., for example, were to build a $4,000,000 addition to its factory in Detroit this year and were to undertake to charge it all off against its income or corporation tax this year the Government would promptly say that that is an improper economic practice and that this investment will have to be amortized over a course of years. The philosophy involved in the exhibit, it occurs to me, is well worth study, with the idea that the Government may practice the same method in respect to fixed and permanent investments which it dictates to private business.

I am not suggesting that it is conclusively justified; I am suggesting that it is entitled to serious study in the situation in which we find ourselves. We face a $2,000,000,000 deficit, and part of it will be embraced in public buildings, permanent rivers and harbors improvements, Hoover Dam, and kindred permanent improvements in excess of $300,000,000.

There is this monitory thing to be borne in mind, of course: I suppose the greatest possible encouragement to public extravagance, which has led the municipalities of the country astray during the past decade, has been the ease with which they could fund their public improvements, borrow money, and transfer the burden into the future years. Certainly it would be a calamity if that infirmity were ever to be attached to the Federal Government's activities in respect to public buildings and other permanent improvements. Certainly I would not open the Federal door to any general drain upon the Federal credit, which is our supreme and priceless reliance. Nevertheless, in the tax emergency which we now confront, when increased current taxation is one of our most serious difficulties, I submit that it is distinctly entitled to serious study as to whether or not these strictly permanent improvements, which are already within the appropriations made this year by the Congress, and which must proceed regardless of how we pay for them, should not be funded over a 10-year period with a specific program for ultimate retirement.

Therefore, out of order, I ask leave to submit the proposed amendment to the tax bill, and I ask that it may be printed in the usual form, printed in the RECORD, and referred to the Finance Committee.

There being no objection, the amendment intended to be proposed by Mr. VANDENBERG was ordered to be printed in the usual form, to be printed in the RECORD, and to be referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. VANDENBERG to the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes: On page —, line —, insert the following:

"TITLE —. PERMANENT IMPROVEMENT CONSTRUCTION FUND

"SEC. —. (a) There is hereby created a fund in the Treasury to be known as the 'Permanent improvement construction fund,' to be available for expenditure as hereinafter provided. For the purpose of providing funds to carry out the provisions of this title, the Secretary of the Treasury is authorized and directed to borrow from time to time on the credit of the United States not to exceed $400,000,000, and to issue bonds therefor, to be known as 'Permanent improvement bonds,' in such form as he may prescribe. Such bonds shall be in denominations of not less than $50, shall mature 10 years from the date of their issue, and shall bear interest at such rate as may be fixed by the Secretary of the Treasury, but not to exceed 4¼ per cent per annum. The principal and interest of such bonds shall be payable in United States gold coin of the present standard of value, and such bonds shall be exempt, as to both principal and interest, from all taxation (except estate and inheritance taxes and surtaxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(b) Such bonds shall be first offered at not less than par, as a popular loan, under such regulations to be prescribed by the Secretary of the Treasury as will give all citizens of the United States an equal opportunity to participate therein. Any portion of the bonds so offered and not subscribed for may be otherwise disposed of by the Secretary of the Treasury at not less than par. No commissions shall be allowed or paid in connection with the sale or other disposition of any such bonds. All amounts derived from the sale of such bonds shall be paid into the permanent improvement construction fund.

"(c) A sum not exceeding one-tenth of 1 per cent of the amount of bonds issued under authority of this section is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same.

"SEC. —. There is hereby created in the Treasury a special cumulative sinking fund for the retirement of the bonds issued under the provisions of this title. Such sinking fund and all additions thereto shall be available until all such bonds are retired for the payment of such bonds at maturity and for the redemption or purchase thereof before maturity by the Secretary of the Treasury at such prices and upon such terms and conditions as he shall prescribe, but the average cost of the bonds so purchased shall not exceed par and accrued interest. Bonds purchased, redeemed, or paid out of the sinking fund shall be canceled and retired and shall not be reissued. For each of the first 10 fiscal years after the date of enactment of this act there is hereby appropriated, out of any money in the Treasury derived from current revenues for such fiscal years, for the purposes of such sinking fund, an amount equal to 10 per cent of the face value of the bonds authorized under this title plus an amount equal to the interest payable during each such fiscal year on the bonds then outstanding.

"SEC. —. During the next fiscal year no expenditure shall be made except out of the permanent improvement construction fund for any permanent improvement project for which an appropriation has heretofore been made or shall hereafter be made. All moneys in such fund are hereby appropriated for the construction of permanent improvement projects and shall be available for expenditure on such projects upon an order of the President stating the amount and specifically designating the project upon which such amount is to be expended. Any sums heretofore appropriated and allocated to any permanent improvement project shall be covered into the Treasury as miscellaneous receipts."

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Is there objection to the Senator from New York making a statement? The Chair hears none.

Mr. COPELAND. I am very glad the Senator from Michigan [Mr. VANDENBERG] has introduced an amendment to the tax bill for the purpose stated by him. The only reason why I have not yet pressed the resolution which I introduced several days ago is because of the opposition of the Treasury to this plan. I expect to do so within a short time.

It seems to me perfectly sensible that we should take from the pending appropriation bills all those items which have to do with permanent improvements; capital investment. If we were in funds now, if we had a surplus, as we have had during the past several years, we would, of course, pay these items out of the current revenues. During the past 10 years

we have had so much of a surplus that we have retired $10,000,000,000 of the national debt; but now we are in a period of economic depression. It is a time when every prudent man, of course, will economize; but if, for any reason, he has occasion to make a capital investment, he is not going to pay it out of current funds which he has not in hand.

I can not see why there should be any opposition on the part of the Treasury to the issuance of bonds to pay for these permanent improvements. Of course, if it is merely a matter of pride on the part of the Treasury, if the Treasury is unwilling to have a bond issue under such circumstances as these, all right; but I am sure it is a mistaken policy. This particular matter I presented to the Chamber of Commerce of the State of New York. Mind you, I am not saying "the city of New York," because if I said that everybody in the Chamber would think that naturally these "rich men in New York" do not wish to have their taxes increased. I am speaking, however, about the Chamber of Commerce of the State of New York. At a largely attended dinner of that organization, which was held in January or early February, I presented this plan of taking from the current Budget the $377,000,000 which, or a large portion of which, we will expend this year, and putting that into a bond issue running over 10 or 15 years, to be paid for at a time when the country is in funds. If we had a surplus which enabled us to reduce our debt during the past 10 years to the extent of $10,000,000,000, and if we have a time now when we are poor, naturally this is a time when we might increase that debt a little bit with advantage to the country.

I do not suppose it would amount to the full amount stated by the Budget as $377,000,000; but if it is $300,000,000, that would take off the overburdened taxpayers that much to be paid this year. After consultation with many influential men on this side of the Chamber, it is my purpose later to present for the consideration of the Senate the resolution which is now upon the table.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. Would not the Senator accomplish the same result if he should provide by a simple joint resolution that the interest due on the bonds owed us by foreign governments, which will be paid now in a few days, I understand about June, should be segregated and set apart for that purpose?

Mr. COPELAND. I suppose that would accomplish the same purpose. I wish that might be done, but, of course, that will not be done. There is not any reason, however, why we should go to the extent of lowering every salary in the Government service, and reducing the activities of government to the dangerous extent that we are doing it, when by putting over these items which have to do with capital investment we might very well save at least that amount of money which otherwise must be raised this year.

We have over here the House Office Building, a magnificent building. We have the Supreme Court chambers being erected. Why should the taxpayers this year pay for those items when they will be used for 25, 50, or 100 years? So my plea is that we take from the appropriation bills those items of permanent improvement, and let the payment for them run on for a few years.

Mr. SHIPSTEAD. Mr. President——

Mr. COPELAND. I yield to the Senator from Minnesota.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Yesterday unanimous consent was given to go forward with the Bankhead contest following the routine morning business to-day. I am enjoying this debate, but I hoped we might follow out the program which had been agreed upon. My parliamentary question is, Is debate now in order?

The VICE PRESIDENT. Debate is not in order without unanimous consent, and that was given. The Senator from New York was given unanimous consent to address the Senate.

Mr. COPELAND. I wish to finish my statement.

I contend that this matter of balancing the Budget, and finding some way to relieve the country of the burden of taxation resting upon it, is more important than any contest that could possibly be held by this body.

I do not mean, of course, that the Senate will necessarily accept this proposal, but at least it should think about it. We have it within our power to take between three and four hundred million dollars from the proposed tax bill and let posterity pay for some of the improvements which are going on throughout this country; and I think we may well take time, even in a busy session, to give thought to that.

I know how the people of the country are suffering from taxation, and it is not alone the rich who pay. The poor pay. Every time taxes are increased that means more burden upon the poor. We have it in our power here to take three or four hundred million dollars out of this tax bill and let it be paid in years of prosperity in the future, instead of being imposed upon a burdened country at the moment.

IMPORT TAXES ON FOREST PRODUCTS

Mr. ODDIE. Mr. President, I present for the RECORD a statement in regard to import taxes on forest products which has been furnished by Col. W. B. Greeley, secretary-manager of the West Coast Lumbermen's Association.

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

The statement is as follows:

BRIEF FOR IMPORT TAXES ON FOREST PRODUCTS

1. The forest industries of the Pacific Northwest, acting as a unit, respectfully request the Congress of the United States to extend the principle of protecting the natural resources of this country and the labor engaged in their conversion, already incorporated in the pending revenue bill in respect to oil and coal, to the forest resources, industries, and labor of the United States. The forest industries and their labor, now suffering from an acute financial crisis and widespread unemployment, are entitled to such protection as may be afforded by reasonable import taxes to at least an equal degree with any other natural-resource industry. And, furthermore, the imports of forest products into the United States offer an appropriate means of obtaining additional Federal revenue.

2. The import taxes which we propose are:

(1) On rough lumber of all softwood species, $3 per thousand feet board measure.

(2) On dressed lumber (planed on one side or more) of all softwood species, $5 per thousand feet board measure.

(3) On logs, poles, and piling of all species, $1.50 per thousand feet log scale.

(4) On pulpwood of all species, $1 per standard cord of 128 cubic feet.

(5) On mechanically ground wood pulp, one-sixth of 1 cent per pound, dry weight; chemical wood pulp, unbleached, one-third of 1 cent per pound, dry weight; chemical wood pulp, bleached, one-half of 1 cent per pound, dry weight.

(6) On cross-arms, shingles, laths, handles, turnery, and fence posts, 25 per cent ad valorem.

3. Present imports of forest products affected: The principal imports of forest products to which the proposed import taxes would apply are as follows for the last three years:

(1) Softwood lumber (1,000 board feet)

Year	Total	From Canada	Per cent	From Russia
1929	1,418,419	1,352,597	95.4	37,930
1930	1,146,105	1,059,982	92.5	70,767
1931	698,242	671,589	96.2	13,831

Of the above softwood lumber imported from Canada, 53.5 per cent pays a duty of $1 per thousand board feet under the tariff act of 1930. The remainder is cedar lumber or lumber of other softwood species not planed or dressed more than one side, which enters the United States duty free. The imports of cedar lumber were 46,534 thousand board feet in 1929, 37,239 thousand board feet in 1930, and 23,221 thousand board feet in 1931.

(2) Shingles (imported from Canada)

	Thousand
1929	1,716,651
1930	1,248,223
1931	998,473

Shingles now enter the United States duty free.

(3) *Logs (imported from Canada)*

	Thousand feet
1929	175,000
1930	139,116
1931	158,563

Log imports enter the United States, duty free, almost wholly in Puget Sound, where they compete in the log market directly with American timber.

(4) *Pulpwood (chiefly from Canada)*

	Cords
1928	1,409,411
1929	1,259,007
1930	1,582,201
1931	1,021,667
FROM RUSSIA	
1929	360,000
1930	238,437
1931	78,000

(5) *Wood pulp (chiefly from Canada, Sweden, Finland, Norway, and Germany)*

	Tons
1928	1,762,325
1929	1,887,504
1930	1,636,498
1931	1,421,686

4. Prospective revenue for the import taxes proposed: If the imports of the various classes of forest products specified continue at the same volume as in 1929, the Federal revenue obtained from the import taxes recommended would be approximately $20,500,000 per year. On the same volume of such imports as in 1931 the Federal revenue would be somewhat in excess of $17,000,000 per year. While some reductions in the volume of imported forest products would follow the imposition of the import taxes proposed, the revenue therefrom to the Federal Government would constitute a substantial item.

5. Other benefits from import taxes on forest products: Other benefits resulting from the import taxes proposed would be:

(1) An equalization of competitive conditions for American forest industries.

(2) Increased employment for our idle men, resulting from some increase in the volume of domestic forest products which would be absorbed by our home markets.

These benefits will now be presented in regard to the lumber industry of the Pacific Northwest and its labor and dependent communities. The critical condition of the lumber industry and the very serious regional effects of idle mills and unemployed labor necessitate any possible relief that may be obtained.

This is because, first, of the terrific shrinkage in the domestic consumption of softwood lumber. In 1929 the United States consumed 28,581,000,000 feet of softwood lumber. In 1930 consumption dropped to 21,462,000,000 feet, a shrinkage of 25 per cent. In 1931 consumption dropped to 14,573,000,000 feet, a shrinkage of 49 per cent. The consumption for 1932 indicated by the lumber sales to date will not exceed 12,000,000,000 feet, a shrinkage of 58 per cent below the level of 1929. The use of lumber this year is back to approximately the basis of 1869.

This sudden and rapid shrinkage in the consumption of lumber in the United States has forced upon the domestic industry a most drastic curtailment in production, closed down over half of its sawmills, and thrown over 60 per cent of its labor out of employment.

Notwithstanding this distress and sacrifice from the curtailment of production, the survey of the United States Timber Conservation Board on December 31, 1931, showed nearly 8,000,000,000 feet of softwood lumber in stock at American mills, or over half the preceding year's consumption. The Timber Conservation Board found these stocks to be 2,600,000,000 feet in excess of sound and reasonable inventories, and recommended a reduction of that amount as rapidly as practicable.

Under such conditions every foot of imported lumber simply adds to the distress and unemployment in the American industry, while bringing no benefit whatsoever to lumber consumers. The lumber imports of the last three years more than equal the present excess of softwood stocks, as determined by the Timber Conservation Board, which are breaking the back of the domestic industry.

The critical condition of the American industry is due, in the second place, to an almost proportionate loss of foreign markets for its products. In 1929 our softwood exports were 2,609,000,000 feet. In 1930 they dropped to 1,856,000,000 feet, a shrinkage of 25 per cent. In 1931 there was a further drop to 1,325,000,000 feet, a shrinkage of 49 per cent below the level of 1929.

The reasons for this drastic loss of foreign markets go far beyond the shrinkage in their consumption. They include:

(1) Depreciated currencies and rates of exchange, which are diverting export lumber trade from the United States to Canada. Since Canadian exchange dropped below par, Canadian exporters have had an advantage of from 10 to 20 per cent over American exporters in the delivered price of softwood lumber, transportation included, at most of the common competitive foreign markets. American shippers even suffer discrimination from American subsidized steamship companies in the Pacific, who accept freight payments from British Columbia shippers in Canadian funds, but require payment from American shippers in American funds.

(2) The preferential tariffs within the British Empire, which are rapidly closing many important former markets to American lumber. The trade agreement between Australia and Canada, made effective nearly a year ago, gives the Canadian lumber exporter a preference of 20 shillings per thousand board feet on the usual Douglas fir items and has largely shut out American lumber from this market. South Africa gives Canadian lumber a preferential tariff of 3 per cent; Great Britain a preferential tariff of 10 per cent, with every indication that it will be materially increased in pursuance of the British Empire trade policy. American lumber exports to Great Britain have already shrunk materially, and that market will hereafter be practically closed to our sawmills.

(3) Many special tariffs, quotas, and embargoes adopted in recent months by foreign countries have materially diminished—in some instances completely closed—former export markets of the American lumber industry. For example, application of the French embargo system has, at least for the time being, completely closed that market to American lumber.

In the case of the lumber industry on the Pacific coast the operation of these factors has to a large degree diverted export business from the United States to Canada. Between 1929 and 1931 American sawmills on the west coast lost 43 per cent of their export business (1929, 1,613,000,000 feet; 1931, 917,000,000 feet). In the same period British Columbia lumber exports dropped but 10 per cent (1929, 399,000,000 feet; 1931, 358,000,000 feet).

West coast lumber exports in January and February of 1932 were at the lowest ebb for 20 years (91,000,000 feet), shrinking 40 per cent below 1931 and 66 per cent below 1929. In the same two months, however, the water-borne lumber movement from British Columbia increased 22 per cent over the corresponding months of 1931 (1931, 90,000,000 feet; 1932, 111,000,000 feet). In the same period British Columbia lumber exports to Great Britain increased 58 per cent over the corresponding months of the previous year, and British Columbia lumber exports to China and Japan increased 73 per cent. A consular report in March states that the British Columbia sawmills operated in February at 44.5 per cent of their capacity. During the same month American mills on the west coast operated at 22 per cent of capacity.

6. The American lumber industry is in the thick of a trade war at home and abroad; the lumber industry of Canada frankly declares that the entire British Empire is its domestic market. American lumber will be excluded therefrom by high preferential tariffs.

Depreciated exchange is Canada's powerful weapon for wresting other export markets from American lumber products. To the extent the American producer sells in such markets it can only be at the ruinous prices established by Canada's lower cost of production and transportation.

At the same time Canada retains an American market for 30 to 35 per cent of her lumber production by virtue of—

(1) A normal lower production cost, with no offsetting duty on 46.5 per cent of her softwood lumber exports to the United States; no duty on shingles; and no duty on logs. There is no trade reciprocity, in fact, under the no-duty provision of the tariff act of 1930 on lumber rough or dressed one side, because the movement is practically all one way—from Canada into the United States.

(2) An average lower intercoastal transportation cost than that available to American mills on the west coast to American markets on the Atlantic seaboard. This affects from 15 to 20 per cent of the Canadian lumber imports. British Columbia shippers may employ any foreign-flag tonnage in moving their lumber to American ports, an opportunity denied the American shipper under our marine laws. Experience has demonstrated that whenever the American intercoastal lumber rate exceeds $9 per thousand board feet, foreign-flag tonnage is freely employed by British Columbia shippers at less than the American rate. For example, within a few weeks after the American intercoastal rate of $10 per thousand board feet had been announced for the month of March, 1932, five cargoes were chartered by British Columbia shippers at rates reported to be $9 per thousand board feet.

(3) The depreciation in exchange, which applies not only to costs of production but also to costs of transportation both by rail and water. The portion of the cost of rail haul from Canadian mills to American markets which is over Canadian railways is paid in Canadian funds. Foreign-flag charters for water transportation from Canadian mills to American markets are commonly reported as paid in Canadian funds. To a considerable extent, therefore, the gain from depreciated Canadian exchange applies to the delivered price of the product at American selling points.

On account of these competitive advantages, American lumber is to-day commonly undersold in its own domestic markets by Canadian lumber. This applies particularly on the Atlantic seaboard and the "back-haul" territory available to it and in the large competitive markets in the regions of the Great Lakes and prairie States. American sawmills have been constantly forced to meet lower prices until they were compelled to shut down.

7. These adverse factors have brought on a crisis in the lumber industry of the Pacific Northwest with widespread unemployment. Western Oregon and Washington contained on December 31, 1931, 722 "living" sawmills, of which 320 operated to some extent during 1931 and 402 were down completely.

Of the productive sawmill capacity of the region, 73 per cent was utilized in 1929, 54 per cent in 1930, 36.8 per cent in 1931, and 22 per cent in the first quarter of 1932. Mills representing 40 per cent of the region's capacity were shut down completely dur-

ing much of 1931 and are "down indefinitely" at the present time. Most of the mills attempting to operate are running from 24 to 36 hours per week.

The lumber produced in 1931 represented a shrinkage of 48 per cent from the production in 1929; and the lumber produced in the first quarter of 1932 showed a shrinkage of 66 per cent below the same period in 1929 (1929, 10,377,000,000 feet; 1931, 5,368,000,000 feet; 1932, 3,500,000,000 feet indicated).

The volume of lumber sales in 1931 shrank 45.3 per cent below 1929; and the volume of sales to date in 1932 has shrunk 58.4 per cent below the corresponding period of 1929.

The average price received by west coast mills for the lumber sold in February, 1932, showed a shrinkage of 48.6 per cent below the average price received in the spring of 1929.

(Average sales price of 162 key items reported by Davis Statistical Bureau, of Portland, Oreg.: May, 1929, $20.18 per M feet; February, 1932, $10.36; less, $9.82 per M feet.)

In seven out of the last eight years the average west coast sawmill has not recovered its cost of production on lumber sales, with no interest included. This is based upon complete operating costs and sales returns at a considerable number of representative mills reporting to the West Coast Lumbermen's Association. In 1930 the average operating loss, without interest, was $2.10 per M board feet; in 1931, $2.16 per M board feet. These losses represented about 75 per cent of the average cost of the standing timber manufactured.

The mills attempting to operate in 1932, on the average, recover neither interest nor cost of standing timber and largely fail to recover depreciation. In many cases only actual labor and supply costs are recovered without tax or insurance charges. The west coast lumber industry is subsisting at all only by heavy drains upon its capital assets and credit resources. The industry is on the verge of almost complete financial collapse.

These conditions have resulted in a terrific shrinkage in the value of the timber lands which constitute the principal basic resource of the region and its largest source of tax revenue to States and counties. Tax-delinquent timber lands are rapidly increasing and already seriously threaten the income of local government and communities.

There is a like shrinkage and threat of complete collapse in the value of the Federal-owned timber lands in national forests, Indian reservations, and revested grants, which contain 38 per cent of all the timber in the region.

The most serious effect of all these distressing conditions on the west coast is the appalling shrinkage in employment. The primary logging and sawmill industries of western Oregon and Washington employed 94,000 men in 1929. The additional employment in the pulp and paper industry, sash and door plants, and other woodworking factories brought the aggregate up to approximately 125,000 employees. The forest industries are the great basic sources of labor employment in the region, supplying over 60 per cent of its total industrial pay rolls. The logging and lumber industries alone, in 1929, disbursed $120,000,000 in pay rolls.

Employment was steadily forced down during 1930 and 1931. In the first quarter of 1932 less than 35,000 men, or 37 per cent of the normal number of workers, were obtaining any employment in the sawmills and logging camps. At least two-thirds of this number were working on short shifts of from 24 to 36 hours per week, or intermittently—a few days or a week at a time. In hours per month present employment is not over 20 per cent of that in 1929. And the economic distress of the industry has forced an average shrinkage of probably 40 per cent in the hourly wage as compared with 1929.

The Pacific Northwest is wholly without other industries or resources capable of providing for even a small fraction of the seventy or seventy-five thousand men who have lost their normal employment in forest industries. Tremendous efforts have been made to provide relief through both public and private agencies, but these are approaching exhaustion. The effect of unemployment upon many northwestern communities built in connection with and dependent upon forest industries is serious in the extreme. Many cases could be cited where, with 20 per cent or more of their people now on public charge and with both public and private financial resources and credit almost exhausted, such communities face complete economic and social collapse.

Every additional thousand feet of lumber that can be produced in the United States by protecting our home market means two days' labor for logging camp and sawmill workers. We respectfully submit that the National Government should provide the only effective solution of this staggering problem of unemployment in the Pacific Northwest by permitting its major industries to resume some degree of their normal activity.

8. All forest products should be dealt with as a whole: At least in the Pacific Northwest a unified policy of import taxes dealing with all forest products is essential for the following reasons:

(1) Only such a policy will effectively conserve the value and tax-paying capacity of the basic natural resource, standing timber, and permit its economic utilization with a minimum of waste.

(2) All of the various forest products come out of the same forest and the same logging operations where the different classes and species of timber occur together. Economical logging requires varied markets for the different classes of material produced—pulp plants for logs of certain species, cedar lumber and shingle plants for cedar logs, and so forth.

(3) Further manufacture is closely integrated, as in the case of pulp mills, which afford a market for much of the waste material from sawmills, both as pulp stock and fuel.

That is, efficient use of raw material and economical production require maintenance of all the different forms of forest industries. Therefore they should all share in the protective benefits of a Government policy.

While dealing primarily with the lumber industry of the Pacific Northwest we believe that the conditions set forth apply to all forest regions and industries of the United States, and that the national emergency in these and other natural-resource industries demands relief through import taxes on their products.

Respectfully submitted.

WEST COAST LUMBERMEN'S ASSOCIATION,
By W. B. GREELEY, *Secretary-Manager*.

Indorsed by: Inman-Poulsen Lumber Co., Portland, Oreg., H. B. Van Duzer, vice president; Eastern & Western Lumber Co., Portland, Oreg., Frank Ransom, president; Coos Bay Lumber Co., Marshfield, Oreg., H. W. Bunker, president; Silver Falls Timber Co., Silverton, Oreg., M. C. Woodard, president; Pacific National Lumber Co., Tacoma, Wash., E. W. Demarest, president; Shaffer Box Co., Tacoma, Wash., Ralph Shaffer, president; E. C. Miller Cedar Lumber Co., Aberdeen, Wash., R. J. Ingram, vice president; Puget Sound Pulp & Timber Co., Everett, Wash., Ossian Anderson, president.

"A NEW JOB FOR CONGRESS"

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. William Hirth, publisher of the Missouri Farmer, entitled "A New Job for Congress."

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

Hon. HARRY B. HAWES,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As per my promise to you when I recently appeared before the Senate Interstate Commerce Committee, I herewith submit my views on the necessity of giving the Interstate Commerce Commission the power to fix the rates of interstate truck and bus carriers, and to surround the latter with other regulations in the interest of sound public policy. When witnesses appear before a congressional committee the frequent questions asked by the members make it difficult to follow a consecutive line of thought, and I therefore welcome this opportunity to restate what I intended to say in a more coherent manner.

In this connection I am glad to note that the Interstate Commerce Commission has asked Congress for the above authority; and if it is granted, I hope the commission will not proceed upon the theory that it must go through a long process of experimentation, for the need for this character of regulation is immediate and acute. Also I am not in accord with the suggestion of the commission that the railroads and water lines be encouraged to make a greater use of our public highways. As I will endeavor to show later, the congestion on the highways is already such that there is little room left for the motorist.

There is an old and oft-repeated saying that "competition is the life of trade," and thus it is not surprising that many Members of Congress, as well as laymen, have welcomed the new competition which trucks and busses have offered to the railroads during the last few years. But there is another old saying that "all is not gold that glitters," and I think this applies most forcibly in the present instance. That, generally speaking, competition should be preserved in all the great fields of industry goes without saying, but we should always have a care lest such competition leads to demoralization and thus becomes a vice rather than a virtue, and I think this is inevitable in the realm of transportation unless Congress takes a hand and formulates a definite nation-wide policy with reference to interstate truck and bus carriers which are expanding their operations by leaps and bounds, and which under existing conditions are a law unto themselves.

A MENACE TO FARM ORGANIZATIONS

It happens that I am the president of the Missouri Farmers' Association, which besides its larger centralized marketing agencies operates elevators and exchanges in nearly 400 Missouri towns; and when I tell you that our yearly volume of business in grain, livestock, poultry and dairy products, feed, flour, fertilizer, etc., is in excess of $100,000,000, you will appreciate that in these times of depressed farm prices not only is our association overwhelmingly the largest farm organization in any State in the Union but it is a question whether there is a larger one in the country, and, therefore, the problem of transportation is one of tremendous importance to us. That our nearly 400 elevators and exchanges, in which our thousands of farmer members have an investment of approximately $5,000,000, have saved the farmers of Missouri millions of dollars during the last 15 years in an increased price for farm commodities and in a lowered price of feed, flour, fertilizer, etc., is true beyond question, and in proof at the end of the year the profits earned by these elevators and exchanges are divided among our members in proportion to the business each has done, and thus these agencies are operated on a purely cost basis, and more than this a cooperative can not hope to achieve.

In addition to the above elevators and exchanges as late as three years ago we were also operating approximately 350 livestock-shipping associations, which gather up the local hogs, cattle, calves, and sheep when they are ready for market, and then they are shipped by rail to the big stockyard centers to our cooperative livestock commission companies, through which they are sold to the packers, order buyers, butchers, etc., and through

these terminal marketing agencies we have returned several million dollars in saved commission charges to our members in Missouri and to the members of allied farm organizations in the adjoining States. However, when three years or more ago the trucks appeared upon the scene, we suddenly found ourselves confronted by an entirely new situation; and as time has gone on, this situation has become increasingly menacing to the very existence of our association; during the early stages of truck expansion the trucker said to the farmer, "Why should you go to the trouble of hauling your livestock to town when I am glad to come to your farm and get it and when I am willing to haul it to market for only a little more than you would have to pay to ship it by rail?" This argument appealed to so many farmers that in a little while we found it impossible to gather up a weekly carload shipment at many points, and as a result many of our livestock-shipping associations have gone out of existence, and at this time the strongest of them are seriously menaced.

FARMER HASN'T THOUGHT IT THROUGH

Perhaps at first thought you will say, "If the trucker can offer a more convenient service to the farmer than the railroads, why should not the farmer avail himself of it?" And everything else being equal, this should decide the matter; but the facts are that the "shrink" of livestock by truck is much greater than by rail; and this is true because, as the trucks whirl around the innumerable curves on the average highway at a speed of 40 or 50 miles per hour, and go up and down hill, the livestock is constantly lunging from side to side, or from end to end, with the result that it often reaches the stockyards in such a nervous condition that it will neither drink nor eat, and thus a good "fill" is impossible; also many truckers deliver the farmers' livestock to packers who buy direct (not through a public stockyard) on the theory that this will save the farmer the usual selling commissions, feed, yardage charges, etc., and many farmers "fall" for this argument without considering the fact that this policy undermines the great competitive livestock markets where packers and other buyers are compelled to bid against each other, and which situation the livestock producers of the country should maintain at all hazards. When livestock is shipped by rail the movement is much less violent than by truck; and hence when it arrives at the stockyards it is not only ready for a good fill, but with fewer bruises, and also the railroads are interested in preserving the great central livestock markets, and thus it can be seen that the average farmer could well afford to ship by rail even if he is compelled to haul his livestock to the nearest shipping point, and even though the rail rates were somewhat higher, and I cite these facts merely to show that shipping by truck is not in fact in the interest of the farmer, and if it were, the big farm organizations would be the first to give their hearty approval.

It is true that the farmer is not compelled to pay selling commissions, yardage, etc., when his livestock is delivered to a direct packer buyer; but since such a packer is a mere "camp follower" of the big public stockyards in point of price, and since he names without competition the price he is willing to pay, and from which there is no appeal, is it not safe to assume that in the end the farmer loses more than the commissions, yardage, etc., he would pay at a big terminal market? Certainly the direct packer buyer has a reason for wanting to do business in this way, and certainly this reason is not in the interest of the livestock producer, except that trucking has expanded so rapidly that the farmer as yet has not seen both sides of the picture.

A few years ago the marketing of livestock by the big cooperatives seemed one of the finest fields that beckoned to us; and this not only because our big terminal market commission companies were returning hundreds of thousands of dollars in saved commission charges to our members annually, but by controlling livestock from the country shipping point to the stockyards we were getting in a fair way to stabilize terminal market prices. But with thousands of unregulated trucks breaking down our livestock-shipping associations and delivering livestock to direct packer buyers, and thus weakening the big central competitive markets, and by ignoring our terminal market agencies at other times, this means that one of the greatest opportunities of the cooperative movement has been largely shot into a cocked hat, and as a result the big Corn Belt cooperatives have been greatly enfeebled.

In the meantime, during the last two years the trucker has begun to say to our farmers, "If you will allow me to haul your livestock, and happen to need feed, such as bran, shorts, tankage, poultry feed, fertilizer, etc., I have made arrangements to buy these commodities at the wholesale price, and I will gladly deliver them to your door on this basis in order to get a back haul"—and then the truckers get as much out of the farmer as they can, figuring that they are killing two birds with one stone, first, that in this way they secure a pledge of the farmer's livestock, and second, that even though the back-haul charge is largely nominal, it is that much "velvet" in any case. First, the trucks broke up many of our livestock-shipping associations, and now they menace the existence of our nearly 400 elevators and exchanges, in which, as I have said, our members have an investment of $5,000,000; and this because when the truckers offer to deliver feed, fertilizer, etc., to the farmer's door at the wholesale price, plus a nominal back-haul charge, neither a cooperative agency nor an independent dealer can long hope to hold their own against such competition. And if somebody asks, "Does not this mean cheaper service to the farmer?" I ask the counterquestion, "Suppose it does on the commodities I have mentioned, but suppose that this practice destroys the big cooperatives, which we have spent years in building up and which market the farmer's grain, livestock, poultry, and dairy products direct to the big consuming centers, and which offer the only hope of the farmer ever having anything to say about what he shall receive for the fruits of his toil?" In this case will not the farmer in the end have traded his birthright for a mess of pottage? We can not pay the operating expense of our elevators and exchanges throughout the year without making a modest profit on feed, flour, fertilizer, etc., and this is why I say that the trucks have begun to menace the existence of these agencies.

OUR ENTIRE DISTRIBUTIVE MACHINERY THREATENED

In their zeal to get a back haul of some kind the livestock truckers and other truckers have almost completely captured the less-than-carload hauling of local merchants, and yet, in my opinion, the latter are penny-wise and pound-foolish, for already certain truckers are peddling merchandise direct to the townspeople just as they are peddling feed to the farmer, and therefore does not this practice threaten to destroy those of our independent merchants who have thus far survived the deadly competition of the chain stores? Certain truckers are also buying up the choice eggs and chickens of the farmer, while the inferior grades are left for our elevators and exchanges and the local merchants to handle as best they can, and thus the demoralization grows apace, and threatens the distributive machinery of the whole Nation in which hundreds of millions of dollars are invested.

So serious had these conditions become that in the winter of 1930 the executive committee of our association sponsored certain truck and bus bills in the Legislature of Missouri, and as a result these measures were passed by comfortable majorities. These bills regulate the size of trucks and busses, and give our State public service commission the right to fix the intrastate rates of such carriers; and yet with St. Louis and Kansas City (which are our principal markets) located on the State lines of Illinois and Kansas, the latter provision is very largely meaningless. The National Stockyards, which are our leading livestock market, are located in East St. Louis, on the Illinois side, while by driving a few blocks farther upon one pretext or another, the truckers who haul to the Kansas City Stockyards can likewise qualify as interstate carriers, and thus they are in position to snap their fingers in the face of our public service commission, and the only remedy in sight is for Congress to give the Interstate Commerce Commission the power to fix the rates of interstate truck and bus carriers—then and not until then will order come out of chaos, as it did years ago when the Interstate Commerce Commission and our various State public service commissions put an end to a similar demoralization with reference to the railroads.

LONG HAULS IMPORTANT FACTOR

In order to defend ourselves as best we can, some months ago we began to operate local trucks in certain communities, gathering up the livestock that was ready for market, and then shipping it by rail; at one point where the truckers were charging 50 cents per hundredweight for hauling livestock to East St. Louis, our trucks charged 12 cents per hundredweight to bring the livestock into the local shipping point; and after adding the rail charge, the total charge to the farmer amounted to 35 cents per hundredweight, thus effecting a saving for the farmer of 15 cents per hundredweight; thereupon one of the leading truckers reduced his charge to 35 cents, while another cut to 25 cents, and this merely goes to show that under existing conditions we are powerless to combat the situation, for faced with the loss of their business, the truckers will reduce their rates almost to the vanishing point—and the mere fact that they can not long exist on such a basis offers no comfort, for when one trucker is forced out, there are always two new and inexperienced ones to take his place. And until the interstate trucks are brought under control, the enforcement of a fair intrastate rate is greatly handicapped—first, because, as I have said, our livestock movement (which is the backbone of the trucking business) is very largely interstate, and because the enforcement of intrastate rates substantially higher than the interstate rates would soon bring on a public outcry, and hence early action by Congress is the only solution.

And here is another practical certainty that stares us in the face: In the course of the average year, our association ships in several thousand carloads of corn, oats, etc., from the outside States, and we also ship hundreds of carloads of eggs, poultry, sweet cream, and butter to the distant eastern markets, and all of these hauls are long ones in which the railroads are indispensable; therefore, if the trucks and busses are permitted to pick off the cream of the short-haul traffic, in the end will not the Interstate Commerce Commission be compelled to greatly increase the rail rates on the long hauls, a character of traffic for which the trucks are not practical? Already the existing rail rates on grain and cattle out of the distant Northwest, West, and Southwest are a burden which, under the present low price of grain and livestock is almost unbearable, while if there is any material increase in these long-haul rates, they will become utterly confiscatory, and this is likewise true of long merchandise hauls, which, in the end, must come out of the consumer's hide. And, therefore, should not this long-haul problem have the serious thought of Congress? If in this character of traffic the railroads are indispensable, then can not anybody see the direction into which we are drifting? If the long-haul rail rates are materially increased, it will place tens of thousands of farmers who live long distances from the central markets in an almost impossible position, and I, therefore, have little patience with those who are

constantly looking for a chance to "pound" the railroads without rhyme or reason, and who are too short-sighted to see what it is leading up to.

POUNDING HIGHWAYS TO PIECES

And now I desire to mention a phase of this matter which, in my opinion, is the most incongruous of all. During recent years our Government and the several States have invested approximately $12,000,000,000 in hard-surfaced highways which cover the country from end to end. Ostensibly these highways were built in the interest of the motorist; and yet no sooner were they ready for service than they were appropriated for private gain by the owners of trucks and busses, and this without compelling these carriers to contribute anything to the original construction cost of these highways, or even to contribute substantially to their maintenance—for such contribution as they make in the latter respect through license fees and a gasoline tax amount to a mere bagatelle, claims to the contrary notwithstanding.

No. 40, the main highway between St. Louis and Kansas City, cost approximately $10,000,000. It has been in use only about four years, and already I think I am safe in saying that 5 per cent of it has been resurfaced, and during the last year its deterioration has been rapidly increasing, and all because of the incessant pounding of the giant trucks and busses which cease neither day nor night. I understand that recently the ex-chairman of our State highway commission made the statement that this great highway will have to be completely rebuilt during the next three years, and in this case the bonds for its original construction will not have run half their maturity period; and if he is right, as I am sure he is, then where are we to get the millions of dollars that will be needed to replace it? In the meantime, as the trucks and busses increase, deadly accidents are likewise increasing, and this not only because of increasing congestion but because the motorist can not see past these huge trucks and busses, and thus he must be content to frequently trail them for a considerable distance, or take chances of a collision with an oncoming car, truck, or bus if he passes them. As a matter of fact, if this character of traffic keeps on increasing, the time is not far distant when the motorist will be driven off our leading highways entirely; and yet it was presumably in his interest that the Government and the States invested the gigantic sum of $12,000,000,000 in our great highway system; and, in my opinion, this situation constitutes the most idiotic and indefensible performance of its kind in the history of our country, and the only way in which we can hope to somewhat make amends is to compel trucks and busses to henceforth contribute their full share toward highway maintenance, and to fix their rates sufficiently high to enable them to do so.

Confined to the motorist, our highways would have lasted almost indefinitely, but, as things stand, the damage done by trucks and busses to our nation-wide highway system already mounts into hundreds of millions of dollars, and how much longer will our Government and the States continue a policy so unsound? Nearly all our leading highways parallel the railroads which are compelled to adhere to published rates, while the trucks and busses are free to prey upon their most desirable patronage as they please, and to make whatever rates they please, and in all decency is this fair?

In saying these things I certainly do not do so as a special pleader for the railroads, for as president of the Missouri Farmers' Association, and chairman of the Corn Belt Committee, which speaks for the big farm organizations of the Central States, I not only vigorously opposed the railroads in the Western Rate case some years ago, but I did likewise with reference to the 15 per cent freight increase for which they asked in 1931, and the records of the Interstate Commerce Commission will bear out this statement. But I can see what a menace the unregulated trucks have become to the continued existence of great cooperatives like the Missouri Farmers' Association, and likewise I see the menace they are with reference to the long-haul rates in which, as the picture looks now, the railroads will be indespensable for a long while to come. All in all, the situation is a good deal as it was years ago when the railroads were a law unto themselves, and when Congress was finally compelled to give the Interstate Commerce Commission authority over interstate rates, leaving it to the public-service commissions of the State to adjust intrastate rates accordingly, and in my opinion it is imperative that Congress adopt a similar policy with reference to trucks and busses, and no time should be lost in doing so—and I repeat that trucks and busses should be compelled to contribute their full share toward the maintenance of our highways, and that their rates should be fixed with this end in view.

A MISGUIDED TRANSPORTATION POLICY

And here I can not refrain from saying that in my opinion the general attitude of Congress during recent years toward our nation-wide transportation problem has been neither constructive nor in the interest of sound public policy. If it is really true that the railroads are the "backbone" of our transportation system, then why should not Congress have long since thrown a protecting arm around them, not in the interest of Wall Street, but to the end that rail rates might have been forced down to a minimum in the interest of all the people?

Is it consistent, on the one hand, to say through the Esch-Cummins Act that the railroads are entitled to a net return of 5¾ per cent and then on the other hand to appropriate hundreds of millions of dollars for highways and deep waterways and permit private individuals and corporations to use these subsidized agencies for private gain practically free of charge and thus make it impossible for the railroads to earn the net which the Esch-Cummins Act vouchsafes to them? Is such a policy fair to the railroads, or is it sound from a public standpoint? Should not Congress determine what agency or agencies can best serve the transportation needs of most of our people and then protect such agency or agencies in order that the rates may be kept as low as possible? If it is wise to have only one telephone and one light and power company in the same city in order to give the people the benefit of the lowered operating costs, should not the same general principle apply to transportation as near as possible? In other words, when we encourage as many different modes of transportation as Joseph's coat had colors, do we not increase the general burden on the public?

For a good many years we have had a certain type of so-called statesmen who have posed as "friends of the people" by everlastingly jumping onto the railroads, and usually these gentlemen dwell long and loud upon the sins of Wall Street, and in this latter connection I would like to see Congress surround railroad financing with sufficient safeguards so that racketeering bankers will be compelled to choose between jail and decency, for it is perfectly true that there have been many conscienceless and indefensible performances in these premises. But granting that stringent safeguards of this kind are needed, we should realize that the railroads are a tremendous factor in the Nation's prosperity, and this is true because 50 cents or more out of every dollar they collect for service immediately finds its way into the pockets of the approximately 2,000,000 men and women they employ in normal times, yet this is only half the story, for in normal times the railroads consume 25 per cent of the output of our steel mills, 25 per cent of the output of our coal mines, and 20 per cent of the output of our lumber and cement mills, and thus indirectly they supply employment to perhaps a million or more additional workers. Also in practically every State the railroads are our heaviest taxpayers, and therefore they make a heavy contribution to the support of our public schools and higher institutions of learning, and in paying the costs of State, county, and municipal government; and finally, billions of dollars of railroad securities are owned by our great life-insurance companies and savings banks, and have we any funds in our Nation that are more sacred or more entitled to the solicitude of our Government?

EXISTENCE OF RAILROADS AT STAKE

For the above reasons it seems to me that Congress should lose no time in putting an end to the demoralization which has been created by the rapidly expanding truck and bus traffic, a situation which at this hour threatens to drive every railroad in the country upon the rocks; next, I think it should stop using the money of our taxpayers in creating new agencies of transportation which are appropriated for private gain—certainly the least the taxpayer can ask in these premises is that these new agencies shall reimburse the Government and the States dollar for dollar. In my opinion, unless a policy of this kind is adopted, not a railroad in the country will escape a receivership, and in the ensuing chaos the people will, as usual, be compelled to "pay the fiddler." As matters now stand, the railroads personify a giant bull who has a ring in his nose and who is tethered to a tree, and thus completely at the mercy of competing trucks, busses, pipe lines, deep waterways, and airplanes, which are free to assault him as they will, while the Government and the States look on unconcerned; yea, more than unconcerned, for the service of the trucks, busses, deep waterways, and airplanes is being subsidized at tremendous public expense, and that this policy, if continued, means the early destruction of the railroads, lock, stock, and barrel, is as certain as the rising and setting of the sun. Already many branch lines have been abandoned, and thus the doors are locked on hundreds of small-town stations in which only yesterday an obliging station agent was known by his first name to every man, woman, and child. And when the deep snows and blizzards of winter come these towns will be without service, for the trucks and busses are fair-weather birds which come and go when and as they please. If the railroads have outlived their usefulness, then perhaps the impending tragedy is inevitable, but should not Congress and the States make sure that this is really true? No one will deny that these competing agencies of transportation have a rightful place in the picture, but they should be so regulated that they will not undermine and demoralize our entire transportation structure.

WILLIAM HIRTH.

SHORT SELLING ON THE NEW YORK STOCK EXCHANGE

Mr. CAPPER. Mr. President, I have received from Lloyd Maxwell, one of the leading business men of Chicago, a telegram commenting on the short-selling investigation, which I ask to have printed in the RECORD.

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

CHICAGO, ILL., *April 18, 1932.*

Hon. ARTHUR CAPPER,
Senator from Kansas, Washington:

I believe the investigation of short selling should be pressed with aggressive and competent counsel and expert investigators in order to reveal the identity of many short sellers and the extent of their operations which should prove to be one of the major causes of the depression. Further, I believe if the exchange is not regulated and controlled in the future it will seri-

ously retard the early return of prosperity. Destruction of security values has in turn destroyed the basis of credit which in turn has correspondingly destroyed the buying power of millions of shareholders and investors and obviously the inevitable consequence is a great depression in business. Property values can not be overdeflated without an overdeflation of general business. With short-selling attacks on security values and property in general the inevitable result is liquidation, both forced and panicky. Liquidation in general has been an effect and not a cause. Creative and constructive efforts must supplant deflationary and destructive propaganda, and to safeguard the future it is necessary to expose the past, which should embrace a comprehensive investigation of the various activities of the New York Stock Exchange and its complicated machinery, including the dangerous privileges of the specialist, who can trade as a principal while acting as an agent. Every effort is being made to suppress the investigation of the New York Stock Exchange because of the fear of exposure by leading bears, many of whom may have violated important fiduciary relations while secretly and actively contributing to the continuous depression.

LLOYD MAXWELL,
President Williams & Cunnyngham.

PRICES OF FARM PRODUCTS

Mr. HOWELL. Mr. President, I ask unanimous consent to make a short statement.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I think I must object. Last evening the Senate clearly indicated a desire to go forward with the debate on the privileged question now before the Senate, and it was thought that we might get started immediately following the morning business to-day. If the Senator will wait until later in the day, I think he will have an opportunity to make the remarks he has in mind.

Mr. HOWELL. I simply ask unanimous consent to make a very short statement.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, since the Senator assures me that the statement he desires to make will be very brief, I shall not object.

The VICE PRESIDENT. The Chair hears no objection, and the Senator from Nebraska will proceed.

Mr. HOWELL. Mr. President, I again desire to call the attention of the Senate to the fact that during this Congress nothing of a constructive character has been done for the farmer. The plight of the agricultural regions is most acute. Reports from counties in my State, Nebraska, indicate that the farmers are receiving in some sections such prices as 27 cents per bushel for wheat, 19 cents per bushel for corn, from 13 to 18 cents per pound for butterfat, 9 cents per pound for chickens, 6 cents per dozen for eggs, and even in western Iowa $3.15 per 100 pounds for hogs.

This means that the farmer is receiving less than one-half for his products as compared with average prices for the period from 1909 to 1914; but, mark you, he is paying for the things he buys from 15 to 20 per cent more than he paid during that same period, and it is not by any means all due to the existing depression. No improvement in economic conditions generally can be expected so long as such a differential prevails against the farmer. That must be evident, because the buying power of the whole rural population—nearly one-half of our population—is practically the same as that of the farmer, because of the prevailing prices for agricultural products.

Not only has this Congress failed to act constructively for the farmer, but there is no measure of such a character pending on the calendar of the Senate. What are we going to do about it? Only a little more than one month remains of this session. Are we to go back and tell the farmer we are helpless or that we could not even attempt legislation? Certainly such answers will not suffice, and I give warning here that such is the case. Such answers will be resented. No other result can be expected.

REDUCTION OF GOVERNMENT SALARIES

Mr. LONG. Mr. President, I send to the desk a letter from Mr. C. E. Johnston, president of the Kansas City Southern Railway Co. It is just a 1-page letter, and I ask that it be read.

The PRESIDENT pro tempore. Out of order and without objection, the letter will be read.

The Chief Clerk read as follows:

THE KANSAS CITY SOUTHERN RAILWAY CO.,
Kansas City, Mo., April 18, 1932.

To all employees:

Government employees from the highest to the lowest are servants of the people and as such are paid by taxes collected from the people. Practically all industry has been forced to cut the compensation to its officers and employees and all individual business has been forced to lower profits. Why should Government employees be exempt?

That it is necessary to balance our Budget, namely, equalize our expenses and our revenue, is agreed by every sane thinking person, and if our Nation is to endure and return to prosperity, the quicker this is accomplished the better. Federal employees should be willing to help bring about this balanced condition.

Millions of employees, including our company's, are taking their cut, and if this is to be accomplished with the Government employees our Senators and Representatives must have the moral support of their constituents. If you and the leading citizens of your community or among your acquaintances feel that it is right that Government employees should take a fair reduction in compensation, wire or write and tell your Congressmen. I hope you will individually take this action and will endeavor to get others to do the same. Eight or ten leading men from your community or circle, with a positive declaration in favor of this action, will have great influence. The sooner we meet this situation and face it courageously the sooner we will get back to normal.

Couple your suggestion to your Senators and Representatives with an earnest appeal to refrain from appropriations of all kinds except the normal expense of conducting the Government until such time as this depression passes.

It would be best, of course, to send your message in your own language, but as suggestion you may find in the accompanying sheets something that may assist you in expressing your views. Pick out one, change it to suit you, make it emphatic, and mail it quickly. For your convenience you will find attached a list of Senators and Congressmen from the various States and districts. Address both Senators from your State and the Congressman from your district.

C. E. JOHNSTON.

Mr. NORRIS subsequently said: Mr. President, did the Senator from Louisiana, in having the letter of the president of the railroad printed, ask to have printed also the four different forms? I think he ought to include them in his request and have the forms printed immediately following the letter.

Mr. LONG. I ask to have that done, if I did not before.

The PRESIDENT pro tempore. The Chair understood that those forms were sent to the desk together with the letter and that the Senator from Louisiana asked that the whole communication be printed.

Mr. LONG. I do want to have the four forms printed.

The PRESIDENT pro tempore. The Chair is under the impression that that order was entered.

Mr. NORRIS. Very well.

The matter referred to is as follows:

I respectfully urge your support for reduction in pay of Government employees. We have taken our cut, and private labor throughout the Nation has done same. Reductions must help taxes to balance the Budget. If you will vote for this and against all appropriations not justified under present distressing conditions we will back you up.

Government employees are servants of the people and are paid out of taxes collected from the people. Employees of practically every industry have had their wages reduced and are taking more. We feel that Government employees should do the same. Their scale of wages has been equal to and in some cases higher than ours, and if they are exempt our representative will be held accountable for it. I hope you will not fail to vote to adjust Government salaries to present-day requirements and that I may depend on you for no appropriation beyond the actual necessities of normal government. We who pay the taxes have more votes than the Government employees, and we and our families are entitled to the same consideration. They should share the burdens of the people, and we will support our representatives in bringing this about.

We all recognize the urgent necessity for quickly balancing our Nation's Budget. Instead of imposing new and increased taxes, the solution of our economic difficulty lies in cutting expenses so as to relieve the tax burden. Activities undertaken in times of prosperity should be discontinued or curtailed, new expenditures should not be permitted, and Federal employees should be compelled to bear their part of the load by taking a cut in pay. The voters have had to do this, and Government employees paid by the people should be treated likewise. Congress should insist

that this be done, and I hope that you individually will do everything possible to bring about strict economy in Government expenses.

All labor, except Government, is taking its cut in wages. Railroad employees in every branch voluntarily accepted a 10 per cent cut. I can think of no reason why Government employees, whose hours of labor are few and whose compensation is liberal, should not accept a similar cut in these distressing times. The sentiment in this community is for a wage reduction in all Government departments and no more appropriations except for normal expenses. Your constituents will be back of you in the work you must do to balance the Budget. This will help end the depression.

I do not believe there is any reason why Government employees should be exempt from salary reductions. Every other form of labor—white collar and blue overalls—has taken the cut. Government expenses are very great. Government workers have good pay and easy hours and many other compensations others can not command. There should be an immediate reduction in the pay of all Government employees. This is no more than fair to other forms of labor. Government expenses should be reduced; appropriations should be limited to actual necessities. The situation is serious. You may rest assured that this is the feeling among your constituents here.

The press is full of the efforts of Congress to "balance the Budget." This balancing process has been effected by industry in the only possible way—cutting expenses. My income and the income of practically every other person, except Government employees, has been affected. I urge you, therefore, to use your influence to see that Government forces bear their share of this necessary economy and that you support no appropriations or expenditures that can be avoided.

Arkansas: Senators JOSEPH T. ROBINSON and HATTIE W. CARAWAY. Representatives CLAUDE A. FULLER (Sulphur to Siloam Springs) and EFFIEGENE WINGO (Rich Mountain, south).

Kansas: Senators ARTHUR CAPPER and GEORGE MCGILL. Representatives ULYSSES S. GUYER (Wyandotte County) and HAROLD MCGUGIN (Mulberry to Baxter Springs).

Louisiana: Senators EDWIN S. BROUSSARD and HUEY P. LONG. Representatives JOHN N. SANDLIN (Rodessa to Benson), JOHN H. OVERTON (Converse to Ludington), and RENÉ L. DEROUEN (south of Ludington).

Missouri: Senators HARRY B. HAWES and ROSCOE C. PATTERSON. Representatives JOSEPH B. SHANNON (Kansas City to Grandview), CLEMENT C. DICKINSON (Jaudon to Hume), and JOE J. MANLOVE (south of Hume).

Oklahoma: Senators ELMER THOMAS and THOMAS P. GORE. Representatives WILLIAM W. HASTINGS (Watts to Redland) and WILBURN CARTWRIGHT (Spiro to Page).

Texas: Senators MORRIS SHEPPARD and TOM CONNALLY. Representatives WRIGHT PATMAN (Ogden to Bloomburg) and MARTIN DIES (Ruliff to Port Arthur).

Mr. LONG. Mr. President, I have sent this letter to the desk to be printed in the RECORD to show that many of the letters we are receiving, so emphatic, from the common people all over the country have been inspired by the railroad presidents, who are urging, as that letter shows, that all their employees should write very emphatic letters to Members of the Congress so as to make sure that Federal wages shall be reduced that the compensation of the employees of the Government shall be lowered.

I have asked that the letter be read in order that Senators and Representatives may understand the inspiration of these letters which are flooding us here, and that they are being directed, as this letter shows, by railroad presidents over the United States.

Mr. BINGHAM. Mr. President, along the line just mentioned by the Senator from Louisiana [Mr. LONG], I think it may interest Members of the Senate to have put into the RECORD a letter from John Haynes Holmes, chairman, and Roger N. Baldwin and Forrest Bailey, directors, of the American Civil Liberties Union, calling upon their friends to help defeat a certain group of bills and do all they can to secure the passage of other bills. That kind of letter has gone out quite widely and resulted in a good many letters being received by Senators and Representatives. I think it may interest Senators to have that letter also printed in the RECORD. Therefore I ask unanimous consent that this letter from the American Civil Liberties Union be printed in the RECORD.

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

The letter is as follows:

AMERICAN CIVIL LIBERTIES UNION,
New York City, March, 1932.

To our friends:

We ask your help in putting through Congress certain bills which will help lessen the weapons of repression in the hands of courts and Government officials. With cooperation on the part of all our friends there seems a fair chance for the passage of a substantial part of this program. Pamphlets and leaflets on most of these bills are inclosed. They are:

1. Bills to limit the powers of Federal courts to issue injunctions in labor disputes. Nos. S. 935 and H. R. 5315. Passed by the Senate and may well be passed by the House by the time this reaches our friends.

Backed by the American Federation of Labor, and strangely enough, by the National Civic Federation. Campaign handled by our national committee on labor injunctions. Opposed by the National Manufacturers Association, the Coal Operators Association, the League for Industrial Rights, and other open-shop interests.

2. Bills to admit to citizenship alien conscientious objectors to war who refuse to promise to bear arms. Nos. S. 3275 and H. R. 298.

Backed by the religious press, the Griffin bill committee, Women's International League, National Council for the Prevention of War, and other pacifist organizations. Opposed by all the professional, patriotic, and militarist organizations.

3. To abolish one-man censorship by the Post Office Department by providing jury trials for all matter barred from the mails. S. 3907.

Backed by our National Council on Freedom from Censorship. Opposed by professional vice societies.

4. To prohibit the tapping of telephone wires to obtain evidence in Federal courts. S. 1396, H. R. 5305.

This bill aims to overcome a 5 to 4 Supreme Court decision rendered in a prohibition case. There is, therefore, a tendency to make it a wet and dry measure, which it obviously is not, and for drys to oppose it.

5. To repeal two sections of the war time espionage act, one of which, still in force, gives the Post Office Department power to bar "seditious matter" from the mails; the other is the section under which the war prosecutions for opinion were brought. S. 1058.

This bill passed the Senate unanimously last year. There is no opposition to it.

6. A resolution calling on the President to restore the rights of citizenship to persons convicted under the espionage act during the war for their pacifist utterances. S. J. Res. 43, H. J. Res. 179.

Now, 14 years after the war, they may not serve on juries, vote, or hold office. This bill is opposed by the Attorney General's office, which holds that these rights should be restored individually on application, not by a presidential proclamation. The method advocated by the Attorney General is entirely impracticable.

The pamphlets and leaflets inclosed cover all of the above except 5 and 6. Information on those issues will be sent to anyone on request.

We call on our friends to help defeat one group of bills of which there seems to be considerable danger of passage. They provide for the registration of all aliens. A pamphlet describing the bills and stating the arguments against them will be sent on request. Write to your Senators and Representatives opposing the passage of any bill whatever providing for registration.

These bills are backed in principle by the President, the Department of Labor, and the professional patriotic organizations. The American Federation of Labor, which once opposed them, can not be counted on now. They are opposed by all of the religious press, and by the foreign-language groups of naturalized citizens.

We ask you now to write letters to your Senators and Representatives urging the passage of any or all of these bills. Back those which especially interest you. Make the letters short, four or five lines only. Each letter should deal with one bill only. Mention it by number. If you write one Senator or Representative on several bills, space your letters a few days apart.

Letters to legislators always help if they come from their home districts. You will note by the opposition to the bills cited above that only the strongest possible expression of support from all our friends will put these bills through.

Also if you have time, write brief letters to your local newspapers in support of any of the bills; get organizations to adopt resolutions supporting them.

Please do your part promptly, backing up the effort we are making directly in Washington. If you are willing to help further, fill out and return the inclosed card.

With appreciation, sincerely yours,

JOHN HAYNES HOLMES,
Chairman.

ROGER N. BALDWIN,
FORREST BAILEY,
Directors.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to make a short statement with reference to the letter just read from the president of the Southern Railroad, asking

for reduction of wages. If the Senator from Oregon will not object, I shall take only about a minute and a half.

Mr. McNARY. I shall object unless we have some idea of the time the Senator desires to take. Does the Senator want just a few minutes?

Mr. SHIPSTEAD. If I may have two minutes, that will be all I shall want.

Mr. McNARY. Very well.

Mr. SHIPSTEAD. Mr. President, I think it comes with poor grace for those who represent the railroads and the banks now to come and talk about the deficit. Five hundred million dollars has been appropriated out of the Federal Treasury to help the banks and the railroads. They were helped again when we canceled the foreign debts, which were bringing in $500,000,000 a year. That represents an extraordinary expenditure of a billion dollars out of appropriations this year.

They were helped again with the moratorium, which cost us $250,000,000, to help the banks of New York and London. Now they come passing the hat to collect from the working people of this country to make good the deficit that was caused by appropriations made at their request, made, in a way, as a result of threats of national and international disaster unless these doles were taken out of the Treasury and handed to them.

Working people all over the country are expected to donate to make up the deficit, and I expect they will have to donate, but I think it comes with very poor grace for the presidents of railroad corporations and banks, after having received all they asked for at the hands of this Congress, to come now and repeat and repeat and repeat that the great mass of the people shall now be compelled to contribute to the hat that is being passed to make up the existing deficit. The railroad executives and bankers have dominated this Government more than any other influence. The results of this domination make further advice from them seem effrontery.

Mr. LONG. Mr. President, I merely desire to say to the Senator from Minnesota that the communication which I just sent up to the desk contains form letters which the employees are to use. Those in authority wrote out several different forms that are to be used; and if Senators will notice the letters they are receiving, they will find that they track the words of these railroad executives, who came here and got the better part of $2,000,000,000 of Government money and are using their time and the Government money to send out form letters to their employees to urge Congress to press down the wages of Federal employees.

ALABAMA SENATORIAL CONTEST

The PRESIDENT pro tempore. Under the unanimous-consent agreement previously entered into, the Chair lays before the Senate the resolution (S. Res. 199) relating to the Alabama senatorial contest.

The Senate resumed the consideration of the resolution (S. Res. 199), reported by Mr. GEORGE and Mr. BRATTON from the Committee on Privileges and Elections, as follows:

Resolved, That JOHN H. BANKHEAD is hereby declared to be a duly elected Senator of the United States from the State of Alabama for the term of six years, commencing on the 4th day of March, 1931, and is entitled to a seat as such.

Mr. HASTINGS obtained the floor.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Nebraska?

Mr. HASTINGS. I yield.

Mr. NORRIS. I wanted to make a request for unanimous consent in order that we might pass a resolution. It will require unanimous consent, because we are going on with the resolution to which the Senator from Delaware is about to address himself under a unanimous-consent agreement.

Some time ago the Judiciary Committee reported a resolution introduced by the senior Senator from Montana [Mr. WALSH] and the junior Senator from New Mexico [Mr. CUTTING], asking for some action in regard to the pamphlets in the Mooney-Billings case. The Judiciary Committee reported recommending that the pamphlets be printed as a public document.

It was said that there was an attempt to influence the governor of the State, who had the application for pardon under consideration. That application has now been disposed of, and so far as I understand, no further objection exists to the action requested in the resolution.

I wanted to ask unanimous consent that the resolution reported by the Judiciary Committee be passed.

Mr. HASTINGS. Mr. President, I was among the members of the Committee on the Judiciary who filed a minority report in that matter, and I shall feel compelled to object to taking up the resolution now.

The PRESIDENT pro tempore. Objection is made.

Mr. McNARY. Mr. President, will the Senator from Delaware yield to me?

Mr. HASTINGS. I yield.

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

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

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

Ashurst	Costigan	Kean	Schall
Austin	Couzens	Kendrick	Sheppard
Bailey	Cutting	La Follette	Shipstead
Bankhead	Dickinson	Lewis	Shortridge
Barbour	Dill	Logan	Smith
Barkley	Fletcher	Long	Smoot
Bingham	Frazier	McGill	Steiwer
Black	George	McKellar	Stephens
Blaine	Glass	McNary	Thomas, Idaho
Borah	Goldsborough	Metcalf	Thomas, Okla.
Bratton	Gore	Moses	Townsend
Brookhart	Hale	Neely	Trammell
Broussard	Harrison	Norbeck	Tydings
Bulkley	Hastings	Norris	Vandenberg
Bulow	Hatfield	Nye	Wagner
Byrnes	Hayden	Oddie	Walcott
Capper	Hebert	Patterson	Waterman
Caraway	Howell	Pittman	Watson
Carey	Hull	Reed	Wheeler
Connally	Johnson	Robinson, Ark.	
Copeland	Jones	Robinson, Ind.	

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

Mr. HASTINGS. Mr. President, in the report submitted by the majority members of the Committee on Privileges and Elections with respect to the primary it is said:

In our opinion the legality of the primary is not a proper matter for the consideration of the Senate of the United States. If it were, under the facts in this case, the action of the people in the general election has foreclosed consideration of it. For the fraud and corruption of the successful candidate in the election of the Senate may go into the primary, as was done in Smith's case and Vare's case. Here the alleged infirmity is in the action of the party committee, not in Mr. Bankhead.

After having read that report and with practically nothing having been said with respect to the validity of the primary, I had supposed that the Senators filing the report were depending entirely upon that statement in their report. Great stress was laid, however, by the Senator from New Mexico [Mr. BRATTON] yesterday upon the fact that the 1928 restrictions which were placed upon the candidates were not unusual and that similar provisions had been made since the year 1910.

The provision in section 612 of the statute, which makes it necessary from my point of view that the same restrictions be placed upon the voter as are placed upon the candidate, was placed there in the year 1919. It was contended and not denied that the words "for each candidate" were placed in the statute in that year and that the statute was so amended in order that the costs of the primary might be paid out of public funds, a decision of the State of Texas upon a similar statute having held to the contrary. It is not necessary, therefore, to inquire what the practice was prior to 1919. Indeed, I do not think the practice would be controlling in any event, but it might be worth while to find out whether the statement made by Mr. Bankhead with respect to this is entirely correct.

I can readily understand how the Senator from New Mexico may have overlooked things in the record with respect to this, because in part 3 of the hearings, where this evidence

appeared, it is not in chronological order, but the different years are on different pages in the record. The 1920 primary resolution, for instance, appears on page 352. That was dated January 30, 1920, beginning on page 351 and passing over to page 352, and the language is this:

Third. Whereas there are a large number of citizens in Alabama who will be qualified for the first time to participate in the coming primary election, many of whom have recently offered their lives in the service of their country; and

Whereas the Democratic Party of Alabama wishes to invite within its folds all of these new voters and any others who may become qualified before the date of holding the primary election: Therefore we hereby extend an invitation to all qualified white voters of the State of Alabama, and those who may become qualified by that time, who believe in the principles of the Democratic Party, to participate in the said primaries, and this shall be the only qualification required for the participation of qualified electors in said primary.

Fourth. On or before the 10th day of March, 1920, all persons desiring to have their names placed upon the ballots as candidates to be nominated for State offices and all other offices to be filled by the votes of more than one county shall file with the chairman of the Democratic State executive committee a certificate or statement that he is a candidate for such office; and all persons desiring their names placed upon the ballots as candidates for nomination for any county or precinct offices shall file with the chairman of the county executive committee a statement that he is a candidate for such office, which statement shall be so filed on or before the 10th day of March, 1920, and his assessment, if any, as fixed by the State committee paid, and all declarations of such candidates shall contain the statement that he will abide by the results of the primary and will support the nominees of the party.

There is nothing in the 1920 resolution that contains any provision that placed any restrictions upon the qualifications of the candidates. In 1922, appearing on page 346 of part 3 of the hearings, it was provided:

3. That all candidates for any of the offices or party places to be nominated in said primary shall qualify as such candidates on or before the 1st day of May, 1922, by filing, if a candidate for a State office or a State party office, his or her name with the chairman of this committee, and if a candidate for a county office or county party office, his or her name with the chairman of his or her county Democratic executive committee, designating the office or the place for which he or she is a candidate, and under oath declaring that he or she did not in the presidential election of 1920, support the presidential electors of any party other than the Democratic Party, and a declaration that he or she will be bound by the result of such primary and will support the nominees thereof.

A little later in the same year, as appears on pages 352 and 353 of the hearings, the executive committee passed this resolution:

Resolved, That where any such person has made a bona fide effort to comply with the party's requirements as evidenced by his having filed with some party authority, State or county, or with the secretary of state, or with the probate judge of his county, by or before April 1, 1922, a statement in writing declaring his candidacy, and in substance declaring that he is a Democrat, shall be and is, entitled to file such additional statement—

And so forth.

It seems that in 1922, the resolution dated April 28, the other having been dated January 13, qualifies, or intends to qualify, at any rate, the original statement that nobody could be a candidate unless he has voted the Democratic ticket.

In 1924, appearing on page 347 of the hearings, the whole matter was referred to the executive committee. In 1926 appearing on page 348 there was the same provision as in 1922, to wit:

Who did not in the last preceding election support the nominee or candidate of any party except the Democratic Party.

There is no such provision in the resolution of 1928 which appears at page 353:

That any white Democratic voter upon any qualifications fixed by this committee, or county committee if a candidate for a county office, may become a candidate in said primary election as follows.

Then it goes on to state the details that shall be covered. In 1930, which is the resolution under consideration, there was this provision:

3. The following persons, and none other, shall be eligible to be candidates for nomination in said primary election, viz:

Qualified white electors who possess the qualifications fixed by law for the respective offices for which they are candidates for nomination: *Provided, however*, That no person shall become a candidate for any State, district, Federal, or circuit office, or have his or her name printed upon the Democratic ballot in the primary election to be held on the 12th day of August, 1930, if such person either voted a Republican presidential ticket in November, 1928, or openly and publicly opposed the election of the nominees of the Democratic Party, or either of them, or who opposed the election of the Democratic electors for President or Vice President in November, 1928. Such proposed candidates shall also be required to pay the assessments fixed by this committee on or before the date limited for paying such assessments, and for the filing of declaration of their candidacy.

That appears on page 349 of the hearings.

Under date of December 16, 1931, in the resolution providing for the 1932 primaries, appearing at page 350 of the hearings, the following provision appears:

4. That the following persons shall be entitled to vote in said primary elections, and none others, namely: Qualified white electors in this State who believe in the principles of the Democratic Party and who agree and bind themselves by participating in said primary to abide by the result of said primary elections and to support the nominees of the Democratic Party therein.

The following persons, and none others, shall be eligible to be candidates for nomination or election in said primary election, namely: Qualified white electors who possess the qualifications fixed by law for the respective offices for which they are candidates for nomination or election: *Provided, however*, That no person shall become a candidate for any State, district, circuit, Federal, county, or party office, or have his or her name printed upon the Democratic ballot in said primary elections, if such person voted a Republican ticket or any independent ticket or the ticket of any other party or group other than the nominees of the Democratic Party or the Democratic ticket in the general election held on November 4, 1930, or openly and publicly opposed the election of the nominees of the Democratic Party or any of them in the general election held on November 4, 1930.

The call for the 1932 primaries is very similar to that of 1930, but I invite attention to the fact that in the meantime in the month of February, 1931, and before this last resolution of the executive committee of the Democratic Party was adopted, on February 25, 1931, the State of Alabama modified this very law by putting in the following language:

And the qualifications of elector entitled to vote in such primary election shall not necessarily be the same as the qualifications for electors to become candidates therein.

In other words they undertook by legislation in 1931 to do what the executive committee in 1930 did without legislation.

Senator Bankhead insists that this has been the practice in Alabama since 1910, but, as I have shown by reading these records, in 1920 there was no such provision; in 1922 it was qualified by subsequent resolution; in 1924 it was submitted to the committee, and there is no record as to what was done; in 1926 they did have in some restriction; in 1928 they had none; and in 1931 they had the one about which complaint is made.

Mr. LONG. Mr. President——

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from Delaware yield to the Senator from Louisiana?

Mr. HASTINGS. I yield.

Mr. LONG. A court decision was read yesterday by the Senator from New Mexico [Mr. BRATTON]. I wish to inquire if the statute had been amended before the supreme court rendered that decision, or was the decision rendered prior to the amendment of 1931?

Mr. HASTINGS. The decision was rendered before the amendment was adopted. I shall come to that decision in a few moments.

But with respect to what was the practice, I invite attention to the fact that in the report of the minority views at page 31 is a statement alleged to have been made, and it appeared all through the papers and I suppose there is no dispute about it, by the senior Senator from Alabama [Mr. BLACK], who ought to have been, and I assume was, familiar with the practice in Alabama, as was Senator Bankhead. This is what Senator BLACK said:

A study of the resolution—

He had reference to the resolution with these restrictions in it—

A study of the resolution convinces me the majority has acted in contravention of existing laws and statutes. The committee, in

my judgment, has no legal authority to adopt one rule of qualifications for voters in the primary and another rule of qualifications for candidates in that primary. The rule must be uniform with reference to both.

The law does not contemplate a special privileged class to run for office and a subordinate class who can vote but not hold office. Citizenship carries with it the right of an elector to vote and hold office. An attempt to abridge the sacred rights of citizenship is fundamentally un-American.

If a citizen is barred as a candidate for political office as party punishment, he must be barred as a voter. If barred as a voter, he must be barred as a candidate. This is clearly provided in section 612 of the Alabama Code of 1923, limiting the authority of the committee on this subject, as follows:

"All persons who are qualified electors under the general election laws of this State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed for its candidates."

This law is not ambiguous. It is plain. It means what it says. A rule which bars a candidate bars a voter, and vice versa. The Alabama Legislature evidently intended to protect ancient constitutional liberties and privileges and prevent any small group from perpetuating a favored officeholding class over and above the average man. The committee did not wish to bar as voters those who failed to vote for Governor Smith. It is clear, however, that they have barred thousands as voters if they have barred them as candidates. The courts should not be called upon to settle a question upon which there can be no reasonable grounds for disagreement. It is a situation which calls for the best thought and action of all Democrats who respect the ancient rights of citizenship and who love the traditions and principles of the Democratic Party.

I want to take up for a few moments the Lett case, which it is contended by the Senator from New Mexico is a decision by the courts of Alabama upon this subject; and I want to call particular attention to the distinction between the provision of the resolution adopted by the Republican Party and that which I have just read of the Democratic Party. The court says:

The Chilton County Republican executive committee called a primary election to be held "with the State primary election on August 12, 1930;" In the call resolution all qualified voters, regardless of past party affiliations and who believe in the principles of the Republican Party and pledge themselves to support the nominees of such party in the primary, were invited to participate. But as to one desiring to become a candidate there was an additional requirement that he state "under oath how he or she voted in the last general election of 1928; that is, whether said proposed candidate supported the Republican ticket or the Democratic ticket or voted a split ticket."

It will be observed that in that connection there is a very great distinction between the two cases. In the Lett case an individual is not barred from being a candidate at all; he is merely required to state, for the information of the voter, how he voted. He is required to state that in an affidavit, for the benefit of those persons who want to look at the record when they go to the primary to ascertain for what particular kind of Republican they are voting.

It is not so in this case. In this case all persons who did not vote for the party candidates at the previous election were absolutely barred from participating in the primary; they had no right to put their names before the electorate; they could not get their names on the ballot if it were a fact—and there was no method provided to determine the fact—that they had voted for the candidates of some other party at a certain other time.

It is said that this question can not be raised, because the law provides in many cases that it is necessary for some action to be taken by the person contesting before he can raise this point. This identical question was raised, however, in the Supreme Court of Alabama, and Mr. Justice Thomas, one of the justices, rendered a dissenting opinion. I said it "was raised." I do not mean by that that Mr. Heflin was a party complainant, but the identical facts were brought to the court's attention by some other applicant or petitioner. On page 31 of the minority views this is what Judge Thomas says with respect to it—

That the statute is plain and unambiguous; it is its own interpreter, and expresses the legislative intent. Wilkerson *v.* Lane (181 Ala. 646, 62 So. 31). The intent and expressed purpose of the legislature are found in the use of the words "for its candidates" after the words "political party." This was the requirement for the one standard of party loyalty and affiliation for all who participated in the primary as electors and as candidates. In this requirement the due right to vote and participate in such primary election of a political party is not denied on grounds made the subject of the fourteenth and fifteenth amendments to the Federal Constitution.

(1) The statute, as required to be applied in section 612, Code, to electors and candidates alike, was applied by the resolution to the election of candidates for Federal, State, district, circuit offices, and State executive committees, and officers to be elected by the vote of a single county for a uniform and single test of party affiliation and loyalty for all electors; (2) a different test of party affiliation and loyalty is prescribed and required of candidates who stand for election to office for Federal, State, district, circuit, or State committeemen; different from that prescribed for all electors in party primary; (3) and different test from that permitted (with limitations) to exaction by county executive committee or candidates for county office to be filled by the "votes of a single county."

It follows from this material departure in the resolution from the requirements of law that the primary election called is not the kind of primary that may be held under the law, and at public expense in the State of Alabama.

I might say in connection with that case that the majority opinion of the court reached no conclusion at all with respect to the merits of this law, but held that it was not a case of equity for the equity court, and, therefore, refused to take jurisdiction of it; so that in the one application made to test this question in the courts of Alabama the courts of Alabama refused to take jurisdiction of the case, and it has never been legally decided.

I have pointed out that the Lett case is not only not controlling, it is not even persuasive, in determining this question, because it involves a wholly different question; it only went so far as to hold that the executive committee of a political party had some right under the statute of fixing the qualifications for electors.

In the minority views, on page 32, will be found the following touching this subject:

The governing body of a political party may prescribe the "political or other qualifications" of the qualified voters who may participate in the primaries of such party, and the candidates who may be named by it, and these shall be the same for both voter and candidate. The committee may decide whether the proposed candidate comes within the rules which it has adopted. It may decide more or less arbitrarily that he does not and, therefore, refuse to permit his name to be printed on the ballot. Such committee has the final decision and no court can properly review it. A somewhat similar rule applies to the voter. The voter appears at the polling place to cast his vote at a primary and he is challenged upon the ground that although he is a qualified voter he does not meet the political qualifications set up by the committee and, therefore, has no right to vote therein. If the election officers decide against him he can have no relief. In other words, the committee decides whether the proposed candidate comes within the definition it has set up for party allegiance, and the election officers make the same decision when the voter attempts to cast his ballot.

The committee of the Democratic Party in Alabama elected to hold a primary. Under the law such primary was to be held at public expense and to be regulated as the law prescribes. To say that all qualified electors had a right to vote at said primary is to take away from the Democratic Party the right to require a loyalty and allegiance to the party as a condition to the right to participate. It opens the door for qualified electors who are not loyal to the party to dictate the nominations. Section 612 of the Alabama Code specifically gives to the committee the right to prescribe for the qualified voter political qualifications. It could with propriety have prescribed for the voter the same qualifications it did for the candidate, namely, that no person shall be permitted to vote at said primary "if such person either voted a Republican presidential ticket in November, 1928, or openly or publicly opposed the election of the nominee, or either of them, of the Democratic convention held at Houston, Tex., in 1928, or who opposed the election of Democratic electors for President or Vice President in November, 1928." If the committee wanted to punish the voter for leaving his party in 1928, it had a perfect right to do so. Party management is entitled to insist upon party loyalty from those who desire to participate in purely party matters.

It is not permitted, however, under the Alabama law to apply one rule to the voter and another rule to the person who desires to be a candidate. The committee resolution shows clearly what a majority of the committee sought to do. It hoped to bring back into the party the voter who for one reason or another deserted it in 1928; it hoped at the same time to punish prospective candidates who had probably taken an active part in leading the voters in such desertion. In other words, pure party selfishness would suggest extending an invitation to the voter who had left his or her party in 1928 to return in 1930. He had something, to wit, a vote, that the party wanted. But it was, naturally, a very different thing when a person who had deserted his party in 1928 appeared in 1930 seeking party honors. It is not surprising that the committee should desire to find some way to prevent the success of such candidate.

But it seems to me the very object of section 612 of the code was to prevent this very thing. The legislature sought to put the voter and candidate in the same class and subject to the same

restrictions as to their party loyalty or allegiance, and it was not within the power of the committee to make fish of one and fowl of the other.

Reading from page 34, here is what Mr. Bankhead's counsel said with respect to it:

The true construction of the statute, however, is plain. Under its terms "all qualified electors under the general election laws of this State shall have the right to participate in such primary elections, *subject to such political or other qualifications as may be prescribed by the State executive committee or governing body of such political party for its candidate.*" (Italics supplied.)

The italicized portions of this statute simply mean that those qualified electors under the general election laws of the State, who accept the political or other qualifications fixed by the governing body of the party for its candidates, may enter the primary in which those candidates run. They have not the right to enter the primary if they do so as rebels against the action of the committee in fixing the qualifications of candidates. If they are willing to accept the qualifications for candidates, which the law gives the governing body of the party the authority to fix, and are qualified electors, then they have the right to enter the primary. The statute gives the governing body of the party the authority to fix qualifications for candidates, and requires those who wish to enter the primary to obey the exercise of that authority. If a member of the party chooses to come into the primary, he enters whether as voter or as candidate, subject to the action of the committee in respect to the qualifications, political and otherwise, prescribed for candidates. He must respect and acquiesce in this action both as voter and as candidate.

Commenting on that language used by counsel for Mr. Bankhead, the views of the minority proceed:

The above quotation was used in the brief upon another point, but it applies particularly to the convention made that no complaint can be made if the rights of the voters have been enlarged. The language used emphasizes the fact that section 612 meant to confine the persons having a right to vote to those "who accept the political or other qualifications fixed by the governing body of the party for its candidates." Again, "If they are willing to accept the qualifications for candidates, which the law gives the governing body of the party the authority to fix, and are qualified electors, then they have a right to enter the primary."

I can not escape the conviction that counsel for Mr. Bankhead has thoroughly justified the opinion I have reached. His interpretation of section 612, in this respect, if I fully understand him, is not very different from my own.

That statement was filed with the views of the minority some time ago, and there has been no comment upon it, so far as I know, by counsel for Mr. Bankhead.

Before leaving that subject, and in order that the Senate may have all the facts, I desire to call attention to this fact, which seems to me to be a matter of interest.

Since this question was raised, the Legislature of the State of Alabama passed a new primary law for that State, which was approved by the governor on February 25, 1931. I say "a new law." This particular section of it was new. The important part of the section is as follows:

And the qualifications of electors entitled to vote in such primary election shall not necessarily be the same as the qualifications for electors entitled to become candidates therein.

In other words, if it be true, as is contended, that this primary was in all sense legal, why should it be necessary for the legislature to follow it up in 1931, after the question was raised, and specifically to state the thing that they ought to have stated before if they wanted it interpreted in any such way as that? I think it is an interpretation of their own laws from which there is no reasonable escape.

The majority of the committee makes a distinction between the Senate's right to look into this primary, or to have anything to do with it, and the Smith and Vare cases, upon this theory (p. 8 of the majority report):

For the fraud and corruption of the successful candidate in the election the Senate may go into the primary, as was done in Smith's case and Vare's case. Here the alleged infirmity is in the action of the party committee, not in Mr. Bankhead.

I may not understand those cases as some Senators who were here at the time understand them, but it is stated generally that the Senate went into those primaries and declared them illegal because of fraud. The only reason why a thing is declared illegal because of fraud is because the fraud itself vitiates what otherwise would be legal. That is the only reason why we provide that fraud shall vitiate it. Fraud vitiates a thing which otherwise would be legal. If you have something that is illegal upon its face without any fraud, how can you possibly make a distinction between the two?

The Senate takes upon itself the responsibility of examining into a primary because there is an allegation of fraud. If fraud is proved, the Senate has held that there was no legal primary; but if it comes to a case where, upon the face of the resolution itself calling for the primary, it be admitted or can be shown conclusively, as I contend it is shown in this case, that it was of itself illegal, then certainly it is impossible to make any distinction between the two.

It may be said, and the Senator from New Mexico undertook to defend the Senator from Alabama upon that point, that he had no responsibility in connection with it, and did nothing to strengthen the position taken by his committee, and was not required to do anything that would cause the committee to repudiate what it had done. The Senator from New Mexico [Mr. BRATTON] called attention to the fact that in the hearings Mr. Bankhead said that he had given out a newspaper interview saying that he was not in favor of helping a man who had gone back on his party; but that, so far as he was concerned, he was perfectly willing to have the primary thrown open to the world and let all people come in who wanted to come in and participate in it; and for that reason the Senator contends that it is impossible to attach to Mr. Bankhead any blame for the existence of this resolution on the day of the primary. It appears in the record, however, and is in the minority report, on page 6:

Prior to the passage of this law in 1931, the Democratic executive committee of Alabama by resolution deliberately prescribed qualifications which excluded Mr. Heflin from participating in the primary. It appears from the record that a member of the State executive committee as early as December 21, 1929, directed a letter to Mr. Bankhead making certain inquiries of him, relative to his position in this matter. This was done by an exchange of letters, the important questions and answers being as follows:

"1. Are you willing to join in a request"—

This was a member of the State executive committee.

"Are you willing to join in a request that the State committee rescind that action and remove the restriction that was intended to keep the name of Senator Heflin and Judge Locke off the ballot?"

Mr. Bankhead's answer was that he would not.

"2. If the committee refuses to comply with such request, do you favor the voters in the primary being given an opportunity to stamp the names of Heflin and Locke on the ballot and vote for them if they want to do so?"

Mr. Bankhead's answer was:

"I shall not be a party to such a thing."

"3. If the voter should write or stamp the names of Heflin and Locke on the ballots and vote for them, do you favor Heflin being declared the Democratic nominee for Senator, if he should get more votes in the primary than any other candidate; and would you, in that event, refuse to allow your name certified as the nominee?"

Mr. Bankhead's answer was:

"I will do nothing, directly or indirectly, which may tend in any way to weaken or evade the action taken by our party in fixing the qualifications of candidates."

May I call the attention of the Senate to this very important fact in that connection: The Senator from New Mexico said that Mr. Bankhead was in no sense responsible for the resolution; it was the committee's action, and after the committee had acted upon it he refused in any way to interfere. I call your attention, however, to the very important fact appearing in this record and a thing that throughout the discussion must be remembered, that, according to Mr. Bankhead's own statement to the committee, in 60 out of the 67 counties the probate judges who conducted the election were partisans of Mr. Bankhead. I think it may be reasonably argued that if that be true with respect to the probate judges, he was in control of the executive committee of the Democratic Party in Alabama to an equal extent. I do not know whether that is true or not, but I assume that if he was in control of one, he was in reasonable control of the other.

Another thing that ought to be borne in mind in this connection is that the executive committee not only prescribed these qualifications but they announced that the voters in Alabama would not be permitted to name Heflin and Locke by writing in their names and thereby have them

declared nominated by getting a majority of the votes of the voters of Alabama.

I have selected some quotations from expressions made in the Senate upon these questions; and I do this in answer to the committee's report that the Senate has nothing to do with the matter, on the one hand, and, on the other hand, for the purpose of showing to what extent the Senate in the past has believed it had a right to inquire.

I read from part 3 of the hearings, page 308:

Mr. Reed of Missouri—

In the Smith contest—

Mr. REED of Missouri. They [frauds in the primary] did not make him incapable of election to the United States Senate, but they made it improper for him to sit in the United States Senate, because one of the steps by which he secured his election was through improper methods used to get on the ticket.

Not fraud; "improper methods used to get on the ticket."

Again, somebody made an inquiry, and Senator Reed continued:

I am going to give the Senator my opinion and give it to him very plainly. Does the Senator mean to say that if a man, by any kind of fraud or corruption, can get his name upon the ticket, and if thereafter he is elected, he is entitled to take his seat, although he never could have been upon the ticket except for that fraud and corruption, and that the vote of the people is final and conclusive, regardless of any fraud, chicanery, or corruption which may have been committed; does the Senator take that position? * * * I hold to the view that whenever any material step which a candidate for office takes in order to secure a seat in this body is a corrupt step, materially affecting the result, * * * it is the duty of the Senate in protection of the country to say that that kind of fraud and corruption vitiates the election. That is my view. To take the view that if a man can, by bribery, by fraud, by corruption, by any kind of villainy, get his name printed upon a party ticket so that, although there may be great numbers of the people who vote their protests, yet in the general sweep of the election he is carried over with the tide he must thereafter be seated, is to open the door to every kind of fraud and iniquity; it is to say to every scoundrel who is at large, "All you have to do is by some means to get upon a ticket in a State that is largely Democratic or largely Republican and then by virtue of the very fraud which gave you that position you can finally land here and there is no power to prevent it." If that is the case, then the Senate is defenseless and rogues may as well begin their nefarious business in the open.

The following question was asked Senator Reed:

The Senator will not attach any importance, then, to the action of the people of Illinois, who knew all about this election, just as much as the Senator from Missouri knows, and, nevertheless, chose to elect Frank Smith to the Senate?

Senator Reed replied:

I would not attach the slightest importance to the fact that in a party-ridden State a political machine was able to put over a candidate even though he was covered all over with the leprosy of crime, if when he came here, one of the steps he took was in the teeth of the law, in the teeth of morals, and in violation of the statutes of his own State, which is the case here.

He was talking about the Illinois case.

Senator Reed continued:

No vote thereafter taken by the people can cleanse the act of its fraud and its iniquity if it be an act which contributed to the bringing of the individual here to the Senate. More than that, there are other States in the Union that have some rights; for when a Senator comes here from Illinois he becomes a Senator of the United States, and he is as much a Senator for each of the 48 States as he is for the State that sent him here, and his vote binds all of the States. Therefore, these other States have the right to say that no matter what the vote may have been in a particular State, if the individual coming here does not come along the road of the law, walking it straight, and coming here without taint upon his office, they will refuse to allow him to sit here and bind the sovereign people of this Republic. Any other view than that means that fraud can walk in the noonday; that corrupt organizations can defeat any chance at fair elections and that every kind of iniquity and every sort of villainy will triumph, provided by some means a majority of votes can be gotten into a ballot box. That is not good morals; it is not good law.

The Senator from Montana [Mr. WALSH] said:

I am moved to advert to a theory advanced in the course of debate yesterday * * * that however tainted with corruption the nomination of a candidate for the Senate may be, * * * the facts being published during the campaign and thus brought to the notice of the electors of the State, who, nevertheless, give him a plurality of votes cast, his election is unimpeachable and he must be seated * * *. The proposition thus advanced scarcely requires refutation. Baldly stated, as it was on this floor, it is too shocking for acceptance.

* * * The Australian ballot system necessarily ties the primary to the ultimate election and makes them both equally a part of the machinery of the choice. But whether the Congress may or may not legislate with respect to primaries, it can inquire and ought to inquire, whether in any of the steps leading to the ultimate choice, the claimant or his supporters have resorted to corruption, and to reject him if in its opinion he has. * * *

What is the difference to the people of my State whether one claiming to be elected to the Senate from another secured his election by bribing his constituency in the primary or bribing them in the final election? If Congress can not legislate to insure purity in primaries, there is all the more reason why the Senate should exclude a claimant whose election is tainted with fraud perpetrated in the primaries.

Senator BORAH said on the same occasion:

It has been contended, and it is still contended, that the primary is so detached and distinguished from the election that it can have no bearing on the validity of the election and could not be regarded, even if corruption has tainted the title growing out of the election. With that proposition, Mr. President, I am wholly unable to agree.

This colloquy occurred:

Senator KENYON, of Iowa. Mr. President, if, as a legal proposition, anybody can do anything in the primary, * * * and the Senate can not inquire into it, of course, that is the end of this case * * *.

Mr. KING. If the Senate could inquire into expenditures made by Senator Stephenson, regardless of the fact that they were made in a primary, or even if they were not, why may we not inquire into expenditures made in a primary or anterior to a primary, with a view to determining whether or not the conduct of the Senator is such as to justify his retention in the Senate of the United States?

Mr. KENYON. I say we can.

Mr. KING. Undoubtedly.

Mr. President, I do not want to take up any more time on the question of the primary. When the matter was first brought up in the subcommittee the subcommittee insisted that it did not want to inquire into the primary; but counsel insisted upon being heard, and then they raised this very important question as to the legality of the primary itself, the very foundation for the election, and members of the subcommittee, knowing that there was a division in the Senate with respect to that subject, but knowing how very greatly interested some Senators were upon the subject and what a conviction they had as to the right and the duty to go into the primary, believed it important to go into that question. They heard the arguments on both sides, reported to the full committee, and the matter is now before the Senate, together with other objections to the election.

Mr. President, it is rather difficult for me to state at all briefly the facts in this case with which I think the Senate ought to be familiar before passing upon the question. On yesterday the senior Senator from New Mexico [Mr. BRATTON] discussed the failure to provide polling booths in Alabama as provided by law. The law provides that in towns of 3,000 inhabitants or more there shall be a private booth for each individual voter at the time he votes. The Senator from New Mexico laid great stress upon the fact that counsel for Mr. Bankhead, a gentleman some 50 years of age, stated that he had always lived in Alabama, and that during that time he had never seen such a booth on election day. The Senator, in his argument, cites other instances to show that in Alabama it was not the custom to have these booths.

I think the Senator called attention to the fact that some court decided that it was not a matter that was controlling; that it was not a thing which could not be avoided if there was a desire to avoid it. My attention has been called to the fact that that decision was rendered before the present law went into effect. But whether that would control or not is, in my judgment, beside the point.

I can not quite understand how it is possible to defend this case, and to defend Senator Bankhead's right to a seat upon the floor of the Senate, upon the theory that the people in Alabama have been accustomed to violate the law on election day. If that be true, and if that be a good defense here, then it is hardly worth while to bring to the Senate any case from Alabama at all unless we are able to find enough men who have seen enough ballots taken out to change the result.

I think the distinction is to be found in the fact that the matter has never been brought to the floor of the United States Senate when some question has been raised as to the legality of some election in the State of Alabama. It must be true that some time and somewhere the people of Alabama are entitled to have the question passed upon as to whether the violations of law on election day, which have been so flagrant, can pass without punishment to anybody, and that the person who claims to be elected, whether it be governor or Representative or Senator, shall at no time have any question regarding the election passed upon, but shall be able to depend upon the old cry that, "This has been our practice in Alabama for 25 years."

I shall call attention to various sections of the statute which have been violated, but before doing so I want to answer the argument made by the Senator from New Mexico yesterday, where he stressed the fact that it was not necessary for the election officers to sign the oath. I read from the argument of the Senator from New Mexico as it appears on page 8588 of the CONGRESSIONAL RECORD:

The chairman of the subcommittee, who speaks for the minority, suggests in his report, filed to-day, that some of the election officers failed to subscribe to an oath. I think he says that 544 of them failed to subscribe to an oath. The statute does not require them to subscribe to an oath. The language of the statute is that they shall take an oath. Of course, that statute could be fully complied with by the election officers standing before the polls opened and holding up their right hands and taking the oath verbally. The statute does not provide they shall sign an oath. Failure to file a written oath does not indicate a failure to comply with the statute. There is not a thing in the record to indicate that a single one of them failed to take the oath, which could be done verbally.

I am a little surprised that the Senator should have been so emphatic with respect to that one violation of the law, which is less important than most of the violations to which I shall call the Senate's attention. But I want to answer that suggestion by reading the whole provision of the law in respect to that matter.

SEC. 459. Oaths of election officers. Before entering upon their duties, inspectors and clerks must take an oath to perform their duties at the election according to law, and such oath may be administered by any person authorized by law to administer oaths, or by any one of the inspectors.

The distinguished Senator undertakes to defend the failure to sign the oath upon the theory that those officials are not required to sign anything, that they are merely required to take the oath. In order that we may know that that is not an unfamiliar provision of law, and what the practice is everywhere with respect to it, I call attention to the requirement in the Federal Consitution of an oath on the part of the President of the United States, which is as follows:

Before he enter on the execution of his office, he shall take the following oath or affirmation—

And so on.

In every provision of the law where anything is said about taking an oath, it is generally in exactly that language. But what do we need in order to find out whether or not a person has taken an oath? We need some evidence of it somewhere, and for that reason the President of the United States subscribes to an oath, so that there may be a record made of the fact that he did take an oath.

I call the attention of the Senator to the fact that in all the papers furnished by the election officials of Alabama the oath of election officers is provided on the back of the sheet. It reads:

We—

Naming them—

the inspectors appointed to act at a general election to be held in Covington County, in the State of Alabama, on this day, do solemnly swear that we will perform our duties as such inspectors according to law.

There is room for their signatures, all three of them. Then under that is this:

Sworn to and subscribed before me this ——— day of ——— 19—.

And there is room for the name of the officer administering the oath.

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

Mr. HASTINGS. I yield.

Mr. LONG. I have been listening very closely to the Senator's argument. However, the same provision the Senator has read also applies to governors of States. I know that in my own State an oath is never subscribed. In taking the oath of office as governor I was sworn in by the chief justice of the State, but there was no oath subscribed. It is surprising to me to find that in that State there was never an oath subscribed by a governor who was sworn in. The governor was merely required to take an oath, which he did, publicly or privately, and there has never been a record made of an oath taken by a governor.

Mr. HASTINGS. Mr. President, I am willing to admit the proposition that it is not necessary for them to subscribe to the oath in order that they may have been legally elected officers and in a position to perform the duties of the particular office; I am ready to admit that; but the practice in Alabama, upon which the Senator from New Mexico depended so very much, is that these things are subscribed, and it is the only practical way, of course, to find out whether an oath was taken. I have no doubt, knowing as I do the thousands of violations of law in Alabama, that this oath was not administered in most instances. At any rate, in many instances to which I have called attention it was not administered.

I want to take up those sections and call the attention of the Senate to the violations. But before doing that and in order that we may have in mind what they are like, I shall read from the brief that was filed on behalf of Mr. Heflin and which was not answered and not replied to on behalf of Mr. Bankhead; in other words, Mr. Bankhead did not reply to this argument at all and did not reply to this brief.

My record shows a little differently from this, but I think, in order that the Senate may know at the outset how serious are these violations, it is worth while for me to read this statement. It appears on page 395 of the hearings, part 3:

The record shows that the following propositions have been established in this contest:

1. The Democratic primary in Alabama in 1930 was illegal and unlawful, and Mr. Bankhead's alleged nomination was null and void.

2. Mr. Bankhead refused to do anything which would tend in any way to correct the illegal action taken by the Democratic State executive committee after he had been informed by Senator Black and other competent lawyers who supported him that the action of the committee was unlawful and that any nomination coming from the proposed primary would be null and void.

3. The statement filed by Mr. Bankhead of his expenses during the primary did not comply with the Alabama law, and under that law he was not entitled to have his name placed on the ticket in the general election.

I forgot a moment ago to invite the attention of the Senate to something else, for whatever it may be worth. I wish to recur to the report filed by the minority. On page 5 appears this statement:

Section 593 of the Alabama Code provides for the filing of a statement by a candidate, itemizing all moneys expended in sums over $5, giving the names of the various persons to whom such moneys are paid, the specific nature of each item, by whom the service was performed, and the purpose for which it was expended.

Section 595 of the code provides that if the statement required to be made prior to such election is not made by any candidate, the name of such candidate shall not be placed upon the ballot to be used in such election.

In the record on pages 425 and 426 is a copy of Mr. Bankhead's statement of expeditures made by him in the primary election. It totals $6,106.78. This statement was sworn to on the 5th day of August, 1930.

A careful examination of that statement shows that there are seven items in it, totaling $3,977.09, which do not comply with the sections of the code above referred to.

Now let me continue with the summary by counsel for Mr. Heflin:

4. It was as essential for Mr. Bankhead to be lawfully nominated, as it was for him to be a qualified elector, in order to be elected in Alabama. Nomination is one of the conditions precedent to being elected to office in Alabama.

5. Not being lawfully nominated, Mr. Bankhead was not elected. His name was unlawfully on the ballot in the general election.

6. Senator Heflin was regularly nominated as the statutes of Alabama require; his name was lawfully on the ballot in the general election held on November 4, 1930, and he received every vote that could be lawfully cast for United States Senator from Alabama in that election.

In connection with the sixth proposition I may say that the committee did not take this view. The minority members concluded that no one was elected in Alabama in 1930.

7. There are 2,043 boxes in 64 counties in Alabama.

8. The boxes in three counties were unlawfully burned as soon as an investigation of the Alabama election was undertaken.

9. The seals on at least 905 boxes were unlawfully broken and the boxes entered prior to their delivery to agents of the committee in Alabama.

10. In 1,918 boxes (practically 94 per cent of the total) the ballots were not numbered as required by law.

11. There are 1,842 official envelopes, papers, etc., requiring the signatures of two or more election officers, where two or more names were signed by one person, in violation of the law.

12. There are 497 boxes in which the ballots were found folded and apparently had never been handled by the election officers.

13. There are 488 additional boxes in which the ballots were in their original folds, the ballots in each box being small tight folds and in many instances uniformly folded. The physical appearance of the ballots in these boxes refute any suggestion that they were ever opened and counted on election night or at any other time before they reached Washington.

14. There are 228 boxes in which the tally sheets were not totaled.

15. There are 569 boxes in which a list of the qualified voters, by which the election was held, which is required by law to be certified and secured in the box, was missing.

16. There are 576 boxes wherein the ballots were found loose in the box, instead of being rolled, sealed, secured, and identified, as required by law.

17. There were 651 boxes in which the stubs were not detached from the ballots, showing that these ballots were surreptitiously "stuffed" into these boxes, and law (Code, sec. 494) requiring stubs to be detached from the ballots before they are placed in the box.

18. There are 1,119 boxes in which there was no sealed certificate of the results as required by law.

19. There are 543 boxes that contain ballots from which the stubs have not been detached, wherein the stubs were not initialed, showing that these ballots never were official ballots, the law requiring the stub of an official ballot to be initialed by one of the election officers. (Sec. 493, Code of Alabama.)

20. There are 429 boxes in which no certificate of results (required by law to be sealed and deposited in the box) could be found in the boxes. Two hundred and thirty-five alleged certificates were procured from outside sources, leaving 194 boxes without any certificate from any source.

21. There are 643 boxes in which no certified poll list—i. e., a list of the electors who voted in that box—could be found. The law requires a certified poll list to be deposited in the box and the box sealed after the ballots have been counted.

22. There are 2,335 incomplete challenged oaths in the boxes.

23. There are 50 boxes wherein more ballots were found than voters shown on poll lists.

24. There are 82 boxes wherein the poll lists showed more voters than ballots found in the boxes.

25. There are 23 boxes wherein the ballots now in those show that the impression made in marking one ballot was carried through and made an impression upon the other ballots. This shows these ballots were marked while the ballots were in a pad. An elector is allowed but one ballot under the law, which is required to be marked secretly.

26. The ballots of watchers on duty to see that the election was fairly conducted, who voted for Heflin, were changed or swapped for ballots marked for Bankhead, without the watcher becoming aware of it, so artistically and so deftly was this fraud and thievery perpetrated.

27. Ballots marked for Heflin and cast for Heflin are in the boxes now marked for Bankhead, or a Bankhead ballot has been swapped for the ballot originally marked and cast for Heflin.

28. Ballots marked and cast for Heflin were not in the boxes when they were collected by the committee and have never been found.

29. Forgery was resorted to in order to cast absentee ballots for Mr. Bankhead. Many witnesses went to the polls, to find on arrival that an absentee ballot had already been cast for them without their knowledge or consent.

30. Approximately 36,000 illegal votes cast have been discovered by the supervisor. How many more illegal ballots were cast we do not know at this time.

31. Ballots were handed voters that had been previously marked for Bankhead; they had been so marked when they were received by election officers.

32. Many witnesses testified that persons desiring to vote for Senator Heflin were challenged without cause and were so annoyed that they left the polling place without voting.

33. In many instances a hat box or other similar box was used instead of a regular ballot box, some of the ballots being put in the box and others being piled around it.

34. Watchers selected by Senator Heflin were threatened and prevented from doing their duty.

35. Persons were permitted to vote without appearing in person. Managers left the polling place with blank ballots and returned with them marked and they were placed in the ballot box as though the voter had appeared in person. Some of these were sick, some were in hospitals, some were at the roadside in automobiles, and one person was 35 miles away. This was a widespread practice.

36. There were two instances where ballots were rejected over protest, one where 21 ballots were rejected, and another where 24 ballots were rejected. All of these were cast for Senator Heflin and counted by the supervisor.

37. One person at least was employed to solicit persons residing in Jefferson County whose names were on the qualified list in Shelby County to cast absolute ballots. The testimony shows that there were 107 such persons solicited by one person and that 63 of them voted.

38. The law of Alabama provides that a person paying the poll tax of another shall be guilty of bribery and shall be imprisoned for not less than one and not more than five years. Testimony shows that it was not only permitted, but it was the practice in Alabama to pay the poll tax of other persons. It is impossible to say how many persons voted whose tax had been illegally paid.

39. Two persons were permitted to vote who admitted to the officers that they lived in another county, but that it was too late in the day for them to get to their regular polling place.

40. Thousands of persons were permitted to vote by absentee ballots who did not live in the county in which they voted.

41. Booths for the accommodation of voters were not furnished in accordance with the Alabama law.

42. In 543 election districts the oaths of the inspectors, clerks, and returning officers were not attested.

43. Six hundred and thirty-four inspectors did not subscribe to oath.

44. Four hundred and fifty-three clerks did not subscribe to oath.

45. Three hundred and forty-nine returning officers did not subscribe to oath.

46. Six hundred and four inspectors did not certify to poll list.

47. In 140 election districts the poll list was not signed by the inspectors, clerks, or returning officer.

48. Thirty-one election districts where the committee was not furnished the poll lists. The committee could not ascertain whether the 186 officers in those districts subscribed the oath or not.

49. The Legislature of Alabama passed an act since the 1930 election, and after this investigation had been begun by the committee, directing the probate judges of Alabama to investigate the Alabama election in 1930 for United States Senator. This was done at the instance of Mr. Bankhead. Under the Alabama law the election is largely controlled by the probate judge of each country. Mr. Bankhead admitted that 60 out of the 67 of these probate judges were partisans of his.

50. The report of the supervisor shows that the election law of Alabama in the 1930 election was not fully complied with in a single precinct.

51. Irregularities of such substantial nature and so numerous vitiate an election without regard to direct proof of actual fraud.

52. Proof of widespread violations of the election law is prima facie evidence of fraud and makes out contestant's case.

Mr. BORAH. Mr. President——

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

Mr. HASTINGS. I yield.

Mr. BORAH. Is it the contention of the Senator that irregularities were so universal and of such grave moment that there was no election at all?

Mr. HASTINGS. That is exactly my position.

Mr. BORAH. Is there anything in the record to associate Mr. Bankhead with those irregularities?

Mr. HASTINGS. Speaking generally, nothing more than the fact that 60 of the 67 probate judges were partisans of his.

Mr. BORAH. Was the election in 1930 any different from other elections in Alabama?

Mr. HASTINGS. The contention is made that it was the cleanest election in Alabama for 50 years, or something like that. [Laughter.]

Mr. BORAH. How far is a candidate responsible for the irregularities which took place without his connivance?

Mr. HASTINGS. All the books hold that when a man is a candidate and his partisans have done irregular and fraudulent things, he must of necessity suffer if it goes to the extent of throwing out the election.

Mr. BORAH. If they have done fraudulent things; but must not the candidate in some way be associated with that fraudulent conduct?

Mr. HASTINGS. Does the Senator mean personally?

Mr. BORAH. I mean personally or knowingly through his agents.

Mr. HASTINGS. Oh, I do not think so.

Mr. BORAH. A gentleman appeared the other day before a committee of which I was chairman and testified there had not been a clean and incorrupt election, except one, in a certain city in the United States for 30 years. He spoke of irregularities; the manner in which the ballot boxes were controlled and "stuffed," to use the ordinary term; and said there had not been a clean election, an election in which the election law had been observed, in that city for 30 years. It could not be said that a candidate for the United States Senate in one of those elections was responsible for that general breakdown of the election laws, could it?

Mr. HASTINGS. My understanding of the law is this: If, in making inquiry about an election, there can be segregated the serious irregularities—if they are serious enough to warrant throwing out the ballots of a particular polling place or a particular county or what not—and there is left a substantial vote from which it can be reasonably determined that the people have expressed their will, then those tainted ballots may be thrown out, and from those that are left the election may be proceeded with and a determination reached.

Mr. BORAH. Irregular as this election was, there is nothing to indicate, is there, that Mr. Bankhead was not the choice of those who cast their ballots?

Mr. HASTINGS. Oh, I do not think there is any way of determining that question at all; we can do nothing more than guess at it. When as to half the ballots that were cast in Alabama and put in boxes, we find that the seal has been broken and the ballots have not been rolled and sealed as the law provides, I ask who is to say whether or not, under those circumstances, there has been fraud or whether there has not been fraud? In other words——

Mr. BORAH. Mr. President——

Mr. HASTINGS. If the Senator will permit me—in other words, does not that fact of itself shift the burden immediately and put it upon the candidate to show why those particular boxes were broken, and to show that they were not broken for any improper purpose? That is but one illustration.

Mr. BORAH. It does not seem to me that the burden shifts and that the responsibility rests upon the candidate to show affirmatively that there was a regular election unless he be associated with those irregularities.

Mr. HASTINGS. Perhaps I had better take up that question and let us see what Congress has done about it in the past.

The rule adopted by the House in the case of Butts *v.* Mackey, second South Carolina district, Forty-fourth Congress, was that the election was by this species of fraud and irregularity invalidated. The House committee unanimously declared this rule, on the showing of the evidence that voters were permitted to vote at other voting precincts than their own in their respective counties; and the committee used this language:

> Every facility is furnished for fraud and, even where the election officers are honest, great frauds may be readily committed without there being any practical means of detecting them. It is indispensable to a fair election that the electors shall be required to vote in the precinct where they reside.

Mr. LEWIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Illinois?

Mr. HASTINGS. I yield.

Mr. LEWIS. Will the Senator from Delaware state if the number of votes which he contends were irregular or wrongful equal in their total sum what is claimed to be the majority of the one who claims to be the victor? Does the Senator say that the number of votes which he claims to be irregular and wrongful were equal in number to the majority that is contended in behalf of the victor?

Mr. HASTINGS. I am sorry I do not understand the Senator's question.

Mr. LEWIS. Let me put it in this way: Possibly it is my fault in being a little involved. Is it the opinion of the Senator, or his judgment, that the number of votes which he contends were tainted with some irregularity or wrong equal the majority that is claimed for Mr. Bankhead?

Mr. HASTINGS. I think I now understand the Senator's question. I may say this: It has been impossible to segregate one from the other, for the reason that there is not a single precinct in the State in which there was not some irregularity.

Mr. BORAH. Mr. President, certainly mere irregularities are not sufficient to invalidate an election. The Senator does not contend that just any kind of irregularities invalidate an election? There is a class of irregularities which do not, as I understand, invalidate an election.

Mr. HASTINGS. Not at all.

Mr. BORAH. The point is, What were the irregularities which the Senator thinks invalidated the election? Was it the mere fact that the ballots were not certified and held in the ballot boxes until they were counted?

Mr. HASTINGS. It is a combination of many violations that impresses me in this matter.

Mr. BORAH. As I understand the Senator, the election was so irregular that he feels that there was no real expression of the people's voice?

Mr. HASTINGS. Yes.

Mr. BORAH. Then, secondly, the Senator says that this is claimed to have been the most regular election which has been held in Alabama for 30 years. That being true, and the Senator from Alabama [Mr. Bankhead] having pursued the ordinary course pursued in Alabama, taking the same method of securing his election that his predecessors had followed, can it be said that he in any way becomes personally associated with these irregularities? He simply adopted the method which had been practiced for 30 years. What I would like to know were these irregularities of exceptional nature.

Mr. HASTINGS. Of course, if Mr. Bankhead is not held responsible, then there is nothing in this case outside the question of the primary.

Mr. BORAH. The Senator from Delaware is infinitely better informed about this case than I am, and I am seeking information; but I can not believe, where there is a general election and where there are irregularities running through the general election which apply to all candidates, those for Senator and all other offices, that a Senator can be selected out unless associated personally with those irregularities in such a way as to make him culpable and thereby responsible for what happened.

There was a governor elected; there were Congressmen elected; there were precinct officers elected; there were candidates elected all up and down the line; they are in office; they are holding office; their election has not been challenged. It is the method which Alabama has pursued for 30 years. Now, can we select out the Senator from that group of candidates and associate him individually with the irregularities in such a way as to make him responsible?

Mr. HASTINGS. Mr. President, the Senate, as it seems to me, has done it many times, if I understand the cases. If I may go off my line of argument for a moment, I will refer to them. The Senator from Idaho is familiar with the Vare-Wilson case. In that case—and I am now talking about the election and the election alone—there never was a word of protest; there never was any evidence of any kind showing that Vare was responsible for anything that happened in that election.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield further to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. I can not quite agree with the Senator in that. There was such an enormous amount of money used for Vare that the presumption was that it corrupted the election.

Mr. HASTINGS. The Senator is now talking about the primary; I am just now talking about the election itself.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield to me for an observation in that connection?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Indiana?

Mr. HASTINGS. I yield.

Mr. ROBINSON of Indiana. In answer to the Senator from Idaho I merely desire to make this statement: There is no question in the world but that Mr. Smith was elected along with the other Republican candidates who were elected in the State of Illinois, but we singled him out and he was denied permission even to cross the threshold of the Senate. So in the case of Vare because of the election—not the primary but the election—we never let Mr. Vare get across the threshold, except to take a seat for a moment; and yet all the other candidates on the Republican ticket in Pennsylvania were elected in that same election. The Senator from Idaho voted to exclude both Mr. Vare, of Pennsylvania, and Mr. Smith, of Illinois. Both were singled out.

Those were cases where the only question raised was the amount of money expended in the election. I voted to exclude them both, because I thought the amount of money used in the campaign was exorbitant, extravagant, and entirely too great; but, Mr. President, in the primary in Alabama there was not a single election district in the State that operated according to the law of Alabama. So I do not get the distinction the Senator from Idaho makes when he says we should not single out the Senator from Alabama, who has been, at any rate, the beneficiary of all this rottenness and corruption and irregularity, because—and it is a rather queer line of reasoning it seems to me—the other candidates were not questioned but were permitted to come in and take their offices, and because such method has been pursued in Alabama for 30 years. If it has been pursued for a thousand years, if it is corrupt, it is wrong and, in my judgment, ought to be challenged by the Senate.

So, it seems to me that all precedents of the Senate in the past have been right along the line of singling out a Senator. We are not particularly interested, as a body, in the sheriffs who were elected in Alabama; we are not interested except as the election relates to a senatorial office. We are not interested in the election of the secretary of state in Alabama, or the treasurer of the State; we are not interested in the election of Members of the House.

If anything has gone wrong in such an election, if there has been corruption and a Congressman has been elected as a result of corruption, it is the duty of the body at the other end of the Capitol to purge itself of any irregularity. The Senate is interested in its own membership, and we have excluded within the last three or four years two Members, who happened to be on the Republican side of the Chamber, namely, Vare in Pennsylvania and Smith in Illinois, not as a result of primaries alone but of elections as well. After they had been fairly elected, there being no question about their election, they were singled out. That is the point I make, if it please the Senator from Idaho.

Mr. BORAH. Mr. President, the Senator from Indiana is speaking of something I did not know was in this record, and that is corruption.

Mr. ROBINSON of Indiana. If the Senator will read the report of the Senator from Delaware, the chairman of the subcommittee, as carefully as I myself have tried to read it, he is bound to be convinced that corruption is practically admitted by everybody, not only in one place but all over the State.

Mr. BORAH. Mr. President, I may be mistaken. I have read the record, but, perhaps, I do not understand it. I understood that the invalidity of the election rested upon what the Senator contends was the universal irregularity with which it was carried on. There is no evidence in the record that I have seen that Mr. Bankhead, like Mr. Vare, used money for the purpose of creating those irregularities. If there is such evidence, that settles the matter with me.

The Senator from Indiana is talking about something that I do not believe is in the record. That corruption tainting an election in part taints it in whole I admit, but I myself have not found any corruption in this record. I have found irregularities; but I remember when Lamar came here from Mississippi and it was claimed that he had not been elected, that he had been elected at a town meeting, that there was no State government in Mississippi, that it was a mob affair, the Senate, nevertheless, admitted him and gave him his seat because he accepted the method which they were using at that time to elect Senators in Mississippi.

Mr. ROBINSON of Indiana. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield further to the Senator from Indiana?

Mr. HASTINGS. I yield.

Mr. ROBINSON of Indiana. If the Senator will again read the record, and read it carefully, I think he will find all sorts of evidence of corruption of which the Senator elect was the direct beneficiary. I assume the Senator from Delaware will point that out carefully as he proceeds, and I hope it may change the mind of the Senator from Idaho on that subject.

Mr. BORAH. Of course, if they have proven corruption to such an extent that it invalidates the election——

Mr. ROBINSON of Indiana. That is exactly the point.

Mr. BORAH. Or if they have proven it in part only and still the Senator elected was associated with it, of course, I would not vote to seat him.

Mr. ROBINSON of Indiana. Exactly; and I do not see how anyone can read the record without agreeing with the Senator from Delaware, the chairman of the subcommittee, in his conclusion that there was no election held in Alabama for Senator in 1930. This is in line with what the Senate has decided in the past in cases exactly like this, in which the Senator from Idaho—for whom I have the highest admiration—and myself cast similar votes.

Mr. BORAH. I do not know just how the Senator from Indiana voted. I voted to admit both Smith and Vare to this floor to defend themselves. I voted against seating both of them because I believed that they were guilty of affirmatively using money in a corrupt way.

Mr. ROBINSON of Indiana. Then the Senator from Idaho did not go as far as I did. I voted to prevent them from even having the oath administered, because I felt that there was corruption in both the States, and that they ought to be denied admission; but substantially it amounted to the same thing in the end. Both of us voted to exclude them.

Mr. HASTINGS. Mr. President, in the first place I think it might be well to observe that there may be corruption in an election without the use of money. I think people generally and frequently emphasize unduly corruption by the use of money. So far as I am concerned, I can not see much difference between the system of going out and corrupting the electorate in order to get the position of United States Senator and having the people themselves do corrupt things because they want to see their own man succeed.

Mr. BORAH. The Senator says "having people to corrupt things." If Senator Bankhead had people do corrupt things, of course, he is just as responsible as if he had done the corrupt things himself.

Mr. HASTINGS. But does the Senator from Idaho think for a moment that a man who sits in the Senate is not to be held responsible for the corrupt things that are done in his favor, even without his knowing it? I am now talking about substance. I am not talking about a few little things that might affect the election, but I am talking about substantial things that make it doubtful whether the corrupt things done by his lieutenants or his partisans may have influenced the election to such an extent as to make us unable to determine what the choice of the people of that State was.

Mr. BORAH. Undoubtedly if the junior Senator from Alabama [Mr. Bankhead] knew that corruption was being practiced, even upon a small scale, he would be responsible for it; and undoubtedly, too, there may be corruption in other forms than money. But what does the Senator mean when he says that he "had people do corrupt things"?

Mr. HASTINGS. I certainly did not mean to say that Senator Bankhead had such things done; and for fear I may be misunderstood in this argument I want to state distinctly that so far as I have been able to observe this

record, the most offensive thing that he did related to the primary, when he permitted and did not protest against the action of the executive committee in the resolution it adopted. So far as the election is concerned and so far as his part in it is concerned, I want to say distinctly, and to be definitely understood as saying, that there is not a thing in the record that can be traced definitely and positively to Mr. Bankhead.

Mr. BORAH. That is the way I understood the record. I do not find any corrupt or wrongful acts upon the part of Mr. Bankhead.

Mr. HASTINGS. That is correct; and I want to be certain that that is understood.

In order that I may ascertain whether or not I am traveling in the right road in determining what the practice of the Senate is with respect to this matter, I desire to advert for a moment to the Vare case; and I want to be certain, when I do it, to dissociate the election of Vare, the Wilson-Vare contest, from the primary, because in no other way can I make my point clear.

I have read carefully the speeches made in the Senate upon this subject. I read the speeches on the subject made by the Senator from New Mexico [Mr. BRATTON], who was on that committee with the then junior Senator from Arkansas [Mr. Caraway], and two or three specific things were pointed out. One of them was that in the city of Pittsburgh from 11 to 12 per cent of the people had been employed at the rate of $5 a day, three of them at each polling place being called watchers, and then there being some provision for messengers. A sum of money of approximately forty-nine to fifty thousand dollars was expended for those purposes in the city of Pittsburgh. There was no evidence in that connection with respect to Vare. Nothing was shown in the record to indicate that Vare had anything to do with that.

In addition to that, in the city of Pittsburgh there were three or four boxes in which it was definitely shown that fraud had been committed by the election officers. Not only was that shown but they had been prosecuted by the officials of the State of Pennsylvania for that fraud.

That was one charge with respect to that contest. The other was in the city of Philadelphia, where something like one-third of the precincts were involved in the charge made by Wilson. In order to find out what happened the committee took testimony and examined the ballots. Here is what they found, and this is all they found: They found in some of those ballot boxes a change of some 20 votes in favor of Vare. Vare gained some votes in that contest, but that was not the worst they found. They found a list or slip kept at the prothonotary's office which gave, or was supposed to give, the time when these particular boxes got in there. An examination was made, and a test was made to find out whether it was possible to count those ballots after the polls closed and get them there in time. It was found that it was impossible to do it. There was no evidence to show who kept that record. There was no evidence to show that the record was proper as to the time. There were some things to show that it was not proper.

The committee reached the conclusion, with respect to that matter, that those ballots had not been counted, and therefore it was necessary to throw them out of the count entirely. It concluded that the officers did not count them; they could not possibly have counted them, and therefore they could not be counted in the majority that Vare got. The committee reached that definite conclusion—that is, that part of the committee for which the Senator from New Mexico [Mr. BRATTON] spoke on the floor of the Senate.

The Senator from New Mexico also referred to the fact that in the case of some of the boxes Vare got 100 per cent of the votes and Wilson did not get any votes. Vare got them all. He referred again to the fact that there was a 100 per cent vote cast in the district. From all that the Senator from New Mexico drew the conclusion that there was fraud in those places, and that it affected that district, and those votes had to be thrown out. He reached the conclusion that the money paid in Pittsburgh, although under the law it was legal, was shocking; and they threw out the votes in Pittsburgh.

From the speech of the Senator from New Mexico, it appears that he threw out everything except in those instances where the charge was made that the jurat was not signed when the officers took the oath. He not only threw out all these votes, because he drew from those facts fraud which from his point of view made it necessary to throw them out, but what else did the committee do? They reached the conclusion from that alone, notwithstanding the fact that all the balance of the votes was left, and that this was only a small portion of the votes in Pennsylvania, notwithstanding the fact that Vare had 19,000 votes left, that the election was so tainted with fraud that they were opposed to his being seated in this body at all.

I say, taking that as a precedent—and that precedent was followed by a great majority in this body—this Alabama case is not only tainted with fraud but it is smeared all over with fraud, and nobody can tell what was intended by the citizens of Alabama with respect to it.

It is upon that theory that I have made this investigation. It is upon that theory that I have urged this report upon my colleagues. It is upon that theory that I now present it to the Senate; and it is wholly immaterial to me what the Senate may do with it.

I propose to do my job as best I can, and in doing it I propose to present all the facts to the Senate and to the country, too, with this hope, if you please—not that it makes any difference to us on this side or to those on the other side what particular Democrat may sit there. We all know that Alabama is a Democratic State. We all know that if Senator Bankhead should be thrown out of this body he will come back again himself, so far as I know, and I should be delighted to have him come back; but I say the time has come when the Senate must determine whether or not they are going to permit people in these States of ours to enact laws and to set up these laws as things that must be lived up to, and then go and violate every one of them, pay no attention at all to them, and send somebody here to the United States Senate and say, "Because we have been doing this year in and year out, the Senate has no business to make any inquiry at all about it."

I want to read what the Senate has done in the past with respect to this matter.

Mr. BORAH. Mr. President, before the Senator leaves that point, let me ask him what became of the contest between Wilson and Vare?

Mr. HASTINGS. Vare was thrown out.

Mr. BORAH. I know; but he was not thrown out on the contest.

Mr. HASTINGS. Oh, yes; undoubtedly. There was a vote on it, and it was upon the election—not upon the primary. I have the record here and I will read the record. It was upon that vote and upon the other vote too. He was thrown out both ways, backward and forward—on the primary and on the election too.

Mr. BRATTON. Mr. President, will the Senator yield? I am sure the Senator wants to be accurate about the matter.

Mr. HASTINGS. I shall thank the Senator to correct me if I have made a mistake.

Mr. BRATTON. The vote in the Senate was taken on the resolution offered by the Senator from Nebraska [Mr. NORRIS] to exclude Vare on account of the primary conduct. The Senate never voted on the contest between Wilson and Vare. The moment Mr. Vare was excluded by the vote cast upon the resolution sponsored by the Senator from Nebraska, the whole matter was ended.

Mr. HASTINGS. I thank the Senator. I am quite certain that he is correct, and I am wrong.

Mr. ROBINSON of Indiana. Mr. President——

Mr. HASTINGS. Let me say just at that point that I was particularly interested in reading the record because I was trying to find out the difference between the opinion of the Senator from New Mexico in this case and that in the Vare case.

Mr. BORAH. Mr. President, I was satisfied that Vare went out on the ground that he was guilty of corruption in carrying on the primary.

Mr. HASTINGS. May I ask the Senator from Idaho, however, to let me read the supplemental report of the committee?

We, the undersigned, members of the Committee on Privileges and Elections, to whom was referred the contest instituted by the Hon. William B. Wilson against the Hon. William S. Vare, involving the office of United States Senator from the State of Pennsylvania, submit the following supplemental report:

Without approving all of the statements of fact contained in the report of the majority, we concur in the conclusion of the majority in so far as it determines that the contestant, Wilson, has failed to show affirmatively that he received a plurality of the legally qualified votes cast for Senator in the election of November 2, 1926, in the State of Pennsylvania, and therefore is not entitled to the seat in question.

We dissent from the conclusion of the majority that the contestee, Vare, received a plurality of the legal votes cast in said election, and in legal consequence, therefore, is entitled to said seat; because it appears from the evidence taken by the special committee of the Senate and made available for use and consideration by this committee under the provisions of Senate Resolution 68, together with the evidence submitted to this committee in the hearing of said cause, that on account of the excessive expenditure of money in the primary held in said State preceding the election in question, the expenditure of money in the election itself, and fraud committed by the contestee or by others in his behalf, the contestee's title to said office is tainted with fraud.

We conclude, therefore, that the contestee is not entitled to a seat in the Senate as Senator from the State of Pennsylvania.

Now I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, before I sit down, I want to say this, that I do not want the Senator from Delaware to think that I am finding fault with his presentation, or finding fault with the remarkable amount of work which he has done upon this case. I am simply trying to get the facts from the Senator, and I know the Senator from Delaware is in possession of them. I have great respect for his judgment and I know he will do his duty as he sees it.

Mr. HASTINGS. Mr. President, I did not mean to appear to be annoyed; I was not annoyed at the interruption or the suggestion of the Senator.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. ROBINSON of Indiana. What the Senator has just read from the record of the Vare case coincides with my own recollection of what took place at that time. The election was involved, as well as the primary. So Vare was not thrown out on account of the primary alone, but on account of the primary and election, as the Senator just now read from the statement of the committee itself.

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

Mr. HASTINGS. I yield.

Mr. BRATTON. The Senator from Delaware is reading from the report made in the contest. The Senate never did vote upon the contest one way or the other. The vote came upon a resolution offered by the senior Senator from Nebraska [Mr. NORRIS] relating exclusively to the primary, and upon that resolution Mr. Vare was excluded from the Senate. The committee proceeding naturally died at that moment.

Mr. ROBINSON of Indiana. Of course, after he was excluded, there was no use excluding him again.

Mr. BRATTON. Of course.

Mr. ROBINSON of Indiana. But this report shows conclusively that the committee held at the time—and of course the Senate followed the committee, certainly in the primary report, in any event—that the election itself was tainted with fraud. There is no doubt the vote would have been precisely the same on either question. Besides, in the end the effect of the action was to hold that there was no election. Mr. Wilson was here contesting for the seat claimed by Mr. Vare, just exactly as Mr. Heflin is contesting now against Mr. Bankhead. In the end, of course, neither one was seated. It was held practically that there was no election. That was the result, and that is exactly what the Senate subcommittee recommends in this instance.

Mr. BRATTON. Mr. President, the point I make is that no vote was ever taken in the contest proceeding; it never came to a vote in the Senate.

Mr. BORAH. Mr. President, no vote was ever taken on the question of whether or not there was fraud in the election.

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

Mr. HASTINGS. I yield to the Senator from Nebraska.

Mr. NORRIS. Unless my recollection fails, both the Senator from Delaware and the Senator from New Mexico are partly right and partly wrong. I am speaking from memory; I have not looked it up since the matter was before the Senate; but Mr. Vare, according to my recollection, was prevented from taking the oath of office by a resolution which referred exclusively and only to the primary election. But Mr. Wilson, who was the Democratic candidate at that election, of course was not precluded from following up the contest which he had commenced, claiming that he was elected. Wilson's contest went before the Committee on Privileges and Elections, and there were two reports. We did have a vote as to whether Wilson was elected. Vare had already gone; he was thrown out, but of course the contest of Wilson necessarily took within its scope all the votes that were cast for Vare, and that is why it is referred to.

Mr. ROBINSON of Indiana. That is as I recollect it.

Mr. BORAH. Did we have a vote on the question as to whether Wilson was entitled to the seat?

Mr. NORRIS. Yes; but that was after Mr. Vare had been excluded. Every Senator will realize that it was perfectly proper and legal for Mr. Wilson to claim, as he did, that he was elected in the election. That was entirely independent of the report of the special committee upon which was founded the resolution under which Vare was thrown out. Wilson went on with his contest, claiming that at the election he was elected to the Senate. That matter finally reached a climax here in the Senate, and we passed on the contest, voted on it, and it was decided by the Senate that Mr. Wilson was not elected.

Mr. BRATTON. Mr. President, will the Senator from Delaware yield?

Mr. HASTINGS. I yield.

Mr. BRATTON. The Senator from Nebraska is correct, and I was incorrect in part. Vare was excluded on the resolution offered by the Senator from Nebraska, and that eliminated him. After he was excluded, as I recall, we took a vote on the question as to whether Wilson was entitled to the seat, and the Senate held that, having failed to receive a majority of the legal votes, he was not entitled to the seat. That vote related to Wilson's right to the seat, and not to Vare's right to the seat. Vare was disposed of by the vote on the resolution offered by the Senator from Nebraska.

Mr. ROBINSON of Indiana. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Indiana?

Mr. HASTINGS. I yield.

Mr. ROBINSON of Indiana. I would like to suggest to the Senator from Delaware that the Senate excluded Smith of Illinois, after he had been appointed by the governor, without any question of primary election or the November election being involved at all.

Mr. DILL. Mr. President, will the Senator yield to me?

Mr. HASTINGS. I yield.

Mr. DILL. I was unable to be here when the Senator began his address, but I have read a large part of his report, and I should like to get from the Senator the basis of his contention that the Senator from Alabama should not continue in his seat. Is it on the basis of the action of the Democratic committee in Alabama with regard to the primary, or is it on the basis of failure to observe the law in the election; or is it on both grounds?

Mr. HASTINGS. Mr. President, I think that under the precedents, here, particularly with some Senators who firmly believe in the precedent with respect to the primary, Mr. Bankhead must of necessity be excluded upon the question of the primary, because the primary was illegal. I have not undertaken to divide the two, or to poll the committee with

respect to the two, but I have undertaken and am now undertaking to put all of the facts before the Senate.

In the first part of my address I called attention to the primary. I am sorry there were not more Senators present at the time. I challenged the statement made by the Senator from New Mexico [Mr. BRATTON] yesterday in two particulars.

I challenged the Senator's argument that the people in Alabama had since 1910 been accustomed to making the requirement made in the 1930 election. I called attention to the fact that there were only two instances, one in 1922, when they modified it somewhat, and again in 1926, when they did not modify it, so that as I see it the only time when they put any such restriction in was in 1926. They did not put in any in 1920 at all. In 1924 it was referred to the executive committee, in 1928 it was left out entirely, and the first time it appeared in any such form as it appears here in question, was in 1930.

I think the Senator from New Mexico might very well have gotten mixed when he said there was nothing in the record, because as I looked at the record at the time he was talking I agreed with him. But the reference to 1928 was placed ahead of the reference to 1922, and it was rather difficult in the record to turn to the particular pages. But I am very anxious that those interested in the subject should read the Lett case, which, it is contended by the Senator from New Mexico, is controlling. In my judgment it is not only not controlling, it is not even persuasive, because it does not touch this point at all. I think I can explain in a minute the difference between the two.

In the Republican primary, the one which gave rise to the Lett case, the Republican Party provided that before a man became a candidate he should take an oath stating how he voted in the last general election, or something to that effect. That is the one thing. It did not exclude him, it did not pretend to exclude him, but it did make available, and specifically made available to the public and to the persons who were interested in the subject, the affidavit made by the candidate, so that the people might find out, if you please, what kind of a Republican he was, and whether he was the kind of a Republican they wanted nominated or whether he was not. That is what the court said might be done under that statute.

Mr. BRATTON. Mr. President, will the Senator yield to me?

Mr. HASTINGS. I yield.

Mr. BRATTON. In that case Lett declined to take the oath and the committee refused to put his name on the ticket, and suit was in mandamus to compel them to put his name on the ticket, he asserting that they had excluded him. The court upheld the exclusion and denied the writ. The Senator now says that they did not exclude him, that they merely provided evidence of what kind of a Republican he was. They did exclude him, and the suit was to compel them to include him, and the court upheld the exclusion.

Mr. HASTINGS. Very well.

Mr. BRATTON. So that the case is on all fours with the one here, so far as the power to require the affidavit of the candidate is concerned.

Mr. HASTINGS. That is just the difference between the two. What the Senator says is exactly correct; but what I say is this: That in the 1930 primary resolution adopted by the Democratic executive committee in Alabama they prescribed that which Heflin, for instance, could not comply with. The Republicans did not prescribe anything which Lett could not comply with. He could make his affidavit and expose his politics, and the only argument made with respect to it was that he ought not, under the secrecy of the ballot in Alabama, be compelled to expose his politics, and that was the defense to that case.

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

Mr. HASTINGS. I yield.

Mr. NORRIS. I think I can see the distinction the Senator is drawing, and I want to be sure I am right. The Senator from New Mexico has stated correctly, as I understand the Lett case, just what happened, but the Senator from Delaware is contending, as I understand him, that in the Lett case, if Lett had complied with the order of the committee and made the affidavit, he would still have been, by that committee, permitted to run in the primary.

Mr. HASTINGS. That is my contention, and if I am wrong in that, if there is anything in the case itself which warrants any other conclusion than that, I would like to have it pointed out to me.

Mr. NORRIS. The Senator's theory is that the object the Republican committee had in view in the Lett case was to compel all candidates to let the people who had a right to vote in the primary know really what they had been doing, how loyal party men they were, and then let the people at the primary consider that information, if they wanted to, in passing on the candidates.

Mr. HASTINGS. If I may be permitted to put the Heflin-Bankhead resolution on the same basis as the other, it would have provided something to this effect: "All the candidates on the Democratic ticket shall be compelled to file an affidavit with the Democratic executive committee stating whether or not they supported Governor Smith in 1928, whether they openly worked against him," and so forth, and so on, and stop there. If they did that under the Lett case, they would have been within the law. But they did not do that. They simply provided that the man who did those things might not be put upon the primary ticket.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. Am I to understand the Senator to say the resolution adopted by the committee relative to the primary in the campaign of 1930 had one precedent, and that is the resolution of 1926?

Mr. HASTINGS. I would like to state just how nearly it was a precedent. I think it might be called, roughly, a precedent, although I will read the difference. In order that Senators may find out just what was going through the minds of the committee, I want to refer to the 1922 resolution in which there is this provision:

> 3. That all candidates for any of the offices or party places be nominated in said primary shall qualify as such candidate on or before the 1st day of May, 1922, by filing, if a candidate for a State office or a State party office, his or her name with the chairman of this committee, and if a candidate for a county office or county party office, his or her name with the chairman of his or her county Democratic executive committee, designating the office or the place for which he or she is a candidate, and under oath declaring that he or she did not in the presidential election of 1920, support the presidential electors of any party other than the Democratic Party.

Mr. BORAH. Does that exclude them if they did support someone else?

Mr. HASTINGS. I think it does. But I invite the Senator's attention to a further resolution. That one was dated January 13, 1922, and the other dated April 28, 1922:

> That no person shall become a candidate for any State, district, Federal, or circuit office, or have his or her name printed upon the Democratic ballot in the primary election to be held on the 12th day of August, 1930, if such person either voted a Republican presidential ticket in November, 1928, or openly and publicly opposed the election of the nominees of the Democratic Party, or either of them, or who opposed the election of the Democratic electors for President or Vice President in November, 1928.

In substance, that is, declaring that he is a Democrat. I think that might very well be considered explanation of what is meant over here when they state that he shall take an oath—

> And under oath declare that he did not in the presidential election of 1920 support the presidential elector of any party other than that of the Democratic Party.

That was in 1922. In 1920 they did not have any such provision at all. In 1922 they put in this language. In 1924 it was referred to the executive committee, and there is no record of what they did. In 1926 they put in the same provision they had in 1922. In 1928 they put in nothing, and in 1930 they put in this provision:

That no person shall become a candidate for any State, district, Federal, or circuit office, or have his or her name printed upon the Democratic ballot in the primary election to be held on the 12th day of August, 1930, if such person either voted a Republican presidential ticket in November, 1928, or openly and publicly opposed the election of the nominees of the Democratic Party, or either of them, or who opposed the election of the Democratic electors for President or Vice President in November, 1928.

I do not know whether to call that a precedent or not. It is not exactly the same. It goes further than any other declaration.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. It is admitted, is it not, that they could fix those qualifications for a candidate? They had that power under the statute, had they not?

Mr. HASTINGS. They can fix any qualifications for the candidate so long as they fix the same for the electors.

Mr. BORAH. That is a subject of debate; but it is admitted that they can fix any qualifications they see fit for a candidate?

Mr. HASTINGS. I suppose we would have to say "reasonable."

Mr. BORAH. I do not know whether we would have to use the word "reasonable" in politics or not. [Laughter.] It seems to be admitted that they could fix any qualifications they saw fit, we will say reasonable qualifications; but the contention of the Senator is that if they fixed any qualification, the same qualification must apply to the voter?

Mr. HASTINGS. Undoubtedly.

Mr. DILL. Mr. President, may I inquire if this question went to the Supreme Court of Alabama?

Mr. HASTINGS. I do not think either of the questions did. I think the supreme court is not the highest court of Alabama.

Mr. DILL. I mean to the court of last resort.

Mr. HASTINGS. What happened was this: Upon this resolution being adopted, somebody took the case into the court of equity. It was not Heflin, but somebody took it into the court of equity.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Alabama?

Mr. HASTINGS. I yield.

Mr. BLACK. It was taken into court by Judge Wilkinson, attorney for Senator Heflin, who has been arguing before the committee.

Mr. HASTINGS. It was not in the name of Heflin.

Mr. BLACK. It was in the name of Wilkinson.

Mr. HASTINGS. But it was not in the name of Heflin. I will state in order to be fair that the contention on the other side is that because Heflin did not do that himself he is now shut off from complaining, so I wanted to make it clear that Heflin did not take the action himself and therefore is not in that position, but it was taken by Wilkinson. It does not make any difference who took it outside of the fact that it was not taken by Heflin. The court of equity heard the argument and ruled that it did not have jurisdiction, one judge dissenting and holding in his dissent with Senator BLACK, who made a statement about it when the ruling was first made, that this was unlawful, illegal, and beyond the authority of any executive committee to do.

Mr. DILL. Was the matter carried to any higher court?

Mr. HASTINGS. No; it was not.

Mr. DILL. There was no appeal taken?

Mr. HASTINGS. No.

Mr. BLACK. That was the highest court in the State.

Mr. HASTINGS. Will the Senator from Alabama state just what court it was?

Mr. BLACK. The supreme court.

Mr. HASTINGS. Is that the supreme court of the State?

Mr. BLACK. That is the court of last resort.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from New Mexico?

Mr. HASTINGS. I yield.

Mr. BRATTON. In the interest of accuracy and in connection with the argument I made yesterday that it was incumbent upon Senator Heflin to take advantage of irregularities in the primary that he complained of, and to do so before the general election, the Senator will recall that the case instituted by Judge Wilkinson was only to enjoin the spending of public money to hold the primary. It was instituted before the primary was held. The Senator will agree with me in that statement?

Mr. HASTINGS. I am satisfied the Senator's statement is correct. I do not recollect the facts.

Mr. BRATTON. In that case the court held that the court of equity had no jurisdiction to grant an injunction for that purpose; but after the primary was conducted and Mr. Bankhead was declared to be the nominee, neither Mr. Heflin nor anyone else took any steps to prevent Mr. Bankhead's name going on the ticket at the November election as the nominee of the Democratic Party. The Senator and I will agree upon that as a correct statement of the facts.

Mr. HASTINGS. That is undoubtedly correct.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from Delaware [Mr. HASTINGS] yield to the Senator from Nebraska?

Mr. HASTINGS. I yield.

Mr. NORRIS. Neither of the Senators seems to regard this case in the supreme court as of any importance, but to my mind it has a very important bearing on the controversy. As I understand it, an action was commenced asking for an injunction restraining any of the officials in Alabama from expending any public money in the primaries—and that was done before the primaries were held—basing it on the ground that this action of the Democratic Party was illegal and contrary to law and that under that order of the Democratic Party no lawful primary could be held. When that was decided by the Supreme Court of Alabama, it was decided by a divided court, the majority holding that the lower court had no jurisdiction, the minority of one judge holding that they did have jurisdiction, and in the minority opinion he went into the facts and the law and held that the action of the Democratic committee was illegal and that no legal primary should be held under it.

Did the majority opinion take up the facts as they were admitted to be or did it go off on a technicality?

Mr. HASTINGS. Purely upon the jurisdictional question, as I understand it. There was no expression from anybody except the dissenting judge.

Mr. NORRIS. And he said in his opinion as I understand it that the action of the Democratic committee made the primary illegal?

Mr. HASTINGS. That is correct. I will read it:

The statute is plain and unambiguous; it is its own interpreter, and expresses the legislative intent. The intent and expressed purpose of the legislature are found in the use of the words "for its candidates" after the words "political party."

I have stated heretofore that those words "for its candidates" were put in the statute in 1919 because it was the only way in which they could make the public pay for the primary expense, following the decision in Texas, and they modified their statute in 1919 and put in those words "for its candidates" in section 612. The minority opinion continues as follows:

This was the requirement for the one standard of party loyalty and affiliation for all who participated in the primary as electors and as candidates. In this requirement the due right to vote and participate in such primary election of a political party is not denied on grounds made the subject of the fourteenth and fifteenth amendments to the Federal Constitution.

(1) The statute, as required to be applied in section 612, code, to electors and candidates alike, was applied by the resolution to the election of candidates for Federal, State, district, circuit offices and State executive committees, and officers to be elected by the vote of a single county for a uniform and single test of party affiliation and loyalty for all electors; (2) a different test of party affiliation and loyalty is prescribed and required of candidates who stand for election to office for Federal, State, circuit, district, or

committeemen; different from that prescribed for all electors in party primary; (3) and different test from that permitted (with limitations) of exaction by county executive committee or candidates for county office to be filled by the "votes of a single county."

It follows from this material departure in the resolution from the requirements of law that the primary election called is not the kind of primary that may be held under the law, and at public expense in the State of Alabama.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Washington?

Mr. HASTINGS. I yield.

Mr. DILL. I notice the judge referred to the fourteenth and fifteenth amendments. As I recall it, the first part of the committee's resolution is that this applies only to white electors.

Mr. HASTINGS. That is right.

Mr. DILL. Was the question ever raised as to that part of the regulation being illegal?

Mr. HASTINGS. I do not remember that it was, but the argument was made before the committee that they could not provide qualifications for the electors but had to apply the general law to them. However, the committee did not agree with that contention. We held that in order to keep their party together and decide who should have the right to vote they might exact of the voter who wanted to participate in the Democratic primary such loyalty as they believed they were entitled to have; but in doing so they must put him in the same position as the candidate and they must put the candidate in the same position as that of the voter himself, for in no other way, perhaps, could they keep the party together.

Mr. DILL. Is it the Senator's contention that because a different requirement was prescribed for electors than for candidates, and electors who measured up to that different requirement entered the primary, the primary was illegal? Is it the Senator's contention that because electors who were not required to have the same qualifications as candidates participated in the primary that rendered it illegal?

Mr. HASTINGS. Oh, no; if I understand the question, because they might have permitted Republicans or anybody else to vote at those primaries without affecting the validity of the primary itself.

Mr. DILL. It was the ruling, then, that made it invalid?

Mr. HASTINGS. It was the ruling which prevented certain persons from running. If I understand their position, they might just as well have said, "No person who has occupied the position of United States Senator from this State and who has failed to support a certain Democratic measure shall be permitted to become a candidate for the United States Senate from Alabama." As a matter of fact, they have since that time—in February, 1931—done just that; they have provided in specific language that electors do not have to have the same qualifications as candidates, and they themselves may prescribe the qualifications. I say if that be constitutional, then the Democratic State committee of Alabama may exclude any person whom they care to exclude by rules and regulations they may make with respect to who may be candidates.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Alabama?

Mr. HASTINGS. I yield.

Mr. BLACK. I am not familiar with the rule in all the States, and I am not really familiar with the party practice in Delaware. May I ask the Senator what is the power of the political committees in Delaware with reference to fixing the qualifications of candidates?

Mr. HASTINGS. What candidates does the Senator mean—candidate for what office?

Mr. BLACK. Candidates for any office.

Mr. HASTINGS. There is no rule.

Mr. BLACK. Suppose a man wants to become a candidate on the Republican ticket for Senator, what steps does he take in order to do so?

Mr. HASTINGS. Our practice is this: We have a convention. The Republicans elect their delegates to the convention. A Republican convention may nominate a Democrat if it wants to; and a Democratic convention, constituted in the same way, may nominate a Republican. There is no restriction at all; it all depends upon what the voters want. Never before have I known of a place where a man could not occasionally get off the reservation and still have some chance at some time to get back on again.

Mr. BLACK. I desire to ask the Senator another question. Suppose the members of the convention of the Republican Party decide that they did not want to inflict upon the party a man who had failed to vote for the last ticket of their party, would they have the authority to do that?

Mr. HASTINGS. Does the Senator mean to exclude such a man from becoming a candidate?

Mr. BLACK. Yes; not to nominate him.

Mr. HASTINGS. It is wholly up to the convention. They may pick whom they please, but they make no rules about what a candidate's political affiliations are. They do not make him stand up and swear as to everything that he has done in the past and what he hopes to do in the future. They do not do any such thing as that.

Mr. BLACK. Assuming that he was not ashamed to admit what he had done in the past, that has nothing to do with it. The question that I ask is this: Would not the Republican convention in the Senator's State have the right, if it saw fit, to decline to nominate a man because in the previous election he had failed to vote the Republican ticket?

Mr. HASTINGS. Yes; just as a lot of Republicans failed to vote for me when I thought they ought to have voted for me. [Laughter.] It is just exactly the same kind of a proposition; there is no difference between them.

Mr. BLACK. If I may ask the Senator another question, if the Senate has the right in this case to go into the Alabama primary, would it not also have the right to supervise a Republican convention in Delaware?

Mr. HASTINGS. I do not know; the Senator had better ask the Senators if he wishes to find out; I can not answer that question.

Mr. BLACK. May I ask the Senator this question: If it is right and legal for the Senate to attempt to supervise the Alabama primaries, which is the method by which candidates are nominated there, by the same token would it not be right and proper for the Senate to attempt to supervise the convention in any State where that is the method employed for nominating Senators?

Mr. HASTINGS. I have no doubt, under the precedents established by the Senate as to inquiring into primaries, that it may inquire into a convention that nominates a Senator just as certainly as it may into a primary itself, if that is the question the Senator asks.

Mr. BLACK. Then, as I understand the Senator, he believes in and favors the idea of the Senate supervising conventions all over the country held for the nomination of United States Senators.

Mr. HASTINGS. I have not even stated that I am in favor of the Senate supervising the primaries. I am only stating to the Senate what the facts show, as I understand them, and let every Senator decide for himself whether or not he thinks the Senate ought to follow such a procedure.

Mr. BLACK. May I ask the Senator this further question? I want to be sure about the Senator's opinion, because I did not quite get it straight. Do I understand that the Senator is now stating to the Senate that it is his belief that the Senate now should hold that the Alabama primary was illegal by reason of the matters he has set forth?

Mr. HASTINGS. I have expressed no view with respect to that except that it was illegal; and, with that conviction, I am presenting the question to the Senate to decide for itself. I have not had in my mind to decide that question, because I am satisfied of the fact that the circumstances of the election, excluding the primary, make it incumbent upon the Senate to declare that there was no election had on that day; and I insist that it was the duty of the Committee on Privileges and Elections to lay the facts with

respect to the primary before the Senate, because the committee knew, as I know, that there are many Members of the Senate who believe very strongly in the importance of the Senate supervising, to some extent, the primaries in which candidates for Senator are chosen.

Mr. BLACK. Then the conclusion which the Senator reaches, as I understand, is not on the basis of what he has said as to the illegality of the primary, but is on the basis of the other features of the case, so far as the Senator individually is concerned?

Mr. HASTINGS. I think that I have made myself clear. I have said that I have not at any time in this case undertaken to reach a definite conclusion that the primaries alone warrant the Senate in declaring that there was no election. I have said that it was not necessary for me to reach that conclusion, because, from my point of view, the other facts are important enough, and the other facts make it necessary for the Senate, in line with its decisions in the past, to decide that there was no election on that day. Now, have I not answered the Senator's question?

Mr. BLACK. May I ask the Senator this additional question, in order that I may be clear as to his position? The Senator, of course, is aware of the fact that, under the Constitution, this body can determine and legislate as to primaries and conventions held in the various States, and that this body has not done that? Does the Senator now believe that it is proper for the Senate, after a State has determined how it shall hold its primaries, to determine the legality of the primary rather than to have the courts of the particular State determine the legality of the primary?

Mr. HASTINGS. I do not think at all that the Senate is bound in any way by the failure of anybody to take this question to the court of his own State. Particularly is that true when there has been an effort on behalf of somebody to test, before the highest court of that State, the validity of the resolution which was adopted by the Democratic State committee in Alabama. That is shown by the decision from which I have read.

Mr. BLACK. Then, as I understand the Senator, he believes that, even without putting into operation the machinery provided in the Constitution for regulating primaries and conventions, the Senate has the right, and it is its duty to act in a supervisory capacity to determine for itself whether a Senator has been duly and legally nominated or whether he has not been?

Mr. HASTINGS. Why does the Senator persist in asking a question which I have declined to answer several times?

Mr. BLACK. If the Senator declines to answer the question, that is all right.

Mr. ROBINSON of Indiana. Mr. President, if the Senator will yield for that purpose, I should like to make a brief observation.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Indiana?

Mr. HASTINGS. I yield.

Mr. ROBINSON of Indiana. The Senate went into that question in the Smith case, and the Senate concluded it had the right. It went into the same question in the Vare case and concluded it had the right. Furthermore, the Constitution of the United States itself provides very explicitly that the Senate shall be the judge of the election of its own Members; and some of us believe that the question of elections goes to the primaries as well as to the final fall elections. There is no question but that the Senate has ruled on that point, and has itself answered the Senator's question. That is the point I make. Regardless of what the Senator from Delaware may think, the Senate itself has ruled on that question.

Mr. BLACK. That is where the Senator and I do not agree. In so far as my vote was concerned, it was not based on that ground. My vote was determined by the evidence of corruption on the part of the individual who knocked at the door of the Senate. I voted against Smith because the evidence showed that the public utilities had contributed to further his campaign while he was on a body passing upon the rates of those public utilities. There is no evidence of any such character in this case; the Senator can not find it; and no one has charged it until the Senator from Indiana a few moments ago rose to do so. It was natural, of course, that he should.

Mr. ROBINSON of Indiana. I voted to exclude Smith and to prevent him from having the oath administered; there is no question about that. The point I make is that the Senate itself has in the past decided that it could question the primaries, and has done so, and the committees of the Senate have gone into primary after primary in the last few years, and certainly within the knowledge of the Senator from Alabama.

Mr. HASTINGS. Mr. President, some time ago I started to answer the Senator from Idaho with respect to the sufficiency of the evidence.

Mr. NORRIS. Mr. President, may I ask the Senator another question before he leaves the point we have been debating?

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

Mr. HASTINGS. I yield.

Mr. NORRIS. To help those of us who want to read the decision, will the Senator give us the title of the case, the place where we can find it either in the hearings or in the briefs or in the court reports of Alabama? I refer to both opinions, the majority and the minority.

Mr. LONG. There were two decisions, one in the Lett case and one in another case.

Mr. HASTINGS. The Lett case is Two hundred and eleventh Alabama, page 423; One hundred and twenty-ninth Southern, page 33.

Mr. NORRIS. Is that the same case?

Mr. HASTINGS. Yes; that is the same case. I had it here on my desk.

Mr. NORRIS. Where will it be found in the Alabama Reports?

Mr. HASTINGS. Two hundred and twenty-first Alabama, page 423.

Mr. NORRIS. That is the Lett case?

Mr. HASTINGS. That is the Lett case.

Mr. NORRIS. The one I am particularly anxious to read is the Wilkinson case. I do not know who the defendant was.

Mr. HASTINGS. I will get that a little later.

Mr. LONG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Louisiana?

Mr. HASTINGS. I yield.

Mr. LONG. Before the Senator leaves that point I hope the Senator from Nebraska will give me his attention for just a moment while I make this statement:

No court has any jurisdiction in any primary election or general election except such as specifically is conferred upon the court. In other words, primary and general elections are outside the jurisdiction of courts unless the statute specifically gives them a right to inquire into them.

A further very well-known rule of law is this: Where the statute does give the courts jurisdiction, or by jurisprudence it has been held that they have jurisdiction, they have usually and as a matter of very uniform jurisprudence held that the right of a candidate seeking to force his name to be placed on a ballot must be asserted by mandamus against the committee and that the candidate is the only man who can bring that action.

The Alabama jurisprudence is no different, I think, than the jurisprudence of Nebraska or Pennsylvania, and I know it is no different than that of Louisiana. The contestant in this case had two remedies. If he thought that under the law of Alabama this action of the committee was illegal, he had a right to go into court by a mandamus proceeding, and to compel his name to be written on the ballot if the law was with him, because the court of Alabama in the very Lett case that the Senator from Delaware has read said that there was a remedy by mandamus.

He not only did not go into the court in his own name—and the law is certainly clear that the right to run for

office or claim the title to office is personal to the candidate, and to no other man—he not only did not go into court in his own name, but he went in under the name of an attorney, which no jurisprudence supports; and he did not bring the kind of action that any lawyer looking up the question of elections at all would have brought, one of mandamus to compel his name to be written on the ballot.

Having failed to exert that right, what did he do? He had the right to pass it over, and I say to you that under the jurisprudence in the Lett case he was very wise to pass it over, because I can not for the life of me see how the court could have said what it said in the Lett case and could have sustained any action that could have been brought by the contestant under that Alabama statute.

Let us say, however, that he did. He had the right to go into the court of Alabama. He had the right, if the law was with him, to have his name put on that ballot; and there was a court saying, "If you will bring a mandamus proceeding you have a standing in this court to put your name on the ballot if the law gives you that right." Instead of doing that, however, he waived whatever right he had under that law, and proposed to take his chances in a general election, and to put his name on the ballot against the candidate who had been nominated in the primary.

With the law as clear as it is, it seems very clear that the State having given this man every right in the world to settle the matter in the courts of the State, and he having decided not to settle it in the courts of the Sate, and then having decided to take the remedy in a general election, there would be no such thing as State sovereignty, when the State had gone that far to give that man every redress that he could have under the law, if now the Senate should decide that the primary was illegal.

Mr. HASTINGS. Mr. President, I will answer the Senator from Nebraska by giving him a reference to the Wilkinson case. It is found in 221 Ala. 254; 128 Southern 362; 70 A. L. R. 712. The title of the case is Wilkinson, appellant, against Hendrick, appellee.

Mr. NORRIS. I thank the Senator.

Mr. HASTINGS. Now, I desire to address myself to the question of sufficiency, the kind of fraud that it is necessary to show. I have here extracts from some decisions in the House of Representatives, and I think some in the Senate.

The first is the case of Butts against Mackey, second South Carolina district, Forty-fourth Congress. The committee used this language:

> Every facility is furnished for fraud; and even where the election officers are honest, great frauds may be readily committed without there being any practical means of detecting them. It is indispensable to a fair election that the electors shall be required to vote in the precinct where they reside.

Again, in the case of Platt against Goode, from Virginia, Senator Blackburn, while in the House, in the Forty-fourth Congress, said:

> The statute of Virginia requires that one of the poll books of election shall be put under cover and seal and sent to the county or corporation court clerk, together with the ballots, inclosed and sealed. There can be no question as to the mandatory character of this statute. Its object is to prevent fraud in tampering with the ballots or alteration of the returns.
>
> The rule laid down and supported by a number of adjudicated cases and applied in several instances by this House does not require that positive proof shall be adduced showing that the ballots have been tampered with. It is sufficient to show that opportunity for such tampering has been afforded. * * * We can not but conclude, in the light of the testimony, * * * that the vote of Bland and Rives Townships in the county of Prince Georges should be rejected.

In the case of Abbott against Frost, fourth Massachusetts district, decided in 1876, the House committee held that the poll must be excluded where the votes and returns were sent in to the county seat by one not officially authorized to carry them, unless it was proven that while the returns were out of legal custody they were not tampered with. That is virtually shifting the burden of proof. The House approved and adopted the report. (Smith's Contested Election Cases, 594 to 649.)

In that case the House committee observed:

> This testimony, we think, clearly shows that many of the plainest and most important provisions of the law were recklessly disregarded, if not purposely disobeyed, by the officers having in charge said election. * * * We are clearly of the opinion that the provisions of the statute which have been so totally and unblushingly disregarded in this case are not merely formal and directory, but vital and essential in order to render the election fair and free from fraud or the suspicion of fraud; for we hold it to be the duty of election officers so to conduct the election and everything thereunto appertaining as to as carefully guard against suspicion of or opportunity for fraud as fraud itself. Nothing short of this will satisfy either the spirit or letter of the statute made and enacted to protect and maintain the purity of elections.

The House committee in that case very evidently acted upon the principle of the rule declared by Mr. McCrary, chairman of the House committee in the Forty-second Congress, who, in the discussion of the case of Gooding against Wilson in that Congress, on the floor of the House said:

> I think another rule must be observed. It must appear that the ballots have been securely kept, that they have not been exposed, and that there has been no opportunity to tamper with them. This ought to appear affirmatively.

Another man who participated in the debate in the House in the case of Gooding against Wilson, in the Forty-second Congress, was the great constitutional lawyer and statesman, George Frisbie Hoar, of Massachusetts, then a Member of the House, but who was later to adorn the Senate for many years with the greatness of his character and patriotism, and to enlighten its counsels with his profound knowledge of statecraft and constitutional law. Senator Hoar, of course, knew that to contaminate the source of the election of Members of the Congress was to lay the ax at the very foundation of representative government, and anything that cast suspicion upon the election of Senators and Representatives affected him with horror. He recognized that the only way to preserve elections from suspicion was for the election officers faithfully to observe the essential safeguards and rules laid down by statute for the protection of the purity and honesty of the ballot, and that no election deserves to be recognized where these safeguards have not been observed. Mr. Hoar said, in the debate to which I have just referred:

> It makes no difference for the purpose of my point whether the ballot box was there in an exposed place for 12 hours or 12 days. Now, I do not claim that there is any evidence here that * * * any person entered it, opened that box and substituted other numbered ballots for the ballots which it contained. All I have to say is that an adroitness less than that practiced for a less important purpose in many ordinary cases of crime, robbery, burglary, and forgery, could easily accomplish that result. Now we know how eager, how unscrupulous, how adroit, in many instances, are the means which are used to affect political contests. It is not the question whether the friends of the very respectable and very able gentleman who claims this seat did, or were capable of doing such a thing * * *. The interests of the sitting Member and of the contestant disappear before a question like this, which involves the interests of the American people in the establishment and maintenance of a strict, wise, and safe rule of public policy. It is not merely a question whether the recount was correct; it is a question whether you know and are sure that the thing counted upon the recount was the same thing that was counted, or should have been counted, at the time the original count was made.
>
> If at an election of Representative the check list be flung aside and votes are indiscriminately crowded into the ballot box without an inspection by the moderator, it must be obvious to all observing citizens that every evil which the statute was designed to remedy is likely to happen, and that two prominent provisions of it will be trampled under foot. Votes so given and received are neither given nor received in conformity to the essential requisitions of the statute, and, such requisitions being violated, the votes must be void. They would be no more void if given viva voce rather than by ballot. If such a neglect of the statute will not render the whole proceedings void, what neglect will have that operation? The whole balloting, therefore, in this manner is vitiated; no Representative can thus be duly elected.
>
> In determining the title to the county office, the vote of a township should be excluded where it appears that in such township the mandatory provision requiring the official ballots to be kept in the custody of an inspector was violated by the appointment of an unofficial person as "instructor" to distribute the ballots, and allowing him access to the voters even after they had entered the booths, although the parties acted in good faith, and it is not shown that voters were unduly influenced.

The text-writer of Corpus Juris might well have been thinking of the Alabama Senatorial election of 1930 when he laid down in volume 20, page 183, the following rule:

An election will be vitiated by irregularities which are so numerous that they must be attributed to fraud rather than honest mistake; and although no actual fraud is apparent, yet an election will be invalidated where the whole conduct of the election officers shows such gross negligence and disregard of their official duties as to leave the judicial mind in doubt as to how the election resulted except for such widespread irregularities. (Hawood *v.* Cooper, 36th Cong., First Bartlett 275.)

Gross irregularities and palpable violations of law in conducting an election * * * should cause the rejection of the entire poll.

It is sometimes a difficult matter to decide whether misconduct on the part of the election officers is to be regarded as constituting fraud or as only the result of carelessness, ignorance, or negligence. If, however, such misconduct has the effect to destroy the integrity of the returns, and avoid the prima facie character which they ought to bear, such returns will be rejected and other proof demanded of each vote relied upon. And this is the rule concerning such misconduct whether it be shown to have been fraudulent; that is to say, prompted by a corrupt purpose, or whether it arise from a reckless disregard of the law or from ignorance of its requirements.

This fact was expressly recognized by the House committee in the case of Moore against Funston in the Fifty-third Congress, where the House committee observed:

The difficulty of establishing by legal evidence the existence of a conspiracy, generally great, is increased rather than lessened by the intermingling of politics. That this is so is apparent from the well-known fact that even where an entire community is convinced to a moral certainty that gross frauds have been perpetrated in an election in the execution of a studied effort to defraud, a sufficient amount of legal evidence to convict the suffrage assassins is rarely found, and usually enough of such evidence can not be procured to indict them. All text writers or other law authorities treating of the subject recognize the difficulty of proving a conspiracy by direct evidence; and, as in the case of fraud in general, recognize also the propriety, as well as the necessity, of proving distinct facts, many of them insignificant in themselves, from all of which, however, when sufficient, a firm belief in the existence of the conspiracy or fraud may safely be deduced, and the conclusion may be as safely acted upon. In many cases circumstantial evidence is the only evidence which can be obtained, and it is also not infrequently of the most satisfactory and convincing character.

Mr. WATSON. Mr. President, will the Senator yield to me?

Mr. HASTINGS. I yield.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Costigan	Kean	Schall
Austin	Couzens	Kendrick	Sheppard
Bailey	Cutting	La Follette	Shipstead
Bankhead	Dickinson	Lewis	Shortridge
Barbour	Dill	Logan	Smith
Barkley	Fletcher	Long	Smoot
Bingham	Frazier	McGill	Steiwer
Black	George	McKellar	Stephens
Blaine	Glass	McNary	Thomas, Idaho
Borah	Goldsborough	Metcalf	Thomas, Okla.
Bratton	Gore	Moses	Townsend
Brookhart	Hale	Neely	Trammell
Broussard	Harrison	Norbeck	Tydings
Bulkley	Hastings	Norris	Vandenberg
Bulow	Hatfield	Nye	Wagner
Byrnes	Hayden	Oddie	Walcott
Capper	Hebert	Patterson	Waterman
Caraway	Howell	Pittman	Watson
Carey	Hull	Reed	Wheeler
Connally	Johnson	Robinson, Ark.	
Copeland	Jones	Robinson, Ind.	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, there is a quorum present.

Mr. HASTINGS. Mr. President, I should like to take up the particular sections of the statutes of Alabama, and show how nearly they were complied with, or, putting it the other way, how often they were violated.

Section 404 of the Code of Alabama provides that:

Each ballot shall be numbered by one of the inspectors to correspond to the number of the voter voting the same on the poll list. A voter may write his name on the ballot. The number corresponding with the voter's name on the poll list must be plainly entered in ink on the back of the ballot of the voter.

In the figures I am about to give there must be excluded three counties, where the boxes were not secured by the committee, because the ballots had been burned some time prior to the adoption of the resolution of investigation by the Senate, as I recollect it.

Two thousand and forty-three boxes were examined. The boxes wherein the ballots were numbered in pencil numbered 1,361, the boxes wherein the ballots were numbered in ink numbered 125, and the boxes wherein the ballots were not numbered at all numbered 557. Fifty-eight thousand eight hundred and seventeen ballots, or 26.3 per cent of the vote, were not numbered in any way. Thirty-five thousand seven hundred and ninety-five, or 16 per cent of the vote, were properly numbered. The rest of them were numbered in pencil.

I think it worth while to call attention to the fact that the officers who failed to number these ballots made themselves liable in the State of Alabama under section 3937 of the code, which provides that:

Any person or persons who do any act defined or declared to be a corrupt practice under the election or primary laws of this State—

And this has been so defined in the law—

must be fined not more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, at the discretion of the court trying the case.

It is true that in Alabama it has been decided that this provision with respect to the numbering of the ballots is not a mandatory provision, and in the absence of fraud the votes may be counted. The case in which that was decided went to the court upon an agreed statement of facts in which it was definitely stated on both sides that there was no fraud in connection with the election.

I pass from that to section 456, which provides:

456. Returns of election; how made and duty of probate judge: One copy of the certificate of the result of the election shall be signed by the inspectors and inclosed in an envelope, which shall then be securely sealed, and each of the inspectors shall write his name across every fold at which the envelope, if unfastened, could be opened. Said envelope, with certificate inclosed, shall be at once delivered to the returning officer of the precinct, who shall deliver the same in the condition received to the judge of probate. The judge of probate shall keep and preserve the same unopened until the board of supervisors meet to ascertain the result of the election. In case of loss, mutilation, or absence of the original certificate of the result of the election by the inspectors of any voting place the envelope shall be opened and the copy therein shall be accepted as a certificate of the result of the election for that voting place.

The number of official envelopes, papers, and so forth, requiring signatures, and apparently signed by one person, amounted to 1,842.

Section 457 provides that "the poll list shall be sealed in an envelope before the inspectors begin to count the votes, and shall not be opened." The purpose of this was to make sure that the ballot was a secret ballot. The number of boxes wherein the poll lists were found loose was 222. The number of boxes wherein the poll list was found with ballots was two.

Section 459: The number of boxes wherein certification of the poll lists was not complete was 643.

Section 459 is the section requiring that the oath be administered.

The number of boxes wherein the stubs were not initialed was 543.

Section 493 provides for the initialing of the ballots:

After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or the initial of the inspector and hand it to the receiving inspector. The inspector must receive the ballot folded and call the name of the elector audibly and distinctly, and the name of each elector whose ballot has been received must immediately be taken down by the clerks on separate lists, which shall be headed "Names of voters" and called "Poll lists," and the number of the order in which such elector votes must at the same time be entered by each clerk against his name, the first elector voting being numbered 1, the second 2, and so on, to the last elector voting.

Section 494: The number of boxes wherein the stubs were not detached from the ballots was 651.

Section 498 provides for the challenging of voters. The incomplete challenges found by the committee were 2,335.

Section 505 is the section which requires that—

As soon as the ballots are all counted the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of the same in writing, which statement must be signed by them; they must also certify in writing on one of the poll lists that such poll list is the poll list of the election precinct at which they were inspected, the day and year on which such election was held, and for what offices, which certificates must be signed by them; and such statement of the poll lists and votes thus certified must be sealed up, together with a list of the registered voters in such precinct at such election on such day, in a box to be furnished by the sheriff of the county, one or more for each precinct, and to consist of wood, tin, or sheet iron, and securely fastened by locks, directed to the sheriff of the county, if there be one, and if none, then to the person discharging the duties of such office, and immediately deliver the same to the returning officer of the precinct.

With respect to that one section, the number of boxes wherein the qualified lists were not found was 569; the number of boxes wherein the poll lists were not found in official envelopes for that purpose and were taken from the sheriff's was 135; the number of boxes wherein certificates of results were not found in envelopes for that purpose and were taken from the sheriff's was 412; the number of boxes wherein no certificates of results were found was 411; the number of boxes wherein certificates were not sealed was 1,119; the number of ballot boxes wherein no poll lists were found at all, 31; the number of ballot boxes wherein no poll lists were found in ballot boxes, 99.

Section 506 relates to the sealing of boxes. There may be some little dispute about the number of boxes not sealed. I think it is contended by Mr. Bankhead and his counsel that it is less than 1,087. However, 1,087 is the figure given me by the supervisor; but a difference of 100 is not great. The number of boxes wherein the ballots were found loose was 576. The number of boxes wherein the ballots were found folded was 1,543.

Mr. President, in the report filed by the minority I have called attention to this point which to me is quite significant. There were 634 inspectors and 453 clerks who failed to subscribe to the oath. In 349 election districts the returning officers did not subscribe to the oath. I had not called particular attention to that fact until I had read a part of the remarks made by the senior Senator from Nebraska [Mr. NORRIS] in the Vare case in which he called attention to this fact as being important, and for that reason I have placed it in the report.

But here is the particular thing that I think is important. Section 437 of the Alabama Code provides for the appointment of inspectors and clerks "from the qualified electors of the respective voting places" 15 days before the election. The records show 260 inspectors and 22 clerks were not qualified electors in the election districts in which they served; that 62 returning officers were not qualified electors in the precincts in which they served.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Alabama?

Mr. HASTINGS. I yield.

Mr. BLACK. Is the Senator reading that from the record, may I ask?

Mr. HASTINGS. I am reading from page 2 of the report.

Mr. BLACK. May I ask the Senator if any evidence was introduced before the committee establishing the fact that 260 inspectors and 22 clerks were not qualified electors?

Mr. HASTINGS. There may be some dispute between the Senator and myself as to what he means by "evidence." It is in evidence by an examination of the paraphernalia, the election machinery, showing those facts. I do not know whether the attention of the committee or anybody was called to it until this time.

Mr. BLACK. May I ask the Senator if he himself has examined any records which show there were 260 inspectors who were not qualified electors; and if so, where is that record?

Mr. HASTINGS. By "record," does the Senator mean a statement that was made up by somebody for me?

Mr. BLACK. I am asking where the Senator got the information, whether anybody testified to it or whether the Senator has any facts upon which he bases it?

Mr. HASTINGS. Yes; I have.

Mr. GEORGE. Mr. President, I shall be obliged to make this statement for the RECORD. There was never any evidence as to this fact; there was never any fact presented to the committee until after the committee had finished its work, when I received information that the supervisor was engaged in making up a list of the character to which the Senator is now referring. It never has been submitted to me and it never has been submitted to the subcommittee. If it has ever been submitted to the full committee, I have no knowledge of it at all. I do not think the Senator ought to put anything in here that was never submitted to the subcommittee, never brought to the attention of the subcommittee, and never brought to the attention of the full committee so far as I know from having the same presented to me as a member of that committee.

Mr. HASTINGS. There may be some impropriety in my doing this. It is a tabulation of facts from the record.

Mr. GEORGE. Will the Senator permit me to say that that is exactly why the Senator ought not to do it? The only information I have received about it is a statement that in point of fact the alleged facts were not facts proven, and I said, "Very well; if there is anything like that offered, you have a right to be heard."

Mr. HASTINGS. As a matter of fact was not this list handed to either Senator Bankhead or his counsel? Has not he seen the very list about which the Senator is now inquiring?

Mr. GEORGE. I do not know, but after we had closed the case I learned through Senator Bankhead or his counsel, I do not remember which, that the supervisor was then engaged in making up such a list. I then said, if that list was presented to the committee, he, of course, would have a right to learn about it, and he would have a right to make an examination of the facts alleged to be disclosed by it. But I have never seen the list.

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

Mr. HASTINGS. I yield.

Mr. BLACK. This was called to my attention along about the time the evidence closed. Telegrams were sent to various probate judges and replies received. If the Senator is going to place in the RECORD this ex parte statement of the supervisor, it will certainly be proper that there be placed in the RECORD a statement of the probate judges hastily obtained, which will show that more than 75 per cent of the statements made by the supervisor are wholly incorrect. We absolutely know that if the matter is investigated it will show that to be the fact.

The only possible basis for such a charge is that in some cases a man's name might be on one list in a particular way and perhaps not in exactly the same identical way that it might be on another list.

It was my desire to call the attention of the Senator to the matter at this time because of the fact that I am not qualified to produce the telegrams of the probate judges; but, of course, if it is stated in the record that there were hundreds of election officers who were disqualified, it would make it absolutely imperative to place the telegrams from the probate judges in the record. My judgment is that neither would have a proper place here now, and that this statement should not be presented, because it is not in evidence.

Mr. HASTINGS. I will state my view with respect to it. I think either side would have a right from the evidence in hand to make such calculations as it may be able to make from the evidence; that is, that it is possible for me to go to the files as a member of the committee and to discover there certain facts which I think ought to be brought to the attention of the Senate. It might be done by me and brought directly to the Senate without any impropriety at all. That is my thought about it.

Mr. GEORGE. Mr. President, let me say right there that I am not going to question the propriety, but I am going to say to the Senator now that the facts which he is about to

state were definitely and positively stated to me to be incorrect, and I therefore dismissed the matter unless the facts were offered in some formal way in evidence.

Mr. HASTINGS. Let me continue a moment further. I had not seen this list to which I was about to refer until about the time I started to prepare the minority report. My attention was immediately attracted to the importance of it, and for that reason I wrote into the views of the minority those facts and expected to discuss them. I want to be careful not to do anything here which is unfair to either side, and I shall, for that reason, not touch upon that subject for the present, at least, without conferring with my colleagues upon the committee with respect to it.

There are, to my mind, some important things here which are somewhat controlling. I think it is true that when one examines a ballot box and finds that the ballots inside have not been numbered, attention is immediately attracted to the fact that the law has been violated.

If, however, it is found that those ballots have not been rolled and sealed as the law provides, then suspicion becomes greater, and one wonders what has happened to that particular ballot box. Then if it is found that on the outside of the box the seal itself has been broken, I think it exacts from somebody an explanation of that particular fact. I think I ought to have reversed the sequence. When one finds the seal of the boxes broken and goes inside and finds the seal of the ballots broken or the ballots not sealed as the law provides, and when he examines the ballots themselves and finds none of them numbered, I say those circumstances demand of the person who has received his election under such circumstances an explanation at the hands of the officers involved in that case.

If it be necessary to explain such facts, and there is suspicion attached to them, let us find out from the officer who had the ballot box in his custody why the particular box was open in that way. Let us find out from the election officer why the ballots were not sealed. If the man who has custody of the ballot box and the ballots gives a reasonable explanation as to why the ballot box was open and why the seal was broken, then we pass by that.

If the election officers at the same time give some good reason as to why the ballots were not sealed, then we will pass that and go to the next irregularity and find out why it was they were not numbered. However, I respectfully submit that when we find all three of these things together with many other irregularities in the same election, some of them affecting nearly every ballot box, that of itself makes it necessary for some clear and explicit explanation to be made as to what happened in Alabama.

I suggest that that question can not be answered by merely saying, "This has been our practice in Alabama for many years." That is not a sufficient answer. Considering the election laws of Alabama, when the election officials have been placed in a position where it is shown that they could have done numbers of things without anyone being able to detect them, then I say that the probability is not only that the laws of Alabama have been violated but they have been made practically null and void, so far as any good the public may be able to derive from them is concerned.

Can anyone look upon a situation like that without his suspicion being aroused as to fraud? Oh, but it is said, no one can be convicted of fraud upon suspicion. No; but all the rulings and precedents in election cases show that the facts must be looked to; and if suspicious circumstances are found creeping through the entire election machinery, it may very well be concluded that there was fraud in the particular election, and it may be declared that there was no election at all.

The Senator from New Mexico called attention to the fact that when the election was over the persons who made the election returns under the law were compelled to post notices on the doors of the proper buildings in various places; that they did so, and when they were examined by the newspapers and by the committee here they all agreed, so that there could not be any fraud there at all. One does not have to have much political experience to know that, in view of the way elections are conducted in Alabama, the ballots could have been stolen from every ballot box there without anyone being able subsequently to discover it.

It would have been the easiest thing in the world to do that. With a hatbox used as a ballot box, with one Heflin watcher there at the polling place—and in many instances the records show that he voted for Bankhead—in that kind of a case, does anyone mean to tell me that it was not possible for a designing election officer to slip 10 ballots from there, which were voted for Heflin, and put 10 ballots back, which were voted for Bankhead? It was an easy thing to do. With election officers anxious to control the situation, anxious to elect their particular candidate for office, it is not unreasonable for us to conclude that some ambitious man might make up his mind and say, "I will fix this particular box," and then to make a wrong return. That could have been easily done down there. Then the ballot box could have been taken to his home, and during the few days when he had that open ballot box, he could have changed the ballots to agree with the returns. Does anybody contend that that could not be done? Why is it insisted that the ballot boxes shall be sealed if it is not to prevent that sort of thing being done? How can anybody say it was not done when he finds the seals broken on the boxes? Can anybody say what happened? He can only speculate; he can not reach any definite conclusion with respect to it; it is impossible to do so.

It may be true for aught I know that there was substantial fraud sufficient to void the election; but I say that is not the sole point here. It was not the purpose of the committee to determine definitely whether it has been shown by the contestant that there was fraud openly committed and in such a way that one can put his finger upon it; that is not the question. The question is this, Have all the safeguards of the Alabama election laws been so violated that it can not possibly be determined definitely whether there was fraud or whether there was not fraud?

Somebody may say that I am undertaking to prove a negative; that everybody is presumed to be innocent until he is proved to be guilty, and that fraud is never presumed, and all that. That is all very true until it is found that some safeguard has been broken down, and the minute that safeguard is found gone, then it is proper to inquire what has happened, what has destroyed it, and why was it destroyed, and who has profited by its destruction. That is the inquiry we must make in a case like this. It is the only inquiry which can ever be made in order definitely to satisfy ourselves with respect to the result.

The law provides that the ballots shall be retained by the sheriff for a period of six months, and the boxes shall not be opened and the ballots shall not be unrolled except in case of a contest. In the investigation of this election case the ballots in three of the counties could not be found; the ballots were burned shortly after the election. Who can tell whether they were burned for the purpose of preventing their effect upon this contest? Nobody can tell that. The man who burned them is not going to admit it; but what are we going to do with those three counties in a case like this? Can we do anything more than to mark off entirely the ballots there cast and say that those counties are out? Of course not. It is the only way in which we can approach a determination of the question.

Mr. President, consider that evidence, and then consider this further evidence which is very significant in this case: The evidence is uncontroverted that it was not only permissible but it was the practice of both parties to pay the poll tax of some of the voters.

The law distinctly provides that it shall be unlawful for one person or organization to pay the poll tax of another person, and makes it a criminal offense to do so, but witnesses went upon the stand and said that it was not only permissible but that it was the practice of both parties to raise money in the month of January in order that they might pay the poll tax before the 1st of February of citizens who expected to vote at the ensuing election. There is evi-

dence in the testimony—it does not amount to very much, but the counsel for Mr. Heflin called attention to it—that about the month of January, 1930, a check for $25 was given by Mr. Bankhead for campaign purposes, and the inference was drawn that that money was used in order to pay the poll tax of other persons. However, the charge which I have just stated is not denied at all by Senator Bankhead, namely—and the practice is general—that the poll tax of some voters was paid by others; that such was the practice in Alabama. Senator Bankhead, however, did say that, so far as he knew, that practice is limited to two counties in the State of Alabama. I do not know whether it is limited to two counties or whether it is not, but I say in every county where it is practiced we must of necessity throw out the ballots and say that they can not be counted.

So, with one regulation after another broken, with one safeguard after another gone, I say in the end we can not reach any conclusion and the Senate can not possibly determine who was elected in Alabama by the people of Alabama.

Fifty-eight thousand ballots were not numbered at all. The law distinctly says that they shall be numbered. In the failure to number the ballots and the failure to seal the ballots alone there were 11,000 violations of the law by the election officers of Alabama, and every violation subjected the person to a fine of $500 and six months in jail.

In the Pennsylvania case fraud was proved by proving that in Pittsburgh some people were sent to jail for election frauds and that in Philadelphia likewise some people were sent to jail for election frauds. Is it contended, Mr. President, in this case because nobody in Alabama has been sent to jail for these violations we can not prove that they did not occur? Taking into consideration the various ballots which have been rejected because the voters were not on the poll lists and the other irregularities, while I have not tried to count them all, I have no doubt, if they were counted, that we could find a hundred thousand violations, and, so far as I know, not a single, solitary soul has been prosecuted for the violation of these important laws.

These laws are as good election laws as can be found in any State of the Union. Alabama has every reason to be proud of them; but why should such laws as these be passed, if nobody pays any attention at all to them?

The particular law in which counsel for Senator Bankhead is interested is the law which relates to the fraud that must be proved before an election can be vitiated in Alabama. If I were called to pass upon it, I should say that if that was anything it might very well be considered a joker in this law. While, however, the laws of Alabama ought to have a persuasive influence upon the Senate, and while I have been urging that the Senate in this matter must throw out this election because of the great number of violations of those laws, when it comes to the Alabama law saying that an election shall not be vitiated because of fraud unless it can be shown that one person secured more valid votes than some other, I respectfully submit that when they ask the United States Senate to do that they might just as well have written into the law, "Except that so far as a United States Senator is concerned, the laws of Alabama shall not be passed upon by them."

In other words, the effect of this law which counsel for Senator Bankhead urges upon the Senate is to say that the United States Senate, with all the powers it has, can never successfully investigate an election in the State of Alabama. That is what I think it says, and that is what I think the Senate is not bound to follow. What we ought to do here is to look these facts and figures in the face without prejudice, without any thought of doing injury, and without any thought of doing favor to one person or to another.

I say that the violation of the election laws of Alabama in 1930 is a scandal upon American political history, and it ought not to be left in any such shape as that. The United States Senate ought to have more regard for itself. The State of Alabama ought to have more regard for itself. Its representatives ought to have more regard for it than to come here and attempt to justify what has been done by the election officers in the State of Alabama. Either abolish your law and elect your people at a town meeting, or, if you are going to insist upon having a valid law and one that is quite worth while, then, I say, help the rest of us to help you support it.

Mr. BLACK obtained the floor.

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

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BLACK. I yield.

Mr. BRATTON. May I have the attention of the Senator from Oregon [Mr. McNARY]? It is now late in the afternoon. The Senator from Alabama expects to speak at some length. Since it will be impossible for him to conclude his address this afternoon, does not the Senator from Oregon think we might as well recess at this time until noon to-morrow?

Mr. McNARY. Mr. President, does the Senator from Alabama desire to go forward until 5 o'clock this evening?

Mr. BLACK. It is satisfactory to me to do either way.

Mr. JONES. Mr. President, I should like to suggest to the Senators that we might proceed with the Department of Justice bill for the remaining time this afternoon. I am rather inclined to think we might get it through in that time. I hope so.

Mr. McNARY. That would hardly be carrying out the spirit of the day. A good many Senators desire to be here when the Senator brings up his appropriation bill; and it would not be quite right to start in on an appropriation bill without warning and notice in advance.

Mr. JONES. Very well.

Mr. McNARY. I think it would be well for the Senator from Alabama to proceed for a few moments, and about 5 o'clock we will take a recess until to-morrow.

Mr. BLACK. Mr. President, the peroration of the Senator from Delaware [Mr. HASTINGS], in which he made the statement that the Alabama election of 1930 was a scandal upon the political history of the Nation, might be startling to those who are not familiar with the facts in the case. It is a little surprising that the Senator from Delaware should use such strong and violent language with reference to an election when he has admitted upon the floor that there is not one vestige of evidence, not one place upon which he can put his finger, to show that there was any fraud or corruption.

It is startling in the extreme for the Senator from Delaware to stand upon the floor of this body and assert in substance that the people of Alabama and the representatives of the people of Alabama should be ashamed of an election when he has talked for three hours and has not yet presented one word or one sentence or one paragraph which shows, or tends to show, that there was any fraud in that election.

It is true that the Senator from Delaware has established to his own satisfaction that there was opportunity for fraud. Was it necessary to spend three hours in order to establish that in any election ever held in the world there was opportunity for fraud? Has the time come in the political history of the Nation when all we do is to say, "There was opportunity for fraud, and therefore there must have been fraud"?

That may apply to Delaware. It may be true that in some of the States of this Union the mere fact that there is an opportunity for fraud establishes the fact that there was fraud; but I deny that there is any reason to apply any such rule to the State of Alabama.

Mr. President, I listened with great interest to the emphatic statement with reference to the number of law violations that occurred in Alabama—100,000, we are told, and I reply to this first because it was the last remark of the Senator—100,000 instances of law violation on the part of the election managers and officers in the State of Alabama. That is the statement of the Senator from Delaware. In order to make it more emphatic, he calls attention in his report to the fact that for each violation there was likely to be imposed a fine of $500 and six months in jail. Serious as this is to the Senator from Delaware, he calls attention

to the fact that in 125,000 instances there was a violation of law.

In order that I might reach some conclusion, as he made his remarks, as to the seriousness of this charge as he stated that each violation subjected some one to a fine of $500, I made some figures; and I found that according to the idea of the Senator from Delaware—who says that unfortunately no one has been put in jail—they have subjected themselves, in his 100,000 instances, to fines of $50,000,000.

What is this crime, what is this serious offense for which the Senator from Delaware, in his extreme sensitiveness, would impose a penalty of $50,000,000 upon the people of Alabama who served in the election offices? They wrote with a pencil instead of writing with a pen!

I concluded that I would find out, as the Senator progressed with his talk, how much punishment he would impose upon these gentlemen and ladies, some of whom were the managers and clerks for Senator Heflin, who had written with a pencil instead of writing with a pen. It seems to be proper, according to the judgment of the Senator from Delaware and the Senator from Indiana [Mr. ROBINSON], to say that the Alabama election should be likened to the Pennsylvania and Illinois elections by reason of these law violations which he emphasizes. So, Mr. President, I found out that if the Senator's views should be put into effect, and each of these Alabama citizens should have imposed the fine which the Senator seems to indicate they should have for the serious offense of writing with a pencil instead of a pen, those election officers would be subjected to a punishment of 2,319,408 months in jail. The Senator said that there were 128,856 violations of law. Did he tell you what those violations of law were?

Mr. HASTINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Delaware?

Mr. BLACK. I yield to the Senator.

Mr. HASTINGS. I did not say that.

Mr. BLACK. Why, it is in the Senator's printed report that I have before me.

Mr. HASTINGS. What did the Senator say—128,000?

Mr. BLACK. One hundred and twenty-eight thousand eight hundred and fifty-six.

Mr. HASTINGS. Violations of law?

Mr. BLACK. Writing with a pencil instead of a pen; and the Senator stated immediately afterwards that each one was a separate violation, and he quoted the statute.

Mr. HASTINGS. I did not say there were 128,856 violations of law. That is what I deny.

Mr. BLACK. Let me read what the Senator said.

Mr. HASTINGS. I wish the Senator would read the language to which he refers.

Mr. BLACK. I shall be delighted to do it. How many does the Senator say there were? Of course the Senator on the floor said "100,000," but I happen to have the report made by the Senator in which he gives, as a part of his cumulative opportunity for fraud, 128,000 instances in which people wrote with a pencil instead of a pen.

Mr. HASTINGS. There is no such thing in the report.

Mr. BLACK. I shall be glad to read it to the Senator.

Mr. HASTINGS. What report does the Senator refer to?

Mr. BLACK. I am referring to the report signed with the name of the Senator from Delaware at the head, Mr. HASTINGS. Now I shall read from it.

Mr. HASTINGS. What page of the report, please?

Mr. BLACK. Page 8. I shall read some of the other serious violations. One of the other violations for which the Senator would have the election managers sent to jail is folding the ballots instead of rolling them. I realize that there is a difference between folding and rolling.

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

Mr. BLACK. I yield to the Senator.

Mr. HASTINGS. The Senator promised to read from the report upon the question of the 128,856 violations.

Mr. BLACK. Which I expect to do.

Mr. HASTINGS. Will the Senator do so now?

Mr. BLACK. I shall do so in a moment. I want to call attention, in the second place, however, to the combination of law violations to which the Senator refers, the other being that the ballots were folded instead of being rolled.

Section 3937 of the Code provides:

> Any person or persons who do any act defined or declared to be a corrupt practice under the election or primary election laws of this State * * * must be fined not more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months at the discretion of the court trying the case.

Following that he said:

> I have heretofore pointed out that the Alabama law requires the inspectors of elections to number each ballot in ink. This number corresponds with a number on the poll list. The secrecy of the ballot is secured by providing that before the count is started the poll list be sealed and not again opened. It will be observed from this report that 35,795 ballots, or 16 per cent, were properly numbered; 128,856, or 57.7 per cent, were numbered in pencil, and that 58,817, or 26.3 per cent, were not numbered at all.

Continuing further the Senator says:

> It further appears that out of a total of 2,043 boxes the ballots in only 125 of them were properly numbered.

Going on to the next paragraph, he said:

> Mr. Heflin's representative has emphasized the fact that the case here is different from that in that fraud is here alleged, but I have read the decision with great care and I am satisfied that the facts so far disclosed would not justify the committee in refusing to count these ballots for the reason that they had not been properly numbered.
>
> Take another illustration, which I think is of considerable importance.

Following immediately after the pencil-and-pen statement in the Senator's report, he said:

> The law requires that the ballots that have been counted shall be rolled and sealed and returned to the ballot box and the ballot box shall be sealed and the ballots shall remain in the box for a period of six months, except in case of a contest. Out of the total of 2,043 boxes, in 1,543 of them the ballots were found folded instead of rolled and sealed and in 576 boxes they were found loose, both of these irregularities frequently occuring in the same box.

In other words, sometimes they would find them folded; sometimes they would find them loose.

There were but 19 boxes.

> There were but 19 boxes where the ballots were properly rolled and sealed. It was the duty of the inspectors of election to see that these ballots were rolled and sealed. They failed to do it. This makes every officer guilty of an additional crime under the Alabama Code, as above outlined.

The Senator has given a code section, and then he starts off with the way the election officers became criminals as they violated that section, and his first illustration is that there were 128,856 election managers and clerks in Alabama who wrote with a pencil instead of with a pen.

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

Mr. BLACK. I yield.

Mr. HASTINGS. I ask the Senator to point out where I said what he says I said.

Mr. BLACK. I have just read it. The Senator stated that there were 100,000 violations. Can the Senator figure up a hundred thousand violations without taking the ballots which were marked with a pencil instead of with a pen?

Mr. HASTINGS. Yes; I think so.

Mr. BLACK. What would the Senator include?

Mr. HASTINGS. There were some 30,000 illegal votes cast, and the persons casting the illegal votes were guilty under this law. I assume that there were probably seven or eight thousand absentee ballots cast which were illegal, and thus violations of the law. Then, if we take all of these violations of the officers, the many violations set out, I suspect we would not be far from 100,000. But may I call the Senator's attention to the fact that on page 9 I have called attention to the fact that in the numbering of the ballots and the failure to roll them there were 11,826 violations of law? The Senator can defend those violations, but I am perfectly satisfied they were violations.

Mr. BLACK. The Senator is trying to get away from his first charge. He has heralded all over the United States of

of America that in hundreds of thousands of instances the people of Alabama have violated the law, and in order to reach that conclusion he has had to get down to a discussion and an enumeration of people writing with a pencil instead of with a pen.

What were his three classes of violations of law? Let us see. First, he says, they did not number some of the ballots. In other instances they numbered them with a pencil instead of with a pen. In other instances they folded the ballots instead of rolling the ballots, a terrible crime, one which has aroused the sensitive instincts of the Senator who puts at the end of his report the statement that all that is necessary to prove fraud is to prove that somebody had an opportunity to commit fraud. In other words, it may be true that there are some who adopt the principle in this life that all that is necessary to convict a good citizen of fraud is to prove he had a chance to commit fraud; but that is contrary to the primary principles of American jurisprudence; it is contrary to the primary principles of justice and of right. If the time has come in America when one can get up on the floor of the Senate and charge that the action of a whole people is a scandal in our political history simply because of the fact that they had a chance to commit fraud, and find such a body as this following him, then we have come upon sad times in America.

Mr. President, I am delighted to know that, with the careful scrutiny of the Senator from Delaware and the inspectors and supervisors from over this country who have looked with a microscope into the Alabama election of 1930, they have been compelled in the final analysis, when they come to the Senate floor, to say, not that fraud was committed here and fraud was committed there, but, as they look with their microscope, they come back into the Senate and say on the Senate floor, "There was an opportunity for fraud in Alabama; therefore we ask you to clear Pennsylvania and Illinois."

There is no similarity between this case and the elections in Pennsylvania and Illinois, which were the subjects of investigation by this body. In those States the evidence showed corruption. In this case the Senator from Delaware has been compelled to admit on the floor that the evidence does not show corruption in Alabama. I challenge him now, if he has any evidence of any money being spent in Alabama wrongfully, to let the Senate know of it. I challenge him now, if he has any of the evidence we have been hearing about in the papers, that dead people voted, to get up and tell the Senate and the country about it. I will wait for a reply. I challenge him now—and I shall wait for a reply—to produce any evidence that thousands of votes were fraudulently cast in Alabama. He will not do it, because there is no such evidence in the record. Neither he nor anyone else, on the other side or on this side, or anywhere in the United States of America, can produce proof of fraud and corruption in that election.

I have taken up these matters first because they constituted the closing remarks of the address of the Senator from Delaware. It is my expectation to discuss to-morrow the question of the primary and its effect, but I am glad to have this opportunity, immediately after the discussion by the Senator from Delaware, to reassert that there is no evidence of fraud in this record, unless we have come to the point where we must stoop so low as to view with suspicion every opportunity for the commission of fraud. The Senate has not reached that point.

It is impossible to imagine a judicial body which would reach the conclusion that all that need be done in order to overturn the will of a majority of the people of a State was to show that there was opportunity for somebody to commit fraud.

Conventions are held in Delaware. Every time a convention is held in Delaware there is an opportunity for somebody to bribe a member of that convention. Every time there is a convention to nominate a candidate for United States Senator, or governor, or any other officer, there is an opportunity, by undercover methods, which are sometimes used in conventions, to thwart the will of the people. Every time they vote by secret ballot in Delaware in a convention or anywhere else there is an opportunity for fraud.

If that be true, whose seat is safe in this body? Can it be said that there was no opportunity for fraud in the last convention held in the State of Delaware, or in any other State in this Union? Can it be said that there was no opportunity for fraud in any primary held anywhere in this Nation? Yet the Senator from Delaware comes into this Chamber and seriously requests that sane men, sober men, honest men, men who have enough judgment to have reached the United States Senate, depart from the time-honored rule of presuming that people are innocent until they are proven guilty and hold that because there was an opportunity to defraud therefore there must have been fraud.

What state of mind could bring a man to reach such a conclusion as that? It is contrary to the first principles upon which this country rests with reference to the protection and safety of its citizens. The presumption of innocence is a part of the very warp and woof of our political life. Never before have I heard it challenged in this body. Yet, forsooth, because perchance 128,000 ballots were marked with a pencil instead of a pen and 50,000 were not marked at all; because some ballots were folded instead of being rolled; and because the seals of some boxes were broken, the Senator from Delaware says that there was an opportunity for fraud, and therefore we will talk about Alabama.

Mr. President, I do not believe it is possible, in this body, to bring a reasonable number of its Members to vote upon any such hypothesis as that. It is my intention to show to the Senate by the record in this case, which can not be disputed, that fraud has been successfully proven not to have existed. According to every measure which can be adopted by sane, reasonable, and just men, the will of the people of Alabama was fairly and justly expressed at the polls in November, 1930.

Mr. President, I desire to discuss briefly the question of the effect of the primary, but if I understood correctly the Senator from Oregon, it is his desire to recess at this time.

Mr. McNARY. It is.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HATFIELD in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. McNARY. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Saturday, April 23, 1932, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 22, 1932

COMMISSIONER OF IMMIGRATION

Ernest A. Burguieres, of Louisiana, commissioner of immigration at the port of New Orleans, La.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonel

Maj. Charles Hartwell Bonesteel, Infantry, from April 18, 1932.

To be majors

Capt. Stephen Ralph Tiffany, Infantry, from April 17, 1932.

Capt. Ottmann William Freeborn, Infantry, from April 18, 1932.

To be captains

First Lieut. Edwin Thomas May, Infantry, from April 17, 1932.

First Lieut. Stephen Bowen Elkins, Infantry, from April 18, 1932.

To be first lieutenants

Second Lieut. Henry Lee Hughes, Coast Artillery Corps, from April 17, 1932.

Second Lieut. Norman Mahlon Winn, Cavalry, from April 18, 1932.

PROMOTIONS IN THE NAVY

Commander Robert A. White to be a captain in the Navy, from the 8th day of April, 1932.

The following-named lieutenant commanders to be commanders in the Navy, from the 1st day of February, 1932:

Carleton H. Wright.

Herman E. Fischer.

Thomas L. Gatch.

Lieut. Cyril T. Simard to be a lieutenant commander in the Navy, from the 1st day of October, 1931.

Lieut. Henry A. Stuart to be a lieutenant commander in the Navy from the 8th day of April, 1932.

Lieut. (Junior Grade) Kenneth P. Hartman to be a lieutenant in the Navy from the 16th day of October, 1930.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of January, 1932:

Murr E. Arnold.

Claude F. Sullivan.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of February, 1932:

Robert R. Buck.

David E. Roth.

William G. Pogue.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1931:

Robert W. Wood.

William D. Thomas.

Passed Assistant Paymaster John N. Harriman to be a paymaster in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1931.

Assistant Paymaster Reed T. Roberts to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of October, 1931.

MARINE CORPS

Capt. Leo D. Hermle to be a major in the Marine Corps from the 1st day of April, 1932.

Capt. Lemuel C. Shephard, jr., to be a major in the Marine Corps from the 20th day of April, 1932.

First Lieut. Harry E. Leland to be a captain in the Marine Corps from the 1st day of September, 1931.

First Lieut. William E. Quaster to be a captain in the Marine Corps from the 1st day of April, 1932.

Second Lieut. Frank P. Pysick to be a first lieutenant in the Marine Corps from the 29th day of October, 1931.

Second Lieut. Roy M. Gulick to be a first lieutenant in the Marine Corps from the 1st day of April, 1932.

Second Lieut. Charles G. Wadbrook to be a first lieutenant in the Marine Corps from the 20th day of April, 1932.

POSTMASTERS

CALIFORNIA

Harry A. Canfield to be postmaster at Bellflower, Calif., in place of H. A. Canfield. Incumbent's commission expires May 25, 1932.

Lela P. James to be postmaster at El Segundo, Calif., in place of L. P. James. Incumbent's commission expired January 11, 1932.

Marion W. Bessom to be postmaster at Lawndale, Calif., in place of M. W. Bessom. Incumbent's commission expires May 26, 1932.

Frances W. Brown to be postmaster at Montrose, Calif., in place of F. W. Brown. Incumbent's commission expires May 14, 1932.

William N. Friend to be postmaster at Oakland, Calif., in place of W. N. Friend. Incumbent's commission expires May 26, 1932.

Myrtle H. Turner to be postmaster at Roseda, Calif., in place of M. H. Turner. Incumbent's commission expires May 22, 1932.

Louis P. Miller to be postmaster at Rio Vista, Calif., in place of L. P. Miller. Incumbent's commission expires May 22, 1932.

Alfred Gourdier to be postmaster at Torrance, Calif., in place of Alfred Gourdier. Incumbent's commission expires May 22, 1932.

William Braucht to be postmaster at Whittier, Calif., in place of William Braucht. Incumbent's commission expires May 22, 1932.

Belle B. Jenks to be postmaster at Willowbrook, Calif., in place of B. B. Jenks. Incumbent's commission expired April 3, 1932.

COLORADO

John Davis to be postmaster at Arriba, Colo., in place of John Davis. Incumbent's commission expired March 8, 1932.

Irving P. Beckett to be postmaster at Craig, Colo., in place of I. P. Beckett. Incumbent's commission expires May 12, 1932.

Oscar L. Morris to be postmaster at La Salle, Colo., in place of O. L. Morris. Incumbent's commission expires May 26, 1932.

Mabel M. Gallagher to be postmaster at Windsor, Colo., in place of P. H. Gallagher, deceased.

CONNECTICUT

Earle C. Martin to be postmaster at Bridgeport, Conn., in place of W. T. Meyer, deceased.

James F. Holden to be postmaster at Forestville, Conn., in place of J. F. Holden. Incumbent's commission expires May 12, 1932.

James T. Rooney to be postmaster at Sound View, Conn., in place of D. S. Case, removed.

DELAWARE

William H. Evans to be postmaster at Newark, Del., in place of W. H. Evans. Incumbent's commission expires May 2, 1932.

FLORIDA

Max V. Robinson to be postmaster at Melbourne, Fla., in place of M. V. Robinson. Incumbent's commission expired January 4, 1932.

GEORGIA

Will E. Davis to be postmaster at Boston, Ga., in place of W. E. Davis. Incumbent's commission expired December 17, 1930.

J. Arthur Westbrook to be postmaster at Powder Springs, Ga., in place of J. A. Westbrook. Incumbent's commission expired January 11, 1932.

Mrs. Hubert H. Berry to be postmaster at Sparta, Ga., in place of Mrs. H. H. Berry. Incumbent's commission expired January 11, 1932.

Emmett D. Dial to be postmaster at Woodstock, Ga., in place of E. D. Dial. Incumbent's commission expired May 25, 1930.

HAWAII

Joseph Herrscher to be postmaster at Hana, Hawaii, in place of Joseph Herrscher. Incumbent's commission expires May 16, 1932.

IDAHO

Amanda O. Holmes to be postmaster at Plummer, Idaho, in place of A. O. Holmes. Incumbent's commission expires May 14, 1932.

INDIANA

Elston H. Elliott to be postmaster at Lynn, Ind., in place of J. G. Martin. Incumbent's commission expired December 19, 1931.

Ira J. Wilson to be postmaster at Muncie, Ind., in place of W. H. Williams, jr. Incumbent's commission expired April 9, 1932.

IOWA

Emma H. Hager to be postmaster at Burdette, Iowa. Office became presidential July 1, 1931.

Charles B. Santee to be postmaster at Cedar Falls, Iowa, in place of C. B. Santee. Incumbent's commission expires May 12, 1932.

Harlie A. Grantham to be postmaster at Dewitt, Iowa, in place of J. F. Homer. Incumbent's commission expired February 2, 1932.

Grace F. Newton to be postmaster at Dickens, Iowa, in place of G. F. Newton. Incumbent's commission expired March 27, 1932.

Rose M. Ward to be postmaster at Neola, Iowa, in place of R. M. Ward. Incumbent's commission expired December 19, 1931.

KANSAS

William T. Perry to be postmaster at Belleville, Kans., in place of W. T. Perry. Incumbent's commission expires May 16, 1932.

Wilfrid Cavaness to be postmaster at Chanute, Kans., in place of C. S. Nation. Incumbent's commission expired December 19, 1931.

Edward L. Kier to be postmaster at Courtland, Kans., in place of E. L. Kier. Incumbent's commission expired December 19, 1931.

Raymond C. Ogden to be postmaster at Eudora, Kans., in place of E. W. Melville, deceased.

Robert H. Rippetoe to be postmaster at Havana, Kans., in place of P. H. Lindley. Incumbent's commission expired January 10, 1932.

Charles F. Schafer to be postmaster at Jewell, Kans., in place of C. F. Schafer. Incumbent's commission expires May 12, 1932.

Ross W. Gault to be postmaster at Lebo, Kans., in place of N. R. Kirkham. Incumbent's commission expired February 24, 1931.

Bessie Custer to be postmaster at Satanta, Kans., in place of Bessie Custer. Incumbent's commission expired March 27, 1932.

KENTUCKY

John G. Fisher to be postmaster at Berry, Ky., in place of J. G. Fisher. Incumbent's commission expires May 12, 1932.

Ruth VanZant to be postmaster at Edmonton, Ky., in place of J. P. Vanzant. Incumbent's commission expired June 10, 1930.

James A. Hargan to be postmaster at Fort Knox, Ky., in place of J. A. Hargan. Incumbent's commission expires April 30, 1932.

John Eversole to be postmaster at London, Ky., in place of John Eversole. Incumbent's commission expired January 11, 1932.

Helen E. Park to be postmaster at Rockport, Ky., in place of H. E. Park. Incumbent's commission expires May 12, 1932.

LOUISIANA

Aimie B. Garrett to be postmaster at New Roads, La., in place of A. B. Garrett. Incumbent's commission expires May 17, 1932.

MAINE

Charles W. McClintock to be postmaster at Fairfield, Me., in place of E. L. Jewell, removed.

MARYLAND

Fred W. Kubler to be postmaster at Cordova, Md., in place of C. C. Wilson, deceased.

Richard M. Canady to be postmaster at Fort Washington, Md., in place of M. J. Johnston, resigned.

MICHIGAN

Elmer C. Clute to be postmaster at Harrison, Mich., in place of E. C. Clute. Incumbent's commission expired February 27, 1932.

Adrian J. Westveer to be postmaster at Holland, Mich., in place of A. J. Westveer. Incumbent's commission expires May 12, 1932.

Bird L. Hight to be postmaster at Howell, Mich., in place of W. M. Cansfield. Incumbent's commission expired January 9, 1932.

Clyde E. Dohm to be postmaster at Sodus, Mich. Office became presidential July 1, 1931.

MINNESOTA

Charles W. Patsold to be postmaster at Cambridge, Minn., in place of C. W. Patsold. Incumbent's commission expired December 16, 1926.

J. Arthur Johnson to be postmaster at Center City, Minn., in place of J. A. Johnson. Incumbent's commission expired February 28, 1931.

Jennie L. Phillips to be postmaster at Clearwater, Minn., in place of J. L. Phillips. Incumbent's commission expired December 17, 1930.

Christ Bottge to be postmaster at Correll, Minn., in place of Christ Bottge. Incumbent's commission expired March 1, 1932.

Ida V. Lund to be postmaster at Farwell, Minn., in place of I. V. Lund. Incumbent's commission expired March 1, 1932.

Lillian F. Sandin to be postmaster at Grandy, Minn., in place of M. V. Barker, resigned.

Howard O. Haggberg to be postmaster at Isle, Minn., in place of H. O. Haggberg. Incumbent's commission expired March 3, 1931.

Ruth J. L. Anderson to be postmaster at Lindstrom, Minn., in place of R. J. L. Anderson. Incumbent's commission expired April 9, 1932.

Edwin H. Anderson to be postmaster at Monticello, Minn., in place of E. H. Anderson. Incumbent's commission expired February 17, 1931.

Alvin A. Ogren to be postmaster at New London, Minn., in place of A. A. Ogren. Incumbent's commission expires May 14, 1932.

George Neumann to be postmaster at Osseo, Minn., in place of George Neumann. Incumbent's commission expired April 9, 1932.

Louise S. Lundberg to be postmaster at Taylors Falls, Minn., in place of L. S. Lundberg. Incumbent's commission expired April 9, 1932.

Maggie N. Halgren to be postmaster at Wahkon, Minn., in place of M. N. Halgren. Incumbent's commission expired February 28, 1931.

Ralph Wright to be postmaster at Walker, Minn., in place of Arthur McBride, deceased.

Emory B. Linsley to be postmaster at Willow River, Minn., in place of E. B. Linsley. Incumbent's commission expired February 28, 1931.

Silas A. Brown to be postmaster at Windom, Minn., in place of J. H. Johnson. Incumbent's commission expired January 18, 1932.

MISSISSIPPI

Kathleen M. Baker to be postmaster at Scooba, Miss., in place of K. M. Baker. Incumbent's commission expired December 17, 1931.

Charles Kramer to be postmaster at Stonewall, Miss., in place of Charles Kramer. Incumbent's commission expires May 8, 1932.

MISSOURI

Leonard E. Decker to be postmaster at Creve Coeur, Mo., in place of G. R. Baumann. Incumbent's commission expired January 13, 1932.

Amanda P. Renfrow to be postmaster at Humansville, Mo., in place of A. P. Renfrow. Incumbent's commission expired January 31, 1932.

MONTANA

Orion A. Tellifero to be postmaster at Browning, Mont., in place of A. E. Armstrong, removed.

NEBRASKA

Wesley E. Snider to be postmaster at Osceola, Nebr., in place of W. E. Snider. Incumbent's commission expires May 12, 1932.

NEW HAMPSHIRE

Alice M. Sloane to be postmaster at Conway, N. H., in place of A. M. Sloane. Incumbent's commission expires May 16, 1932.

Harry D. Eastman to be postmaster at North Conway, N. H., in place of H. D. Eastman. Incumbent's commission expires May 16, 1932.

Everett F. Tozier to be postmaster at Salmon Falls, N. H., in place of E. F. Tozier. Incumbent's commission expires May 23, 1932.

John H. Garvin, jr., to be postmaster at Sanbornville, N. H., in place of J. H. Garvin, jr. Incumbent's commission expires May 26, 1932.

Eleazer F. Baker to be postmaster at Suncook, N. H., in place of E. F. Baker. Incumbent's commission expires May 19, 1932.

Willis R. Morrison to be postmaster at Tilton, N. H., in place of W. C. Wyatt. Incumbent's commission expired December 11, 1930.

NEW JERSEY

George Coleman to be postmaster at Delanco, N. J., in place of George Coleman. Incumbent's commission expires May 14, 1932.

Winifred E. Lindstedt to be postmaster at Helmetta, N. J., in place of C. A. Burt, resigned.

Jacob D. Roe to be postmaster at Newton, N. J., in place of J. D. Roe. Incumbent's commission expired March 24, 1932.

Ida H. Collon to be postmaster at Pemberton, N. J., in place of I. H. Collon. Incumbent's commission expires May 14, 1932.

Raymond Johnson to be postmaster at Riverside, N. J., in place of Raymond Johnson. Incumbent's commission expires May 2, 1932.

G. Raymond Beck to be postmaster at Roebling, N. J., in place of G. R. Beck. Incumbent's commission expires May 2, 1932.

Hillis K. Colkitt to be postmaster at Vincentown, N. J., in place of H. K. Colkitt. Incumbent's commission expired January 22, 1931.

NEW YORK

Margaret M. Senecal to be postmaster at Champlain, N. Y., in place of M. M. Senecal. Incumbent's commission expires May 14, 1932.

Henry E. Thompson to be postmaster at Chateaugay, N. Y., in place of H. E. Thompson. Incumbent's commission expired April 5, 1932.

Daniel T. Evans to be postmaster at Chittenango, N. Y., in place of D. T. Evans. Incumbent's commission expires May 14, 1932.

Clifford C. Wenzel to be postmaster at Deferiet, N. Y., in place of C. C. Wenzel. Incumbent's commission expires May 14, 1932.

Ralph D. Sanford to be postmaster at Hammondsport, N. Y., in place of R. D. Sanford. Incumbent's commission expires May 5, 1932.

Albert F. Becker to be postmaster at Livonia, N. Y., in place of A. F. Becker. Incumbent's commission expires May 16, 1932.

Austin E. Hummel to be postmaster at Prattsville, N. Y., in place of A. E. Hummel. Incumbent's commission expires May 5, 1932.

Kate L. Holden to be postmaster at Peru, N. Y., in place of K. L. Holden. Incumbent's commission expired April 18, 1932.

Thomas Wheatcroft to be postmaster at Watervliet, N. Y., in place of Thomas Wheatcroft. Incumbent's commission expires May 5, 1932.

NORTH CAROLINA

George E. Sweet to be postmaster at Cornelius, N. C., in place of G. E. Sweet. Incumbent's commission expired January 5, 1932.

Joseph B. Sparger to be postmaster at Mount Airy, N. C., in place of J. B. Sparger. Incumbent's commission expires May 17, 1932.

John N. Powell to be postmaster at Southern Pines, N. C., in place of J. N. Powell. Incumbent's commission expires May 17, 1932.

George W. Stanton to be postmaster at Wilson, N. C., in place of G. W. Stanton. Incumbent's commission expired April 10, 1932.

NORTH DAKOTA

Paul M. Bell to be postmaster at Elgin, N. Dak., in place of P. M. Bell. Incumbent's commission expires May 12, 1932.

Peder T. Rygg to be postmaster at Fairdale, N. Dak., in place of P. T. Rygg. Incumbent's commission expired February 4, 1932.

Charles L. Erickson to be postmaster at Lankin, N. Dak., in place of C. L. Erickson. Incumbent's commission expired March 1, 1932.

OHIO

Roy S. Grunder to be postmaster at Creston, Ohio, in place of R. S. Grunder. Incumbent's commission expires May 16, 1932.

Roy F. Judge to be postmaster at Milan, Ohio, in place of G. L. Sayles. Incumbent's commission expired December 17, 1931.

Edward P. Harker to be postmaster at Rossford, Ohio, in place of E. P. Harker. Incumbent's commission expires May 16, 1932.

Egbert H. Mack to be postmaster at Sandusky, Ohio, in place of E. H. Mack. Incumbent's comission expired February 17, 1932.

Ernest G. Lergier to be postmaster at Weston, Ohio, in place of C. B. Saxby, deceased.

Bertus H. Moore to be postmaster at Williamsport, Ohio, in place of B. H. Moore. Incumbent's commission expired January 6, 1930.

OKLAHOMA

Hubbard Ross to be postmaster at Fort Gibson, Okla., in place of Hubbard Ross. Incumbent's commission expires May 22, 1932.

John I. Lumley to be postmaster at Hennessey, Okla., in place of S. A. Snyder. Incumbent's commission expired January 22, 1931.

Ira G. Engle to be postmaster at Leedey, Okla., in place of B. A. Hawley, deceased.

OREGON

William P. Skiens to be postmaster at Burns, Oreg., in place of W. P. Skiens. Incumbent's commission expires May 12, 1932.

Odden L. Dickens to be postmaster at John Day, Oreg., in place of Nellie Elliott. Incumbent's commission expired January 4, 1932.

PENNSYLVANIA

Ruth M. Steiger to be postmaster at Albion, Pa., in place of G. R. Steiger, deceased.

Samuel M. Carnell to be postmaster at Dott, Pa., in place of S. M. Carnell. Incumbent's commission expires May 23, 1932.

Mildred E. Wagner to be postmaster at Freemansburg, Pa., in place of M. E. Wagner. Incumbent's commission expired January 10, 1932.

George A. Hill to be postmaster at Newtown, Pa., in place of G. A. Hill. Incumbent's commission expires May 17, 1932.

William M. Thomas to be postmaster at Ridgway, Pa., in place of W. M. Thomas. Incumbent's commission expired February 10, 1932.

Temple K. Gregg to be postmaster at Strafford, Pa., in place of T. K. Gregg. Incumbent's commission expired January 10, 1932.

Thomas Y. Tarlton to be postmaster at Summithill, Pa., in place of T. Y. Tarlton. Incumbent's commission expired January 11, 1932.

SOUTH CAROLINA

Cecil S. Rice to be postmaster at Denmark, S. C., in place of C. S. Rice. Incumbent's commission expired April 18, 1932.

Malcolm J. Stanley to be postmaster at Hampton, S. C., in place of M. J. Stanley. Incumbent's commission expired March 12, 1932.

Thomas W. Blakely to be postmaster at Langley, S. C., in place of T. W. Blakely. Incumbent's commission expired April 6, 1932.

James V. Askew, jr., to be postmaster at Lockhart, S. C., in place of J. V. Askew, jr. Incumbent's commission expired April 5, 1932.

William J. Hughes to be postmaster at Loris, S. C., in place of W. J. Hughes. Incumbent's commission expired February 2, 1932.

Bessie T. Cooper to be postmaster at Mayesville, S. C., in place of B. T. Cooper. Incumbent's commission expired April 18, 1932.

Neely J. Smith to be postmaster at Ridgeville, S. C., in place of N. J. Smith. Incumbent's commission expired March 12, 1932.

Ben Harper to be postmaster at Seneca, S. C., in place of Ben Harper. Incumbent's commission expired April 5, 1932.

TENNESSEE

Gussie Gobelet to be postmaster at Linden, Tenn., in place of Eva Shelton. Incumbent's commission expired January 4, 1932.

Beulah O. Hughes to be postmaster at Murfreesboro, Tenn., in place of J. S. Braswell, resigned.

TEXAS

Lillie J. Tolleson to be postmaster at Bardwell, Tex., in place of J. W. Render, resigned.

John W. Stegall to be postmaster at Holliday, Tex., in place of J. W. Stegall. Incumbent's commission expires May 26, 1932.

John A. Wilson to be postmaster at Knox City, Tex., in place of J. E. Clarke, removed.

Bassett R. Miles to be postmaster at Luling, Tex., in place of B. R. Miles. Incumbent's commission expires May 16, 1932.

George F. Bates to be postmaster at Lyons, Tex., in place of G. F. Bates. Incumbent's commission expires May 12, 1932.

Mabel E. Bryant to be postmaster at Rockport, Tex., in place of M. E. Bryant. Incumbent's commission expires May 19, 1932.

Hal M. Knight to be postmaster at Sterling City, Tex., in place of H. M. Knight. Incumbent's commission expires May 12, 1932.

Ben M. Vick to be postmaster at Valentine, Tex., in place of B. M. Vick. Incumbent's commission expires May 23, 1932.

Oliver P. Maricle to be postmaster at Wichita Falls, Tex., in place of O. P. Maricle. Incumbent's commission expires May 12, 1932.

UTAH

Harris B. Simonsen to be postmaster at Helper, Utah, in place of H. B. Simonsen. Incumbent's commission expires May 12, 1932.

VERMONT

Paul W. Higbee to be postmaster at Proctor, Vt., in place of W. H. Startup, deceased.

VIRGINIA

Jessie M. Martin to be postmaster at Concord Depot, Va., in place of J. M. Martin. Incumbent's commission expired January 31, 1932.

Nannie L. Curtis to be postmaster at Lee Hall, Va., in place of N. L. Curtis. Incumbent's commission expires May 14, 1932.

Charles E. Virts to be postmaster at Lovettsville, Va., in place of C. E. Virts. Incumbent's commission expires May 29, 1932.

John J. Ward to be postmaster at Nassawadox, Va., in place of J. J. Ward. Incumbent's commission expires May 14, 1932.

Richard F. Hicks to be postmaster at Schuyler, Va., in place of R. F. Hicks. Incumbent's commission expires May 2, 1932.

Samuel R. Gault to be postmaster at Scottsville, Va., in place of S. R. Gault. Incumbent's commission expires May 26, 1932.

WASHINGTON

Roy E. Edwards to be postmaster at Ritzville, Wash., in place of S. E. Edwards, resigned.

WEST VIRGINIA

George E. Hurd to be postmaster at Richwood, W. Va., in place of E. E. Deitz. Incumbent's commission expired February 16, 1932.

WISCONSIN

Henry F. Roehrig to be postmaster at Arpin, Wis., in place of Mae Wittmann. Incumbent's commission expired December 19, 1931.

John C. Chapple to be postmaster at Ashland, Wis., in place of J. C. Chapple. Incumbent's commission expires May 29, 1932.

George Ketz to be postmaster at Clayton, Wis., in place of C. J. Anderson, removed.

Charles E. Sage to be postmaster at Wild Rose, Wis., in place of C. E. Sage. Incumbent's commission expires May 17, 1932.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 22, 1932

The House met at 12 o'clock noon.

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

O Thou who art the heart of our hearts and the soul of our souls, sustain us with the courage of faith and with the light of hope. Allow these divinely inspired virtues to expel fear and anxiety and lead us on in the ways of right. Another Member, beloved and honored, has joined the ranks of the immortal dead. Bend to our prayer and bear company with us in our sorrow. Silent is that home as the companion of the years sits alone, looking out upon a barren earth, shadowed by that mysterious power that makes life's deep undertone. O Thou who art the messenger of sympathy and comfort, keep her close to that realm where angels have their birth and wear their garments of white and love through the eternal years. O Mighty God, hear us as our souls speak in tears of gratitude to Thee for the whisper of the Lord in our hearts: "Heaven and earth shall pass away, but my words shall not pass away." We praise Thee that the river of life flows on forever and the light is above us and rest is before us. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 205

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD M. BEERS, late a Representative from the State of Pennsylvania.

Resolved, That a committee of 10 Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolutions the President pro tempore had appointed Mr. REED, Mr. DAVIS, Mr. SHIPSTEAD, Mr. MOSES, Mr. VANDENBERG, Mr. DICKINSON, Mr. FLETCHER, Mr. WALSH of Massachusetts, Mr. HAYDEN, and Mr. CAPPER members of the committee on the part of the Senate to attend the funeral of the deceased Representative.

The message also announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 929. An act relating to the taking of depositions in cases arising under section 19 of the World War veterans' act, 1924, as amended;

S. Con. Res. 18. Concurrent resolution authorizing the printing of 3,000 additional copies of hearings held before the Committee on Manufactures of the Senate on the establishment of a national economic council;

S. Con. Res. 25. Concurrent resolution providing for printing additional copies of the hearings before the Senate Committee on Finance on the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes.

S. Con. Res. 26. Concurrent resolution requesting the President of the United States to return to the Senate the enrolled bill (S. 3584) entitled "An act to require all insurance corporations formed under the provisions of Chapter XVIII of the Code of Law of the District of Columbia to maintain their principal offices and places of business within the District of Columbia, and for other purposes."

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 277. An act defining and regulating power sites upon the Blackfeet Indian Reservation, in the State of Montana; to the Committee on Indian Affairs.

S. 660. An act for the relief of Hamilton Grounds; to the Committee on Indian Affairs.

S. 929. An act relating to the taking of depositions in cases arising under section 19 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

S. 1385. An act for the relief of Dan Davis; to the Committee on Military Affairs.

S. 1586. An act for the relief of the estate of Peter Paul Franzel, deceased; to the Committee on Claims.

S. 1705. An act for the relief of Samuel C. Davis; to the Committee on Claims.

S. 2144. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Charles R. Thornton; to the Committee on the Public Lands.

S. 2393. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

S. 2990. An act for the relief of C. O. Meyer; to the Committee on Claims.

S. 2991. An act for the relief of B. J. Sample; to the Committee on Claims.

S. 3179. An act for the relief of Charles E. Bourke; to the Committee on Military Affairs.

S. 3334. An act for the relief of William M. Sherman; to the Committee on Military Affairs.

S. 3638. An act to authorize the use of public lands for camp sites, refining works, and other purposes in connection with mineral permits and leases; to the Committee on the Public Lands.

S. 3675. An act relating to the deferment and adjustment of construction charges for the years 1931 and 1932 on Indian irrigation projects; to the Committee on Indian Affairs.

S. 3711. An act to authorize the adjustment of the boundaries of the Chelan National Forest, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

S. 3830. An act to remove a cloud on the title of certain land in the city of Corpus Christi, Tex.; to the Committee on the Public Lands.

S. 3847. An act to amend the act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings; to the Committee on Labor.

S. 4038. An act to amend section 1 of an act entitled "An act to provide home care for dependent children in the District of Columbia," approved June 22, 1926; to the Committee on the District of Columbia.

S. 4235. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1932; to the Committee on Military Affairs.

S. 4289. An act to amend the act of February 23, 1927, as amended (U. S. C., title 47, sec. 85), and for other purposes; to the Committee on Merchant Marine, Radio, and Fisheries.

S. J. Res. 108. Joint resolution to authorize and direct the Secretary of Agriculture to investigate the cost of maintaining the present system of future trading in agricultural products and to ascertain what classes of citizens bear such cost; to the Committee on Agriculture.

S. J. Res. 134. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Manob Suriya, a citizen of Siam; to the Committee on Military Affairs.

S. J. Res. 135. Joint resolution creating a joint commission concerning the coordination and economical administration of the executive departments and independent establishments of the Government; to the Committee on Rules.

RADIO ADVERTISING

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a talk I made on radio advertising before the annual convention of the American Association of Advertising Agencies.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave granted to do so, I herewith insert in the RECORD a talk made by me at the radio session of the fifteenth annual meeting of the American Association of Advertising Agencies convened at the Mayflower Hotel, Washington, D. C., April 15, 1932:

Chairman Gamble, members of the association, and invited guests, we are exceedingly fortunate this afternoon to have gathered in this room the leading representatives of four of the most influential factors in radio—the Congress of the United States, the Federal Radio Commission, the National Association of Broadcasters, and the American Association of Advertising Agencies.

Hon. EWIN L. DAVIS. Mr. Chairman, ladies, and gentlemen, I have very much enjoyed Senator DILL's address, as I am sure all of you have, and there is really no occasion for any other representative from Congress to discuss this question. He has covered it so fully and so ably and so entertainingly and I have prepared absolutely nothing whatever to say to you, not even in my own mind. I was scarcely able to be with you at all, because of official duties.

I am not going to make a speech, but I do wish to supplement what Senator DILL has said in a rather informal talk.

I am in accord with what Senator DILL has said, and I believe that that represents pretty well the congressional viewpoint. We are the legal custodians of the law regulating radio. Because of the situation, with which all of you are familiar, it was necessary for some functionary, some tribunal, to regulate radio; for reasons which were apparent to all that service could be rendered solely by the National Government, and the Federal Government having necessarily and properly assumed jurisdiction over the subject there goes with that authority a certain responsibility and obligation.

The Federal Government is the trustee for all the people in providing for the allotment to different citizens of the right to use the air through the instrumentality of the radio. It is assumed that the air belongs to all the people, that no one individual has any vested rights therein, and that radio consequently is a matter of public interest. Consequently radio should be regulated and administered in the interest of and for the benefit of the entire public, including all classes of citizens.

Those of us in Congress feel, therefore, that it is our duty to approach this subject from that standpoint. The interest of others is only incidental, so far as the interest of the whole public is concerned.

As I understand I am expected, as was Senator DILL, to talk with you with particular reference to radio advertising. I certainly would not be capable of talking to a convention of expert and experienced advertisers upon any other feature of their work, even if it were true (which it probably is not) that I am capable of discussing this one phase of your profession and problems.

In the first place I wish to state that, with Senator DILL, I am a believer in the American system. In fact, I think it is always better for functions of any kind, unless they be strictly governmental, to be administered by private citizens rather than through the Government. I think that that applies to radio. However, I am very decidedly of the opinion that the use of it should be and must be regulated in the public interest. And, of course, as we have a system now which is largely predicated upon advertising,

or rather funds raised from advertising, the question of advertising enters very definitely and importantly into the subject.

I always undertake to talk very frankly, either publicly or privately. I may be too candid sometimes, but that is my method, and I never mean anything offensive by it. I shall probably say some things that many of you do not approve. However, I want to state that whatever I may say will be said in an entirely kindly and friendly spirit. I am in no sense hostile to advertisers or advertising in the proper place and of the proper kind. However, I state without hesitation that I think we have decidedly too much sales talk over the radio, and I think that that is the general public opinion, and I think that that is proving harmful not only to the radio industry, to the broadcasting stations, but to the advertisers themselves.

Senator DILL enumerated certain powerful factors who are making a crusade against so much advertising over the radio. I have in mind a much larger, a much more important, and, to my mind, in the final analysis, a much more influential group than those which he mentioned. I refer to the rank and file of the listeners.

Having been for 12 or 13 years a member of the committee of the House which has jurisdiction over radio legislation, I have given the subject much consideration and as much investigation as I could. At all times, wherever I have been, I have been on the alert to learn what I could with respect to the public psychology as related to radio. Consequently, for years and years I have, to the best of my ability, been studying the public viewpoint, and I am sure that Senator DILL and I have somewhat more opportunity to get a general expression and a general knowledge upon that subject from various sources than is true with respect to the ordinary individual because of our connection with the subject of radio legislation. We receive letters constantly from everywhere giving the views of the listeners and of various other citizens upon the subject.

In addition to that, people talk with us frequently and constantly about the subject, and I know my colleagues who come from every section of the United States talk to me about the matter. They give their own reactions and they give the reactions of their constituents, which they receive through personal contact and through correspondence.

In the light of that study and of information coming through those various sources, I am convinced that there is a very considerable dissatisfaction with and reaction against the amount of sales talk now going on over the radio. And when that situation is being agitated and that feeling is being fanned by the aggressive elements which Senator Dill has mentioned, in my opinion it will reach such momentum that something will be done with the present system.

I want us to retain this system we have, but I want us to curb and to reform this system, not only in order that we will be able to retain it but in order that it may render the public service which radio can and should render.

My friends, radio is not maintained to sell goods. There is no justification for the Federal Government maintaining an agency for the purpose of advertisers to use in a commercial way. The only justification for advertising, for the commercial use of radio, is the use of it in such a way and to such an extent that it may be maintained financially for the purpose of rendering a greater and a larger public service.

Those are my views. And I want to state furthermore that I do not believe the public will stand for any other use of it in the final analysis.

With respect to the amount of sales talk that is being indulged in, more than two years ago I began giving public warnings along this line, before there was any pronounced public reaction. I talked with many of those engaged in the broadcasting industry. I have discussed it with them since. Many of them have all along said, "I think you are correct. I agree with you, but we will handle the situation ourselves."

However, instead of that situation, which is causing criticism, being remedied it has grown steadily worse. There is more advertising talk over the radio to-day, according to my observations, than there ever has been before.

Of course, you gentlemen naturally feel that I am not capable of giving you advice with respect to advertising, but, based upon my own observations and the things that I hear said around me constantly, as indicated before, I think that much of the advertising going over the radio now is overdone to such an extent that it has the opposite effect from that sought by the advertisers.

The purpose of advertising is to win good will for this, that, or the other commodity or service. When it does that, it is successful advertising. When it creates ill will it has the opposite effect, and it is very common to be in any group when a radio program is coming over the air and to hear expressions of disgust on all sides, on the part of the audience. In a case of that kind that advertising is doing the advertiser more harm than it is good and it is certainly doing that broadcast station or that chain system a great deal more harm than it is good.

Not only that, but when you indulge in so much of that advertising talk interspersed all through a program you are going to lose listeners, more and more.

I will tell you what my idea is: That you will get very much better results by having a moderate amount of advertising than you will by having the amount that is generally given now. For instance, this is what ordinarily happens: If there is a name advertised or if they mention some commodity, in a very brief statement, and then they go into the program the auditors will listen to all of it. But when they know from experience that when this announcer or this advertiser starts to talk he is going to talk for a minute or 2 or 3 or 4 minutes, what happens? Do those listening sit there and listen through that talk? No. They start talking with each other; they either go to biffing this sales talk or they start talking about something else. So the advertiser loses the effect of even having them listen to what is being said. Then if the program goes on for a few minutes and then they go back to that advertising talk, the same thing occurs.

If you give the public only so much sales talk or so much advertising, they are willing to listen and absorb and you will be doing infinitely better for yourselves than you will if you make it so lengthy or so obnoxious that they will not listen to it at all and will turn away in disgust either mentally or physically. In other words, I am firmly convinced that a proper curb on advertising will not only be in the interest of radio generally but even in the interest of the advertisers themselves.

I don't know what experience you have had, but my observation has been such that I have become absolutely convinced beyond any peradventure of a doubt of the sentiment which I am expressing.

Another thing. As I suggested before, the Federal Government is trustee of this important function, of this function with such a tremendous potentiality. The public so regards us. They come to us with complaints if they think that we are not administering our trusteeship in a manner in which they think it should be administered. And as I stated before, the obligation does rest upon us to see that radio, which we have assumed to supervise and to regulate, shall be held on a high and an unobjectionable plane from every standpoint, in so far as that may be possible.

Right in that connection, the House of Representatives has passed, and the Committee on Interstate and Foreign Commerce of the Senate has reported, I believe, a bill which embraces a provision forbidding the conducting or advertising of lotteries or lottery contests over the radio. There has been very little objection even from the industry to that so far as I have heard, but we couldn't do otherwise. Certainly Congress and the Federal Government can not be put in the attitude of licensing citizens to violate the laws of every State in the Union over the radio.

I heard mention of these contests to-day. They arouse interest, yes. You can always arouse interest with a lottery. Why, the Federal Government could go into the lottery business and could conduct a great national lottery and raise enough money to run the Federal Government without any other taxes. Yes; that could be done. But we can't afford to do it. We can't afford to raise public revenue in that way. In like manner we can not afford to license individuals to do the same thing.

If we regulate and maintain radiobroadcasting upon a sane, sound basis and in a manner that it will render a service that is acceptable to the masses of the people, there won't be any difficulty about continuing the present American system, at least in principle. If we fail, however, to maintain it on that plane, you may rest assured that there will be such a reaction that the system will inevitably be changed.

I do not want to see that done, and so I give the warnings which I have to-day and heretofore, with a view to preserving the system and avoiding the destruction of it. But, as I say, I am convinced that there is room for reform, there is room for correction of evils.

I have discussed this subject—and they have come and discussed with me—with many men engaged in broadcasting and in other branches of the radio industry, including executives of broadcast stations and of broadcast systems. Almost without exception they agree that I am correct in principle. They approve all of it but they speak of difficulties. They say that "the advertising agencies insist upon more sales talk than we ourselves think is proper. We have trouble with them constantly."

I understand that the advertising agencies say they have trouble because of the insistence of their clients.

I don't know just how that is. I expect that is true. I suppose that the average individual advertiser is obsessed with the idea that if he is to pay for 15 minutes he should be able to talk just as much as they will let him about himself and his goods. But he is looking at it from an individual selfish standpoint. He is not looking at it from the interest of that broadcast station and he is not looking at it from the interest of the broadcast system generally. So perhaps the advertising agency feels that he may want too much advertising and maybe he will politely curb him just as much as possible but still agree to perhaps more than he himself thinks is wise. The same thing takes place between the advertising agency and the broadcast station.

There is an opportunity and a duty for everybody involved, but I will frankly say that I haven't a great deal of faith that it is possible for the industry itself to entirely eradicate an excessive amount of sales talk. Even if a majority of advertisers and a majority of the advertising agencies and a majority of the broadcast stations and systems were aware of the situation which I have undertaken to describe and were disposed to prevent an excessive amount of talk, there would certainly always be a considerable element who would persist in an excessive amount of sales talk.

And so one advertiser will go to one station—one agency—and he will be allowed to talk this much. One of his competitors will go through another channel and he will not be permitted to engage in so much talk. The latter naturally wants to have as much sales talk as his competitor, and so he will go to his station and say, "If you don't permit me to talk that much I shall have to go to the other station," and so he will go. That is the way those things work out.

I have very, very often been impressed with the fact that those in this industry, both the executives of broadcast stations and

advertisers themselves, especially those in advertising agencies, realize that this is carried too far and yet they are in somewhat of a vise. They are driven more or less by competitive conditions and forced frequently to agree to something which they themselves do not approve. Consequently I would frankly state, as I have heretofore, that I believe the only reform—and reform is absolutely necessary to preserve the system—will be some regulation by Congress itself, or rather some criterion laid down for the Radio Commission, so as to treat everybody alike, so that everybody will be on the same basis. In my opinion that would not only not result in hurting radio or the advertiser but it would really help both.

Therefore I do not consider that any suggestions I make in this regard are hostile to either. Of course, if permitted to run on in an unbridled way, it is doubtless true that for the time being more revenue might be received. But I am talking about the future. I am discussing what will result in the final analysis and we may as well look at that because we are going to be confronted with it, and not at any distant date, unless there is a change in the present system. I mean not so much the present system as the present practices.

I have thought over this matter a great deal. I have discussed the question of the method of regulation with a great many people in all branches of the radio industry as well as those who are not within the industry but who are interested in the subject and in the success of radio broadcasting, and I think that it is pretty generally recognized by all of those with whom I have discussed the subject that the practices can not go on to the extent they are going on now, with respect to excessive advertising. I should like for us to correct this situation before it reaches a point that the public will not be satisfied with the correction but will want to use the guillotine instead of the pruning knife.

We have so often seen a lack of recognition of a sentiment and a disregard of sentiment, until it finally got absolutely beyond bounds, and I am convinced that we are confronted with such a situation with respect to radio advertising.

I don't expect all of you gentlemen to concur in these views and conclusions. But as you were kind enough to ask me to come and talk with you I felt that you wanted my real, candid views and did not want or expect me to come down here simply for the purpose of attempting to entertain you. So I have in this very informal way given you very briefly and incoherently some of the thoughts which I have upon the subject, and I believe that that expresses the sentiment of a very large segment of the public, not to speak of the interests who, perhaps, may have a different motive, and which, as I said, were described by Senator DILL.

Instead of killing the goose that lays the golden egg let us all work together toward perfecting instead of destroying a great American system of radio control. I thank you. [Applause.]

Chairman GAMBLE. We thank you, Mr. DAVIS, for this very interesting talk.

Both Senator DILL and Representative DAVIS have expressed their willingness to answer questions. I hope that our members and guests will take full advantage of this unique opportunity for a personal exchange of views.

Mr. GANNON (New York): Mr. Chairman, I should like to ask the judge if he would state the type of regulation which he favors.

Chairman GAMBLE. Mr. Gannon has asked Judge DAVIS to state the type of regulation which he favors.

Representative DAVIS. Well, of course, that has been a moot question among those who feel that something should be done along this line, and various suggestions have been made.

My opinion candidly is that it should consist at least chiefly of name or indirect advertising and perhaps the use of a slogan. I agree thoroughly with you gentlemen who have stressed the difference between the quality of advertising. Some of it is objectionable, no matter how brief. Others are not so unless carried to an unusual length. But there is no way of defining or regulating the character and efficiency of an announcer or of a particular program. While there is undoubtedly a difference in the quality and in the acceptability of it from a listener's standpoint, yet notwithstanding that, I think that many of the programs are entirely too lengthy as far as advertising talk is concerned.

I think many of you gentlemen are aware of the fact that some of the most effective advertising in the history of advertising has been name advertising. I think entirely too much stress is laid upon purely elementary descriptions. For instance, if you are advertising a certain car, it isn't necessary to tell the public what a car is for or details which are familiar to everybody who is interested in a car. What you should do is get over to the public mind that particular car.

It is the same with regard to tooth paste. Anybody who is likely to buy tooth paste knows what it is for when he buys it. It isn't necessary to give a long detailed instruction as to how to use it.

So it is with various things. I think that by name advertising at appropriate intervals, and not too often, and perhaps by the use of some slogan which would drive home the commodity or the service, some brief statement of that kind, you will get more results than you will by a continued detailed discussion of a fundamental use of the commodity because you will hold the attention of the listener during the entire program and the entire statement; whereas, as I said, and I have observed it so often and have heard others say that they have observed, if you go into a long sales talk they will quit listening and begin thinking about something else or talking about something else.

That is my view in a general way.

Mr. DAWSON. Mr. Chairman, may I ask the judge a question?

Judge DAVIS seemed to be rather positive about the large number of people who object to the type of advertising credit that is now being employed. I should like to ask the judge if he has made any investigation—let me make this statement first: He has likewise evidenced a desire that we continue to give to the American people the kind of radio entertainment that they are getting at present. I should like to ask the judge if he has made any investigation as to what would happen to radio if the advertiser should be reduced to mention of name only and a slogan. Does he know or does he have any idea as to what use would be made of radio under those circumstances?

Representative DAVIS. It was used largely in that manner up until recent years, until the last two or three years. It started with name advertising. Advertising got in. It has gradually grown and grown and grown. It is my opinion that the advertiser would get just as good or better results and would continue to advertise as much as he does now.

That is my opinion.

Chairman GAMBLE. This closing session of the fifteenth annual meeting of the four A's has certainly been one of the most interesting in it. For its success we are deeply indebted to our distinguished guest speakers of this afternoon. We thank them.

MIRRORS OF WASHINGTON

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered from Washington by the Secretary of Agriculture, Arthur M. Hyde, over a chain of stations of the National Broadcasting Co. on Wednesday evening, April 20, 1932.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANLOVE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered from Washington by Secretary of Agriculture Arthur M. Hyde over a chain of stations of the National Broadcasting Co., Wednesday evening, April 20, 1932:

O wad some power the giftie gie us
To see oursels as ithers see us!
It wad frae monie a blunder free us
An' foolish notion.

Ever since Bobbie Burns penned those lines it has been considered good medicine to see ourselves as others see us. It is usually bitter stuff, but most medicines are beneficial in direct ratio to their bitterness. Mere introspection is valuable but usually biased. Looking into a mirror held by the other fellow is free from any favorable bias and reduces bumptiousness. All of which leads to the observation that most of us in Washington have been looking with mingled pain and profit into mirrors held before us by a lot of people. In this the Department of Agriculture is no exception.

Sometimes, however, we suspect that the mirror is twisted. For example: Not long ago a distinguished Senator, his appetite keen for economy in all States except his own, leaped greedily upon the efforts of the Department of Agriculture to eradicate white-pine blister rust, a disease which threatens to destroy $420,000,000 worth of white-pine timber, and to eradicate which the department is spending about one-tenth of 1 per cent of that amount annually.

The Senator was attempting to explain what white-pine blister rust is. He said: "White-pine blister rust is a little insect that first forms on the bark of the white-pine tree as a little worm, develops into a moth or fly, and then flies to a currant bush."

Here the Senator became somewhat muddy, but he seemed to feel, rather than think, that this determined moth next lays eggs on the currant bush, the eggs become worms, then change to flies or moths (I wish he'd make up his mind which), and at once dart back to the white-pine trees to do their deadly work. "The bud of the currant bushes," said the Senator, "or the sap of the currant seems to strengthen their boring qualities, and they bore through the pine a little bit."

I showed this esoteric bit of natural history to a scientist in the Department of Agriculture. He was aghast at the extent and novelty of the Senator's revelations in the field of biology. After he had recovered sufficiently, he told me the Senator's statement was accurate except for such minor details as these: White-pine blister rust is not a bug, moth, or fly, it is a fungus disease. It does not pick, peck, poke, or bore holes into the pine tree, but acts on a tree just like a germ disease does on a man. As much as we all admire the Senator and his uncanny ability to confuse insects with diseases, bushes with trees, and facts with fancies, we in the department suspect that the mirror he has held up to us is cracked.

Another "hot one," which originated on the floor of the Senate and has spread from New York to the Golden Gate, is that merry gibe at the Department of Agriculture about a bulletin alleged to be entitled "The Love Life of a Bullfrog." It was such a "rip

rarin'" good one that it is a pity to spoil it. The cold facts, however, are:

1. No bulletin of that name was ever issued by any governmental department.

2. No bulletin dealing with frogs, their lives, legs, or loves, has ever been published by the Department of Agriculture.

In spite of the fact that the original gag isn't true, there is nevertheless a "good one" in the yarn which I must let you in on.

1. The gag was originated by Democrats to show how silly the Republicans are.

2. The only basis for it is a bulletin entitled "Frogs," which was published in 1919 by the then Democratic administration of the Department of Commerce.

3. The Democrats not only paid the expense of printing and circulating the bulletin, but they paid a Cornell professor $1,700 for writing the manuscript.

All of which shows once more the desirability of examining the mirror before you ask the other fellow to look into it.

Another mirror into which we in the Department of Agriculture are continually gazing is a chart which, with an ominous and altitudinous curve shows that the expenditures of the department have jumped from $30,000,000 in 1917 to $300,000,000 in 1931. No explanation accompanies the chart. Consequently, two conclusions are immediately drawn. One: That in 14 years the low-browed bureau chiefs of the department have expanded their baleful activities by ten. Two: That from the work of these bureaucrats no benefits whatever have resulted. One genial editor, in a recent speech, charged us with being racketeers. This criticism would have been passed over as mild and reasonable except for the fact that the editor resides in Chicago and spoke with that authority.

I enter no defense for governmental extravagance. Projects which take money may be highly desirable in prosperity, and highly undersirable at other times. Consequently, I connived with the President to lop off from the appropriations for the Agricultural Department all that could be lopped off and still carry on the duties with which we are charged under the law. Congress can take more because by so doing they will relieve us of our obligations under the law. They have our blessing. They can take more if they choose. There will be no yelp from me. Our duties are whatever Congress makes them, and be our appropriations little or still less, we of the department will click our heels and carry on with whatever is left.

But before the department, its chief officers, or myself are held up to the country as having expanded our operations ten times, let us analyze that chart a little: One hundred and seventy-four million dollars of that $296,000,000 spent in 1931 went for Federal highways, none in 1918; $50,000,000 went to farmers in the form of drought-relief loans; $14,000,000 went direct to the several States for experiment stations, extension services, and forest-fire prevention.

These three items aggregate $238,000,000 of the $296,000,000 charged to us in 1931. The funds were not appropriated because heavy-jawed bureau chiefs demanded them. The States wanted roads and crop-production loans and experiment stations, and Congress provided the money. We were merely the channel through which the money flowed from the Federal Treasury to the States.

Thus it is clear that only one dollar out of five appropriated to the Department of Agriculture goes for our own expenditures—and of this dollar nearly 60 cents goes for public-health services and conservation. The remaining 40 cents may be said to be purely agricultural.

Consequently when the mirror of increasing expenditures is held before the Department of Agriculture, we see not so much the work of bureaucracy as the demands of the States and of the people.

These statements are made not to minimize the need for economy nor to belittle any effort to cut down governmental expenditures but to point out some of the difficulties in the way of achieving those desirable ends. Beyond a doubt there exists in the vast and complicated machinery of government some of that sinister scheming and reaching for larger powers which is covered by the general term "bureaucracy." Nevertheless it is not bureaucracy which has built the machine and added millions to our tax burdens. The real culprit is the demand which has come from the people to relieve local burdens, from organizations of class or special interests to obtain special benefits from the Federal Treasury. To this demand Congress, which derives its mandates and its votes from the people, has lent an all-too-willing ear until we have built up a set of needs and a machine against which Congress is itself powerless. Local self-government has avoided its responsibilities and abdicated its powers. We have built our own Frankenstein.

Not the least of our difficulties is the fact that, by yielding to local and special demands, we have built up an ever-growing appetite for larger demands. I know of no better example of this than the so-called crop-production loans which the Department of Agriculture is making to farmers.

The genesis of crop loans lies in the action of President Wilson when, in answer to an emergency war need, he loaned small amounts in the Northwestern States to buy wheat for seed only. This action, proper as it was, immediately became a precedent which has been expanded in peace time far beyond its original intent.

The purposes of such loans have been expanded to include not only seed but feed for work animals, fertilizer, oil and gasoline for tractors, and repair of irrigation ditches. In 1931 the purposes were further expanded to include drought relief, feed for livestock, agricultural rehabilitation in all respects affecting crops—and in 1932 to include loans wherever farmers are otherwise unable to obtain loans for crop purposes.

In my own three years at this post I have seen the amounts expand from $6,000,000 in 1930 to $67,000,000 in 1931 and $200,000,000 in 1932.

A few weeks ago I protested against such loans and the enormous expansion in their purpose and amount. Immediately I found myself in the headlines.

One Senator charged me with being unsympathetic to farmers. I hope I am not lacking in sympathy with the American farmer. He is my client. His success is my job.

In opposing such loans I am not thinking of the burden such huge sums cast upon the taxpayers of this country (among them the farmer himself), but I am thinking of the welfare of the American farm family.

I assert that you can't save American agriculture by injecting it full of the opiate of credit. You may stimulate it temporarily. You may later lull it to sleep, but it will wake up next fall with all the painful reactions of surplus production and low prices. It will be burdened with an accumulated debt which will require years to pay off.

Seed loans may be justifiable and desirable when a visitation of nature, such as a storm, flood, or drought, has devastated whole counties or States and bears unequally as between individuals or groups of farmers. But when the exigency is economic and affects every one of us alike, the experience inherited by the farmer from his pioneer ancestors teaches him that the man who lives on what he has and borrows least will come through best.

The vice of Government loans is manifold. The Government can not make discriminations between the needs and the merits of individual citizens. We must loan not only to the worthy and the industries, but to the unworthy and the shiftless, provided only they come within the scant limitations of a general act of Congress. Such loans defy the inexorable economic law. They perpetuate in the competitive picture submarginal farmers and submarginal farms to the detriment of those who, but for the competition thus created, might succeed. They delay recovery.

When the money is going out, all is well. But when the attempt is made to collect it back, pandemonium breaks loose. Local interests want to collect the proceeds of the crop themselves. Political interests wheel into action demanding cancellation of the debt or a moratorium, or at least an extension of time. To the everlasting credit of the farmer be it said that he does very little of the howling. Also be it said that his own views are so much sounder than those of his representatives that during the very time that his representatives were dinning it into our ears that he could not pay, the farmer went ahead and paid over 60 per cent of our 1931 loans.

The farmer needs many things much more than he needs loans. He needs relief from the excessive burden of taxation which he bears. He knows that, because he is a consumer, much of the burden of taxes which is ostensibly loaded upon industry comes back to him in the price of what he buys.

He needs a consuming population which possesses a high buying power, not a population burdened with taxation.

The primary need of the farmer is not loans but a market, where he can sell his products at a fair price. To obtain this market, he needs an organization which will represent him. To obtain such an organization, the Government can help and is helping through the Farm Board. To hold such a market, he needs the protection of a tariff high enough to give him undisputed possession of the home demand. To reap full benefits of such a market, he needs to control his production to such volume as will balance with demand. Governmental funds will be more wisely employed in relieving the domestic market from the burden of existing surpluses than in stimulating by means of loans a larger production and an increased surplus.

The statement is frequently made that the President's program for recovery provides ample assistance for banks, railroads, and corporations, but none for "the little fellow." Such statements are utterly unfounded. It is true that the Reconstruction Finance Corporation makes its loans to such institutions, but its primary purpose is to release the strangle hold which fear and panic have had upon the credit and the job of "the little fellow."

The extent to which our difficulties are due to unreasoning fear and panic is hard to measure. Some indication may be had from the fact that although our foreign trade has declined (in dollars, not volume) less than 5 per cent of our productive capacity, our production has declined somewhere around 30 per cent. Yet the consumptive power of our people is just as large as it was at the heyday of consumption. Some part of the difference between 5 per cent and 30 per cent of our productive capacity is pure scare.

The distress of "the little fellow" during these last 30 months has been due to that scare. Fear and panic have been prolific causes of credit contraction. Bank failures and the shrinkage of railroad values have been the fuel upon which the flames of panic fed. The daily announcement of bank failures, in the days gone by, alarmed not only other depositors but other bankers. Each new failure tied up, not only the deposits of the failed bank, but forced other bankers to protect themselves against possible runs by demanding payment of loans, and by refusing to extend new credits. Thus by the spread of fear, credit was withdrawn from business. Consumption declined, and production was reduced. In turn, railroad tonnage fell off, and the value of their securities dropped. This added to the difficulties of the banks in which "the little fellow" had his savings and the insurance companies in which he carried his risks. Bank failures, contracting credit, falling buying power, declining production—it was along

this vicious circle as it spiraled downward that "the little fellow" lost his market and his job.

The Reconstruction Finance Corporation was given the job of reversing this process. Already the failure of banks has largely ceased, and this cause for alarm has been withdrawn. If the flow of credit to business is resumed, "the little fellow" will regain on the way up what he lost on the way down.

Those who criticize because loans are made to banks and other institutions should pause to remember, first, that all such institutions are required to put up adequate security and pay 5½ to 6 per cent interest, and, second, that we are living, not in a state of nature but in an organized society in which such institutions render a vital service to every one of us. To illustrate: You can get in Africa land as fertile as any to be had in this country. You can get all you want of it. It will cost you little or nothing. But you wouldn't have it even as a gift. You wouldn't have it because it has no banks, no railroads, none of the service corporations and institutions which are necessary to a civilized standard of living in an organized society. If we permit our banks to fail, credit will dry up and business will stop. If we permit our railroads to fail, farms will also fail. This is so perfectly obvious that even slight reflection will demonstrate the President's program to be primarily for "the little fellow" and an answer to his needs.

It was on this very point that a prominent Democratic candidate for President recently said:

"I will fight any candidate who persists in any demagogic appeal to the masses of the working people of this country to destroy themselves by setting class against class and rich against poor."

I am not in the habit of taking marching orders from Democratic sources, but here at last is a point upon which I line up with Al Smith.

While we are gazing into mirrors held up for us to look into, let us all look into a great mirror and see ourselves as a Nation. It will reflect back to us our own image, in the cold light in which we view the other fellow. Let us each ask ourselves what sacrifice we are making for the welfare of the Nation. We were heroes in war. We vied with each other in the glorious sacrifice and we won! What about peace-time sacrifices?

Congress can not do it all. Congress is your creature. It represents you. We shall solve many of our problems when Senators stop talking about "my State" and begin talking about "my country"; when Representatives forget their district and remember only the Nation. And that happy hour will occur when organizations massed behind special interests are willing to submerge those interests for the national welfare, when sectional interests are merged into the larger interests of the whole Nation, and individuals with pet projects are willing to offer them on the altar of national well-being. For, after all, Congress represents us as we are. Members of Congress are just as patriotic, just as wise, and just as courageous as we will let them be. The beginnings of wisdom, of patriotism, and of courage lie in each one of us—as individuals. That, after all, is the mirror which reflects a true picture.

DISTINGUISHED VISITOR

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, seldom is the House of Representatives honored by the presence of a distinguished lady guest. On yesterday women assembled in Washington from all the States of the Union elected a new leader. I refer to that organization of patriotic and public-spirited ladies known as the Daughters of the American Revolution. These ladies chose as their president general for the coming three years an esteemed constituent and personal friend of mine, Mrs. Russell William Magna, of Holyoke, Mass. She was accorded the unusual honor of being elected without opposition in recognition of her years of faithful and outstanding service to the organization.

It is a privilege and pleasure to present to the Members of this House the president general elect of the Daughters of the American Revolution, Mrs. Russell William Magna, who, with her husband and father, is now in the Speaker's gallery.

I suggest that the House extend to her a hearty welcome. [Applause.]

FEDERAL PAY CUTS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MEAD. Mr. Speaker, a petition protesting against Federal pay cuts, a mile and a quarter in length, signed by 24,000 taxpayers of Milwaukee, was to-day presented to Senators LA FOLLETTE and BLAINE and members of the Wisconsin delegation in the House by representatives of postal employees' organizations. The petition was addressed to me as chairman of the House Post Office Committee, who turned it over to the Wisconsin legislators, including the Hon. JOHN C. SCHAFER and Hon. GEORGE J. SCHNEIDER on the east steps of the Capitol.

The petition is the result of an educational campaign carried on by the "Big Three" organizations of postal employees—the National Federation of Post Office Clerks, the National Association of Letter Carriers, and the Railway Mail Association. These groups, representing directly 150,000 postal employees, are acquainting business men with the fact that a Federal pay cut means a diminished purchasing power reacting against the restoration of prosperity in every community in the country.

The officials of the postal organizations making the presentation were: Leo E. George, Thomas F. Flaherty, and William Otte, of the National Federation of Post Office Clerks; Edward J. Gainor, M. T. Finnan, and Clarence Stinson, of the National Association of Letter Carriers; and William Collins, Henry Strickland, and J. F. Bennett, of the Railway Mail Association.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. AYRES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11452) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1933, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11452, the Navy Department appropriation bill, with Mr. FULLER in the chair.

The Clerk read the title of the bill.

Mr. AYRES. Mr. Chairman, before the Clerk begins the reading of the bill I ask unanimous consent to proceed for five minutes. I rather think most of the members will be interested in this statement.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AYRES. Mr. Chairman, we carry on pages 25 and 44 of this bill provisions limiting flying pay to $1,100 per annum. By reason of such action we have subtracted $6,187 from the appropriation for the Naval Reserve, $271,890 from the appropriation for pay of the Navy and $16,130 from the appropriation for pay of the Marine Corps, or a total of $294,207.

I am advised that on yesterday the Chief of the Bureau of Aeronautics of the Navy Department informed the chairman of the Committee on Appropriations [Mr. BYRNS] that if the committee would remove the limitations on the amount of flying pay that might be paid to an individual officer, that the department would so administer the assignment of officers to flying duty as to make the reduced appropriation for pay of the Navy suffice. This would be accomplished, I understand, by refusing flight orders to officers whose duties do not make it essential for them to engage in aerial flights.

The committee is willing to accept that proposition as a substitute, and I shall move, when the paragraphs containing the limitations have been read, to strike them out, and to insert in the appropriations pay of the Navy and pay of the Marine Corps limitations on the total amount that may be expended for flight pay in conformity with the suggestion of Admiral Moffett. [Applause.]

The small amount—$6,187—deducted from the appropriation for the Naval Reserve I shall move to restore.

In conclusion, I wish to read a letter from the Secretary of the Navy to Chairman BYRNS, dated April 21, 1932, relative to this matter.

THE SECRETARY OF THE NAVY,
Washington, April 21, 1932.

MY DEAR MR. BYRNS: Referring to the provision on page 25 of the naval appropriation bill, which limits so-called flight pay to $1,100, may I urge that, in view of the grave uncertainty whether aviators will continue their voluntary acceptance of flight duty at

this limit of pay, that you support the amendment striking out lines 11 to 15 on page 25 and lines 10 to 12 on page 44. If this is done, the Navy feels that it can accept the reduction of flight pay elsewhere provided.

Very truly yours,

C. F. ADAMS.

Hon. JOSEPH W. BYRNS,
House of Representatives, Washington, D. C.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. LAGUARDIA. May I ask the gentleman whether the same will apply to the submarine service?

Mr. AYRES. Yes. We will make the same provision, of course, as to the submarine service.

Mr. LAGUARDIA. If there is no joker in it, this looks good, and I will study it.

Mr. AYRES. I assure the gentleman he has my permission.

Mr. STAFFORD. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. STAFFORD. Then, I understand the position of the committee is that they will not recommend to the Congress a reduction in the base pay for flying service?

Mr. AYRES. That is right.

Mr. STAFFORD. I say that in view of the fact that the Committee on Military Affairs held a hearing this morning at which the head of the Army flying service and others gave testimony showing the injustices which would follow if the limitation as carried in the Navy appropriation act was also carried in the Army appropriation act. So it is now the purpose of the Appropriations Committee to abandon that policy with reference to base pay?

Mr. AYRES. That is right. Of course, the gentleman means flying pay.

Mr. STAFFORD. Yes. Will that apply to both services?

Mr. AYRES. I can not speak for the Army.

Mr. BRIGGS. Will that apply to the Army as well as to the Navy?

Mr. AYRES. As I said to the gentleman from Wisconsin, I can not speak as to the Army.

Mr. BRITTEN. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. BRITTEN. In view of what has just transpired I would like to ask the chairman of the subcommittee if he had any member of the Navy Department before his subcommittee personally to justify the bill that is now before the House, not the one as amended but the bill as it is now before the House, as affecting aviation and submarine pay decreases.

Mr. AYRES. Admiral Moffett filed a statement, which appears in the hearings.

Mr. BRITTEN. That is not answering my question. Did any member of the Navy Department come before the gentleman's subcommittee and testify?

Mr. AYRES. No; not as to reducing flying pay.

Mr. BRITTEN. That is the reason the bill is as it is.

[Here the gavel fell.]

The Clerk read as follows:

NAVAL RESERVE

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, and subsistence of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of not to exceed 48 drills per annum or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, $3,071,499, of which amount not more than $150,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage; not more than $81,000 shall be available for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the schedule of wages for civil employees in the field service of the Navy Department; not less than $575,079 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $336,375 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve: *Provided*, That no appropriation contained in this act shall be available to pay more than one officer of the Naval Reserve and one officer of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, for the performance of active duty other than the performance of drills or other equivalent instruction or duty and/or the performance of 15 days' active training duty.

Mr. AYRES. Mr. Chairman, I offer a committee amendment.

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

Mr. BRITTEN. Mr. Chairman, I desire to reserve a point of order on the proviso beginning in line 23, page 12, and extending to line 6 on page 13.

The CHAIRMAN. The gentleman's point of order comes too late. An amendment has been offered and is in the hands of the Clerk.

The Clerk read as follows:

Committee amendment offered by Mr. AYRES: Page 12, line 8, strike out "$3,071,499" and insert in lieu thereof "$3,077,686."

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

Mr. AYRES. Yes.

Mr. STAFFORD. As I understand, the effect of the proposed amendment is to take care of the aviation-pay matter that the gentleman just referred to.

Mr. AYRES. That is it exactly.

Mr. STAFFORD. It does not make provision for taking care of the Great Lakes boats that have in the past been in the service and which are desired by many to be continued in the service for 1933.

Mr. AYRES. No; it is confined entirely to the restoration of $6,187 for flying pay for reserve aviators.

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the amendment.

I would like to inquire of the gentleman from Michigan [Mr. CLANCY], because he may lose his rights if this amendment is adopted, whether he intends to offer any amendment to increase the appropriation as carried in this item?

Mr. CLANCY. Mr. Chairman, I may inform the gentleman from Wisconsin that my amendment is waiting on the desk, and I understood I could offer the amendment after action was taken on the amendment offered by the gentleman from Kansas [Mr. AYRES].

Mr. STAFFORD. May I inquire what the amendment is? If we adopt the committee amendment, I will say to the gentleman, there will be no further amendment with respect to the total amount, and I do not want the gentleman from Michigan, or the gentleman from Minnesota [Mr. PITTENGER], or anyone else to lose his rights. I am trying to act in a protective capacity here.

The CHAIRMAN. If the gentleman will suspend a moment, the Chair is informed that if the gentleman from Michigan cares to offer his amendment, he should offer it to the amendment of the gentleman from Kansas, and should offer it now.

Mr. PITTENGER. I would like to ask the gentleman from Kansas a question.

Mr. CLANCY. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Kansas.

Mr. STAFFORD. I have the floor. For information, Mr. Chairman, may we have the proposed amendment read?

The CHAIRMAN. Without objection, the Clerk will read the proposed amendment.

The Clerk read as follows:

Amendment offered by Mr. CLANCY as an amendment to the committee amendment offered by Mr. AYRES: On page 12, line 8, strike out "$3,071,499" and insert in lieu thereof "$3,171,499."

Mr. STAFFORD. I now yield the floor to allow the gentleman to offer his amendment.

Mr. CLANCY. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CLANCY as an amendment to the committee amendment offered by Mr. AYRES: On page 12, line 8, strike out "$3,071,499" and insert in lieu thereof "$3,171,499."

Mr. CLANCY. Mr. Chairman, the purpose of my three amendments is to make an appropriation of $100,000 for the operation and maintenance on training cruises of five training ships and two Eagle boats.

These ships are stationed at strategic points on the Great Lakes at Chicago, Duluth, Detroit, Cleveland, and Toledo and provide for the yearly training of 2,960 officers and men who would help to operate in time of war the additional war ships and transports which would be put into the service to defend the country.

The committee has cut out over $600,000 as the cost of training naval reservists on training ships on fresh and salt water.

My amendments merely aim to restore $100,000 of this $600,000 plus and to add specific language to make sure that the Great Lakes training is included in the program for the navigation season of the year 1932. A number of great States with a population of about thirty millions of people is covered by this item.

These States are New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota.

SPRUNG AS A SURPRISE

The members of the appropriations subcommittee have repeatedly admitted that the Navy Department did not take them into its confidence in its alleged plan to junk and sell these five ships and two Eagle boats on the Great Lakes. The chairman, Mr. AYRES, said yesterday that the first belated notice came through an item in the Army and Navy Journal. Mr. TABER, of New York, of the committee, also said on the floor yesterday the same thing, and that notice came after his committee hearings were closed.

Earlier this week Members of the House—for instance, Mr. WHITE, of Ohio, and Mr. PITTENGER, of Minnesota—said they had been informed by the Navy Department that the purpose is to sell and junk the ships which have cost millions of dollars for what can be practically gotten for them as old iron. Members of the subcommittee insist the ships will not be junked.

These ships are not obsolete with possibly one exception. They have been modernized and are safe and can provide for the yearly training of 3,000 men. Two of the ships just last year cost $150,000 in improvements and were changed from coal burning to modern, economical, oil-burning ships.

Certainly we ought to clear up the confusion which exists in the minds of the Members of the subcommittee and of the House as to just what the Navy Department intends to do with these ships. Some say on the floor of the House they will not be junked and others say just as positively on the floor they will be junked.

GREAT LAKES TRAINING BEST

The Navy Department claims that salt-water training is better than Great Lakes training for the naval reservists, who will be expected to operate ships in time of war both in navigating the ship and in running the engine room. Admiral Simms, the United States Navy chief at Chicago, and the naval reservists say just as positively that the Great Lakes training is much superior to the open-ocean training because of the difficulties of navigating the river and lakes of the Great Lakes and of the presence of a tremendous amount of traffic day and night.

A LOSS AND NOT A SAVING

The Navy Department say they will save $36,000 per year by junking these ships and taking the 3,000 naval reservists of the Great Lakes region to salt water by railroad and maintaining them there.

The officers of the United States Naval Reserve Association say just as positively that these figures are false, and that instead of saving $36,000 they will lose much more than that amount by the greater cost of transportation, and so forth.

My amendments do not aim to restore the summer cruises. Mr. TABER, of the subcommittee, who has made a deep study of the question, says he is not in favor of the summer cruises this year, but that he does believe in the week-end cruises. My amendments provide for the week-end cruises this year and next summer.

PASSING THE BUCK

Chairman AYRES says that the Navy Department is recommending this action, and that they are the experts and we should take their word for it; but the Navy Department has made mistakes before and will make them again, and is making them now.

We can not pass the buck to the Navy Department. The responsibility is ours. We can not alibi ourselves by saying that we took the recommendations of the bureau chiefs.

Some say we can not afford this $100,000 for national defense. I hold in my hand a newspaper photograph of the *Dubuque*, a fine serviceable gunboat with oil-burning engines, covering the Detroit district. Last year it cost only $27,000 to operate. It can carry about 250 men on a cruise and afford them training. This summer and next summer it can be operated much cheaper than $27,000.

THE DEADLY PARALLEL

The Appropriations Committee say we can not afford fifteen or twenty thousand dollars for that boat, but the Appropriations Committee say that we can afford about $3,000,000 per year on the Detroit front for a fleet of rum chasers and patrolmen.

I hold in my hand large newspaper photographs of a part of the rum-chasing fleet on the Detroit front which went into commission a few days ago, on April 16. Here they are, 50 of them, expensive motor boats, most of them practically new. See the tremendous wake they make as they tear across the water, some of them going 60 miles an hour and eating up every hour tremendous amounts of taxes in gasoline. This is only a part of the fleet. There are many Eagle boats and Coast Guard cruisers much larger than these motor boats. These border patrolmen and their boats cost at least $3,000,000 per year on that front, and yet you say you can not afford fifteen or twenty thousand dollars to save the *Dubuque*?

MILLIONS FOR PROHIBITION

There are about 150 customs border patrolmen on the Detroit front. There are about 230 Coast Guard men on the Detroit front, which extends to Buffalo, and their orders allow them to mobilize on the Detroit River for an emergency. There are also about 230 immigration border patrolmen on the Detroit front, thus making about 600 Federal border patrolmen who are superimposed upon about 3,500 policemen, deputy sheriffs, marshals, State police, and so forth, who are supported by city, county, and State taxes.

You might say that they are necessary to watch the 3,500 other policemen, but the customs border patrolmen on the Detroit front have been the most corrupt force in the history of American police work.

The United States Commissioner of Customs a few years ago, testifying before high Canadian officials at Ottowa, Canada, said that 90 per cent of them were dishonest or inefficient.

Every year tremendous scandals develop and a number of these customs officials are sent to Leavenworth or Atlanta by United States courts. They have shot innocent men and they have terrorized men, women, and children.

[Here the gavel fell.]

Mr. CLANCY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLANCY. Now, you say that you can afford millions per year for men of this sort and you can not afford $100,000 for the Naval Reserves, who are the very highest type of American manhood according to all the testimony—sober, honest, patriotic, and intelligent.

Every high Government official in charge of the border patrol testifying recently before House and Senate committees said that the Canadian embargo on liquor is efficient and that very little of it is coming across the Canadian border, probably 1 per cent of all the liquor used in the United States; and yet you are willing to throw away millions of dollars on this parasitic service and also to destroy an arm of the national defense, the Naval Reservist boats of the Great Lakes.

I regret to have to bring in the question of prohibition enforcement, but the very same House Appropriations Committee which seems to take a vague stand on the destruction of these five training ships and two Eagle boats on the Great Lakes is the very body of men who say that it is necessary to waste all this money on these prohibition-enforcement speed boats, Eagle boats, and cruisers.

Why, if you would just eliminate the cost of five of these motor boats and the salary of the men necessary to run them for one year, you could run the *Dubuque* easily for two summers.

You have a number of prohibition-enforcement torpedo-boat destroyers on salt water, some of them with crews of 80 or 90 men; and if you just laid up one of those prohibition cruisers for one year, you could run the entire training fleet on the Great Lakes for at least a few years.

If you tied to the dock one cruiser of the regular Navy, you would not have to curtail this Naval Reserve training in any respect, summer cruises and all.

You say you can not afford the $100,000 for all these ships. That statement is extremely inaccurate, to say the least.

BREAKING FAITH WITH DETROIT

I have in my hand resolutions passed by the Common Council of Detroit, April 19, 1932, protesting vigorously against the Navy Department breaking faith and the implied contract existing between Detroit and the Federal Government which was made when the city of Detroit gave about a million dollars' worth of property to aid in this naval training.

BREAKING CONTRACT WITH STATES

I hold in my hand a similar resolution passed by the house of the State legislature at Lansing, also protesting against the Navy Department for its proposed scheme to abolish naval training on the Great Lakes and the junking of these ships, breaking faith and the implied contract with the State of Michigan which was made when the legislature was induced to appropriate $600,000 recently to aid this Federal naval training.

What is true of Michigan is true of Illinois, which gave $800,000 for this naval-training work, and Ohio, which gave $200,000, and New York, which gave $500,000.

The Navy Department breaks its word of honor and its implied contract, alleging that it can save $36,000 per year, whereas the United States Naval Reserve Officers' Association, a body of honest, patriotic, intelligent men, claims that a great loss to the taxpayers will result.

The Government claims it can not take care of these reservists who are mostly not on salary and who give up their time and energies as an arm of the national defense, and yet it can put on these waters a couple of hundred Customs and Coast Guard border patrolmen, prohibition-enforcement agents, to watch over 3,500 policemen who are paid out of the city, county, and State coffers.

Every year a large number of these Detroit border patrolmen are sent to Leavenworth or to Atlanta to "the big house," and it is estimated that it takes only three months to corrupt a new force. Are you going to say to the taxpayers that you can pay $3,000,000 every year for a border patrol and a worthless fleet of boats like this, 50 fast speed boats eating up gasoline, parasitic, and doing no good, but that you can not afford $15,000 or $20,000 per year to maintain this historic gunboat, the *Dubuque*, which is doing a great deal for the national defense?

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

Mr. CLANCY. Yes.

Mr. SWEENEY. Will the gentleman explain to the House the amounts of money the several States have contributed voluntarily toward this matter?

Mr. CLANCY. Yes. Michigan gave $600,000. Illinois, thinking the United States Government would keep its implied contract, gave $800,000. Ohio gave $200,000, and New York gave $500,000.

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

Mr. AYRES. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection?

Mr. CLANCY. Mr. Chairman, I reserve the right to object. Thirty million people are affected directly in six or seven States, and several gentlemen from these States wish to discuss the matter.

Mr. BRITTEN. Mr. Chairman, I reserve the right to object. I have an amendment that will strike out the proviso at the bottom of page 12 and that may require some considerable time.

The CHAIRMAN. Is there objection?

Mr. MICHENER. Mr. Chairman, I object.

Mr. AYRES. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that all debate upon this section and all amendments thereto close in 30 minutes.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 43, noes 55.

So the motion was rejected.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word for the purpose of making a statement to the House. It is perfectly satisfactory, of course, to have unnecessary debate if the House wants to, but I serve notice on the House now that we will have a Saturday session unless this bill is completed to-day. If the House wants to stay here to-morrow, we will be glad, of course, to discuss these matters at length, or as long as you want to, but the gentleman from Kansas [Mr. AYRES] made the motion simply for the purpose of expediting the passage of the bill. He had no other purpose save the view and the hope that it would be possible to conclude it to-day and take a recess over to-morrow until Monday.

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

Mr. BYRNS. Yes.

Mr. HASTINGS. The gentleman from Kansas and the gentleman from Tennessee can stop debate much more quickly than under 30 minutes on this amendment if they will ask that the rules be enforced. In other words, let us have five minutes debate on each side of each of these amendments.

Mr. BYRNS. Mr. Chairman, I have no desire to enforce the rules if the House wants to stay here, but I want gentlemen to understand that if we continue this debate we will meet to-morrow to complete the bill.

Mr. CLANCY. Mr. Chairman, we do not want to consume unnecessary time; but if the gentleman will ask for a show of hands as to the number of members here who want to talk, I think he will find there may be only five or six, and then we can go ahead, but we fear the gentleman is not going to give opportunity to discuss the question.

Mr. BYRNS. I do not want any gentleman on the floor of the House to think that personally I would cut off anybody. I simply want gentlemen to understand the facts and to understand the necessity of completing the bill to-day or of meeting to-morrow to complete it. I shall be here anyway.

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

There is no desire, Mr. Chairman, to prolong debate unnecessarily, but this is an important proposition to the Members coming from the Great Lakes districts. The amendment proposes to increase the appropriation, as recommended, $100,000. The gentleman from Kansas [Mr. AYRES] has already offered to increase the appropriation

$6,000 for a fad aviation service. We are only seeking an appropriation of $94,000 for an essential service, which is as essential to the fleet reserve as the camp maneuvers are to the National Guard during the summer encampments.

It is now proposed by the department that, instead of having these Naval Reservists, who are the same as National Guard men, trained for two weeks on vessels on the Great Lakes, where the States have contributed hundreds of thousands of dollars for the maintenance of that service, that service should be discontinued after September of this year, and instead the Naval Reservists should be transported thousands of miles to the seaboard for that character of training.

It has been the aim and endeavor of the War Department Appropriations Committee to have similar exercises, as far as the Reserve Officers' Training Corps and the citizen's military training camp service are concerned, carried on proximate to the places where the men are organized for the sole purpose of saving transportation expense. Now, seamen can not be developed by being trained on land. We must have vessels; and it is just as essential to have a vessel on the Lakes where they can have week-end training as well as the two weeks' training as it is for an infantryman to have a musket in order to be properly trained.

The restrictive proposal is being carried altogether too far. There is only $100,000 involved. I hope the gentleman from Kansas, in his magnanimous spirit, will agree to the $100,000 in order to keep these vessels on the Great Lakes. The gentleman knows I have tried to cooperate in every endeavor for economy, but it is my firm opinion, after reading the hearings, that here is a place where we can really economize by allowing $100,000 for the maintenance of these vessels. Will the gentleman from Kansas not accede to that reasonable request?

Mr. AYRES. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. AYRES. I would say to the gentleman the committee did not initiate this. The responsible officials of the Navy Department came before our committee and stated that as a measure of economy this step had been taken. Now, we do not wish to be placed in the position of asking the Government of the United States to spend money which the department itself is trying to save.

Mr. STAFFORD. Well, it is not always that the Secretary of the Navy, who hails from the classic atmosphere of Cambridge, knows what the conditions are on the unsalted seas of the Middle West. He might know something about Boston, but he does not know of the practices that are indulged in on the Great Lakes. He has not qualified in that particular. In this bill, on yesterday, we carried $100,000 or more for training marines at schools supported by four States along the seaboard. We are only wanting what is fair. We want to educate the Secretary of the Navy in order to broaden him in his knowledge. He has too much classical atmosphere about him.

Mr. BANKHEAD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BANKHEAD. Does the gentleman propose that the Secretary of the Navy shall serve an apprenticeship on one of these training ships?

Mr. STAFFORD. It would have been far better if he had gone West to get some knowledge of the liberal thought and ideals that prevail in the West, especially as to maritime conditions on Lake Michigan and Lake Erie and Lake Superior.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. Mr. Chairman——

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. What is the motion which the gentleman from Pennsylvania [Mr. SHREVE] proposes to discuss?

Mr. SHREVE. I propose to discuss training schools and ships on the Great Lakes.

Mr. BANKHEAD. Does the gentleman rise in opposition to something pending before the committee?

Mr. SHREVE. Yes. I am in favor of the amendment that is now before the committee to add $100,000.

I want to say, Mr. Chairman, I have lived on the shores, within a short distance of the shores of Lake Erie, all my life, and I think I know something about the proposition.

One hundred and thirteen years ago the world's fleet was built right in Erie harbor. Erie is my home city. The first battleship that was ever built on any waters was the old *Michigan* that was built on Lake Erie. For more than a hundred years that great body of water has been recognized by the Navy in Washington as one of the finest and best places to train men for service on the seas. Why? Because, as one of the gentlemen who has preceded me has already stated, there are the dangers of navigation. John Sharp Williams, on the floor of this House, once said that more freight passed through the harbor of Detroit and down the Lakes than passed out of New York, London, Hong Kong, China, and Buenos Aires. When vessels seven and eight hundred feet long, carrying 12,000 tons of freight, are placed on that inland sea, there is an opportunity to test the navigating abilities of the men who are trying to run a ship, a great deal better than if they are sent out on the ocean to float around in the sunshine, and not have any of that experience that they get in navigating the Great Lakes.

I am amazed when I hear there is a thought of doing away with those ships and that they are going to be scrapped. In the old days men who received their training on the Great Lakes would never have thought of such a thing.

The old *Michigan* spent its winters in our harbor. Its officers and men married our girls, and for a long time the city of Erie was known as the mother-in-law of the Navy. Those old-time commanders would not have thought of destroying the training ships on the Great Lakes. They would have been in favor of building more ships, because they knew exactly what it meant. They knew that men trained on the Great Lakes were far superior to those who received their training on the ocean.

I hope this motion will prevail. [Applause.]

Mr. AYRES. Mr. Chairman, I desire to submit another unanimous-consent request, that all debate on this section and amendments thereto close in 20 minutes.

Mr. BRITTEN. Mr. Chairman, I object.

Mr. AYRES. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The motion was agreed to.

Mr. MAPES. Mr. Chairman, I want to take just a minute to support the motion of my colleague [Mr. CLANCY]. We are all in favor of economy and the reduction of expenditures by the Government to the lowest point possible consistent with the welfare of the people. The only difference of opinion arises over what activities shall be curtailed and to what extent the expenditures for any given services shall be reduced.

The naval unit of my home city, Grand Rapids, Mich., Division 13 of the United States Naval Reserve Forces, has ranked first in the report of the Naval Reserves Inspection Board for the last several years. The members of the organization there have taken great pride in their work and are very enthusiastic about it. It would be exceedingly unfortunate to do anything here that would dampen or discourage that enthusiasm. The failure to pass the amendment offered by my colleague will not only deprive them of training of great benefit to them and to the Government but it would at the same time go a long way to destroy their morale. What is true of the Grand Rapids unit is equally true of other units around the Great Lakes. For one, I trust the motion of my colleague will prevail.

Mr. WHITE. Mr. Chairman, 15 years ago we went to war in a condition which permitted us to train men while we stood behind the defenses of our allied armies. While those with whom we were fighting were protecting us we attempted to train both officers and men.

Here is an organization, the Naval Reserve, that is used not only for men who were trained then but men of education who want to be trained now in order that they might help us if such an emergency should arise in the future. As to the probability of that emergency I shall not speak, but I will say that speeches were made on the floor of this House less than two months before the World War started to the effect that there was no chance of war and that there were no signs of war. Speeches were made on the floor less than two months before we went into the World War to the effect that we could not possibly get into it. So you can not take for granted any such eventualities, because you can not see them coming.

I want to say to you that in my opinion this is an effort to destroy the entire reserve force of both the Marine Corps and the Navy for the purpose of preserving the money for the regular Navy forces. [Applause.] It is not economy in any sense to attempt to destroy ships which two years ago were remodeled. Besides the two ships my colleague from Michgin [Mr. CLANCY] mentioned, a ship in my own home city was overhauled in 1930 at an approximate cost of $40,000. To scrap that ship at this time would be a rank and inexcusable extravagance.

I insist to you that the building of this reserve force has made a valuable and useful arm of the defensive service of this country.

I want to call your attention to some figures in connection with the Marine Reserve, which we are not discussing now but will come to later. In 1928 and 1929 it cost $459 per member of the organization trained. In 1930 and 1931 it cost $62. These men in the Naval Reserve are willing to go on the same basis of no pay and no money for uniforms. Those whom I have been able to reach have expressed a willingness to even provide their own mess if these ships are preserved for them.

These men have been willing to cut down the force in charge of this ship to one officer and three enlisted men as ship keepers for half of the year, or during the summer months, and five during the winter. This cost for one ship will be about $30,000. These men are willing to go on this basis.

To scrap these ships will be a rank destruction of something that we spent money on two years ago, and will not be a saving in any sense of the word.

Mr. BYRNS. Will the gentleman yield?

Mr. WHITE. Yes.

Mr. BYRNS. Can the gentleman see any justification for Members of Congress who are trying to reduce expenses to vote $100,000 into this bill when the Navy Department says it does not want it and does not need it?

Mr. WHITE. The Navy Department is attempting to destroy this part of the civilian service.

Mr. BYRNS. What right has the gentleman to make such a serious charge against the Navy Department?

Mr. WHITE. I insist it is true.

Mr. BYRNS. Here is an order issued by the Navy Department discontinuing training up there after September 1, and yet the gentleman proposes that we vote $100,000 of the taxpayers' money when the department says it does not need it.

Mr. WHITE. I still maintain that my charge is true. Why not sink a battleship to save money? That would do it. That is the same principle exactly.

Mr. PITTENGER. Will the gentleman yield?

Mr. WHITE. Yes.

Mr. PITTENGER. Is it not a fact that when the hearings were held before the subcommittee on naval expenditures no such program was presented, and is it not the fact that after the hearings were printed, after the committee had ceased its deliberations, without a single objection or without any support of the Naval Reserves, the Navy Department then issued this order to junk or decommission these vessels, and is it not a further fact that the economy that is being practiced, if there is any, is at the expense of the Naval Reserve Force and not at the expense of the other branches of the Navy?

Mr. WHITE. Exactly; and I thank the gentleman for his suggestion.

Mr. WOODRUFF, Mr. FRENCH, and Mr. AYRES rose.

Mr. AYRES. Mr. Chairman, 8 minutes of the 20 minutes for discussion on this paragraph has been used by those in favor of the amendment. I shall certainly insist on only 2 minutes more being used for that purpose and that those in opposition have 10 minutes.

The CHAIRMAN. The gentleman's position is well taken, and the Chair recognizes the gentleman from Michigan [Mr. WOODRUFF] for two minutes.

Mr. WOODRUFF. Mr. Chairman, under the circumstances, I ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. WOODRUFF. Mr. Chairman, the chairman of the Appropriations Committee [Mr. BYRNS] asked the gentleman who just preceded me what justification there is for asking an additional $100,000 for the purpose of keeping these ships in commission, these Naval Reserve officers, and men on the Great Lakes, if we are to put into effect the economy program we are all so anxious to see adopted.

We have 3,000 officers and men in the Naval Reserve on the Great Lakes. Since time began for us a part of our naval force has been trained on these waters. Conditions for training naval personnel there are ideal. I wonder if you gentlemen know that it is the policy of the Navy Department, if this legislation goes through, to in the future train these naval reserves on the Atlantic Ocean. This is the program, and I wonder if you gentlemen know just how much it will cost to transport these 3,000 men to the Atlantic coast and back again each year. It will cost just $50,000 more than the amount involved in the amendment.

If we are trying to reduce the expenses of government, if we are trying to do something for the sake of economy, here is an opportunity to practice it and at the same time show the people of the States bordering on the Great Lakes that Congress appreciates the substantial appropriations made each year by those States to assist in the training of this naval personnel.

It is not a matter of importance to me, Mr. Chairman, whether or not the Naval Reserve is trained in one place or another. It is important, however, that this training be given where it will be most effectively done for the least expense. An examination of all the facts will convince anyone that transferring these activities to the Atlantic will add to rather than reduce the cost, and this without adding in any way to the efficiency of the corps. As a matter of fact, it is believed by the officers of the corps that the training on the lakes is, because of its peculiar effectiveness, vastly superior to that given with the fleet on either the Atlantic or Pacific.

I believe the first thing in connection with this or any other question that should be considered by Congress is the welfare of the country. Everyone knows, who knows anything about our past wars, that our regular Navy and our Regular Army are the first lines of defense. Our Naval Reserve and the National Guard are next called upon. It is upon the foundation formed by these arms of the service that the entire war strength of the Nation must be built. The peace-time strength of neither the Army nor the Navy is such as even to properly police the country, man our coast defenses and strategic points on the one hand, or to properly man our available fighting ships on the other.

On the call to arms it is the reserves in both services that are first called to the colors. They must be fit for any duty. They must be ready to meet any demand made upon them. They must be able to take their places alongside their fellows of the Regular Establishments without loss of time for further training. This they can not do unless they are given something more than a bare 15 days' training per year. They will have this, as they have in the past, if these ships are kept in commission and these men are permitted to continue to train as they have trained in years gone by.

The gentleman from Pennsylvania [Mr. SHREVE] has told you something of the splendid traditions of these civilian sailors of the Great Lakes. They are of a nature to inspire every member of the corps all down the years to come. The spirit of enthusiasm for the service should not be killed. The adoption of the amendment will preserve it.

[Here the gavel fell.]

Mr. FRENCH. Mr. Chairman, I am opposed to the amendment, and in order that others may have time I shall try to limit my remarks to two or three minutes.

One of the gentlemen, a moment ago, said that the Members of the Congress are in favor of retrenchment and reduction in national expenditures except, he said, in the matter of allocation. The trouble is we are in favor of reduction when it touches the other fellow, but opposed to it when it touches an area or a community in which we are interested.

The gentleman who has just spoken referred to the cruises and to the trips that would be made to the sea and the extra expense over the method that has been followed in the past and that which would be followed if the cruises were made upon the Great Lakes. The trouble with this argument is that it is not involved in the pending amendment, because the Secretary has already determined the course for the coming fiscal year. There will be no cruises either upon the Great Lakes or with the ships of the Navy at sea.

Mr. WOODRUFF. Will the gentleman yield?

Mr. FRENCH. Not now.

The problem, then, is whether or not we are going to put this additional money into the bill for the purpose of retaining these ships for the coming year.

I may say there is carried in the bill now something like $52,000, which will be adequate to care for these ships until the first of the coming year. In the meantime, all the evidence touching upon the problem that the gentleman from Michigan who preceded me suggested, and any other factors may be considered by the committees of the Congress and by the department, and that will be ample time for us to consider whether or not we shall withdraw these four craft from the naval establishment or whether we shall continue the program that has been followed during the last some years.

Mr. WOODRUFF. Will the gentleman yield? The gentleman has mentioned the remarks I made and has commented upon them.

Mr. FRENCH. I am sorry, but I must yield the floor to members of the committee on the other side.

Mr. BRITTEN. Mr. Chairman, in the limited time I have I would like to call the attention of the House to the amendment which I have sent to the Clerk's desk, which strikes out the proviso beginning on line 23, page 12, and running over to page 13. This proviso will take out the reserve service—it does not cost any money—and it will conform to the desire of the Navy Department. This language, if it stays in the bill, will take out of the reserve force such officers as Commodore Forscheu, of New York; Capt. Edwin Evers, the most efficient officer in the reserve force; and many other men who have given the best part of their lives to this fine service. They are qualified for any duty in any emergency, and will build up the personnel of the regular Navy when called upon to do so.

My amendment will not cost an additional dollar. It is only in line with the desire of the Navy Department for greater efficiency in the reserve force. I hope you gentlemen will lend me your assistance and give to the Navy what it wants. [Applause.]

Mr. Chairman, this proviso as worded, when taken in connection with basic law, would seem to deny all officers above the grade of lieutenant from receiving pay other than for 15 days' training duty. Basic law (sec. 21 of the act of February 28, 1925, to provide for the creation, and so forth, of a naval reserve and Marine Corps Reserve) provides that officers above the grade of lieutenant shall not be entitled to pay for the performance of drills or equivalent instruction or duty, but they shall receive pay for the performance of appropriate duties. Since the savings for the appropriate duty pay of officers above the grade of lieutenant, as contained in the Budget, were not deleted from the appropriation, and no mention of this feature was contained in the committee report, it is believed that it was not the intention of the committee to deprive all Naval Reserve officers above the grade of lieutenant from receiving their appropriate duty pay.

Of the reserve officers above the grade of lieutenant now on active duty, there are many who have been performing their duties long and efficiently. Under the proviso objected to, they would have to be replaced with new and untried personnel. The principle of discharging old and faithful servants of long service and their replacement with new personnel at the slightly lower rates of pay for the sake of the comparatively small savings involved, is considered to be unjust and not conducive to the highest efficiency. Through certain changes which have recently taken place, there are certain positions or offices held by reservists which can be vacated entirely. Through the savings effected in this way, sufficient money is now contained in the bill to permit the retention of the various officers of the higher grades which the bureau desires, without any increase in appropriation. The retention of these officers can not, however, be effected within the terms of the proviso.

Mr. OLIVER of Alabama. Mr. Chairman, answering very briefly the argument of the gentleman from Illinois [Mr. BRITTEN], I will state that it will cost more than $30,000 if you strike out this proviso. The gentleman is in error when he says it will not cost a dollar.

Now, inasmuch as he predicated his whole argument on the statement that it would not cost more, I think that a sufficient answer, since his amendment was evidently offered because of misinformation.

In reference to the other matter, discussed at great length and with much feeling, no member of the subcommittee would detract in the slightest degree from the fine and well-deserved tribute paid to the reserves in the States bordering on the Great Lakes. They are efficient, loyal, and serve with a splendid spirit. We are treating them like other reserves, and have followed the advice of the Navy Department in doing so.

The amendment as offered, carrying an additional $100,000, does not require that the President and the Secretary of the Navy must spend it. It is left to their discretion.

Let me read to you the order:

> For economical reasons, all 15-day training cruises now scheduled for Fleet Naval Reserve division, all districts, will not be made this summer and instructions pertaining thereto are canceled.
>
> All 15-day training cruises and all 15-day training duties are eliminated for entire fiscal year '33. Above eliminations do not apply aviation divisions.
>
> Week-end cruises authorized as heretofore.

The appropriation carried in the bill as reported carries sufficient funds to provide for cruises through September.

It likewise provides funds for the care of the ships up to January, and if when we re-assemble in December the ideas of the Navy Department should change, we can provide funds for the rest of the year, if it is then thought wise to do so.

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

Mr. OLIVER of Alabama. Not just now. The Navy Department has full knowledge of these matters. They recognize the fine service that these reservists are rendering, but they are trying to cooperate with Congress in its effort to reduce expenses. They have frankly said, "Here is where we believe without hurt to the service we can effect a saving," and that is why the committee has recommended this to the House. The Navy Department has said in advance, "Do not give us this because, forsooth, we might not spend it if you did give us the money. We feel that we are prompted by the same desire and the same purpose as Congress is manifesting in keeping down appropriations." Under the circumstances would the House have expected the committee to pay no attention to what the Navy Department recommends, and which largely reduces this appropriation?

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

Mr. OLIVER of Alabama. Yes.

Mr. KELLER. Is there anything to the statement that these vessels are to be junked?

Mr. OLIVER of Alabama. There is nothing, so far as the committee knows. These vessels are provided for until January and an officer is assigned to the district to that date, and this appropriation that we have recommended carries every dollar necessary to carry on the cruises to the end of September, and likewise provides for the care of ships to January.

The CHAIRMAN. The time of the gentlemen from Alabama has expired. All time has expired. The question is on the amendment offered by the gentleman from Michigan as an amendment to the committee amendment.

The question was taken; and on a division (demanded by Mr. CLANCY) there were—ayes 68, noes 73.

Mr. CLANCY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CLANCY and Mr. AYRES to act as tellers.

The committee again divided, and the tellers reported—ayes 105, noes 110.

So the amendment was rejected.

Mr. CLANCY. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

Page 12, line 22, after the word "vessels," insert a comma and the following: "including the training vessels and Eagle boats on the Great Lakes."

The CHAIRMAN. The Chair does not think that that is an amendment to the amendment. The question is on the committee amendment offered by the gentleman from Kansas [Mr. AYRES].

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 127, noes none.

So the amendment was agreed to.

Mr. CLANCY. Mr. Chairman, I now offer my amendment as an amendment to the end of the paragraph.

The Clerk read as follows:

Page 12, line 22, after the word "vessels," insert a comma and add the following: "including training vessels and Eagle boats on the Great Lakes."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. CLANCY) there were—ayes 52, noes 70.

Mr. CLANCY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CLANCY and Mr. AYRES to act as tellers.

The committee again divided, and the tellers reported—ayes 68, noes 100.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Page 12, line 23, strike out all of the proviso.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BRITTEN) there were—ayes 39, noes 89.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment by Mr. PITTENGER: Page 13, add the following at the end of line 6: "*Provided*, That the Navy Department shall not put into effect its plans, revised or otherwise, to withdraw and decommission the training vessels and Eagle boats on the Great Lakes now being used for the Naval Reserve."

Mr. AYRES. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

Mr. MAAS. Mr. Chairman, I think that this is a limitation. It limits the expenditures that might be made to junk these ships.

The CHAIRMAN. The Chair sustains the point of order.

The Chair will call the attention of the gentleman from Kansas to the fact that, in line 18, on page 12, the word "rental" is misspelled.

Without objection, the Clerk will correct the spelling.

There was no objection.

The Clerk read as follows:

NAVAL RESERVE OFFICERS' TRAINING CORPS

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of the Navy, to institutions at which one or more units of the Naval Reserve Officers' Training Corps are established, of such means of transportation, books, supplies, tentage, equipment, and uniforms as he may deem necessary, and all other miscellaneous items, including cleaning and laundering of uniforms and clothing at camps or on board ship; and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of the Navy; for transporting supplies and equipment from place of issue to the several institutions, training camps, and ships, and return of same to place of issue when necessary; for the establishment and maintenance of camps of instruction, and schools on ships for the further practical instruction of members of the Naval Reserve Officers' Training Corps, and for transporting members of such corps to and from camps, ships, or other designated places of instruction, and to subsist them while traveling to and from such camps or ships and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps or ships and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp or ship and for the return journey thereto, and to pay the return travel pay in advance of the actual performance of the travel; for pay of students attending advanced camps or advanced schools on ships at the rate prescribed for enlisted men of the seventh pay grade; for the payment of commutation of subsistence to members of the senior division of the Naval Reserve Officers' Training Corps, at a rate not exceeding the cost of the commuted ration of the Navy; for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Naval Reserve Officers' Training Corps injured in line of duty while at camps of instruction or on ships; and for the cost of preparation and transportation to their homes and burial expenses of the remains of the members of the Naval Reserve Officers' Training Corps who die while attending camps of instruction or on ships; and for the cost of maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, $90,085: *Provided*, That none of the funds appropriated in this act shall be used for any expense incident to training or practice cruises of members of the Naval Reserve Officers' Training Corps, but members of such corps denied such cruises in consequence hereof shall not be refused appointments as ensigns in the Naval Reserve by reason thereof: *Provided further*, That uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment from this appropriation, except for actual expenses incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Naval Reserve Officers' Training Corps from stocks under the control of the Navy be in excess of the price current at the time the issue is made.

Mr. BRITTEN. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. BRITTEN: Page 15, line 1, strike out all the language after the word "*Provided*," down to and including line 6, and insert the following: "Any member of the Reserve Officers' Training Corps denied the advance-course training cruise at the convenience of the Government shall not be refused appointment as ensign in the Naval Reserve by reason thereof."

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order on the amendment.

Mr. AYRES. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BRITTEN. Mr. Chairman, of course, if my amendment is subject to a point of order, then this proviso is subject to a point of order, because I have accepted half of the proviso as presented in the bill. The part I have stricken from the bill will be approved by the Navy Department, so that the reserve force shall not be completely crippled, and at the same time without increasing the appropriations for the Naval Reserve.

I hope the chairman of the committee will be fair with the House. I do not use that expression in any offensive way at all. The language which is carried in the amendment which I have offered is language that is in the bill which the gentleman has proposed; and if the language in the amendment is subject to a point of order, then the lan-

guage in the gentleman's bill is also subject to a point of order. I am merely aiming to perfect this legislation. I am sure the gentlemen will agree with me. There is $90,085 carried for training, food, subsistence, maintenance, and all sorts of expense in connection with the Naval Reserve. That is shown on page 15—$90,085. The language that I ask to be taken out of the proviso is this:

That none of the funds appropriated in this act shall be used for any expense incident to training or practice cruises of members of the Naval Reserve.

Now, realizing that $90,000 is carried in the bill, much of that $90,000 in the past would go for mileage, for food, for pay, and various other things connected with the reserve training. Now, it is barely possible that if my amendment is carried and the amount—$90,000—is left as it is, the department may still carry on its cruises. The cruises are the backbone of the reserve force. They may still carry on their summer cruises and make arrangements with the reservists to pay their own mileage, to pay for their own food, to accept, if need be, a reduction in pay.

In any event we will get the younger, the more agile, and the better subjects for the reserve force, who in time of emergency will build up into the officer personnel of the Regular Navy. There is nothing drastic about the amendment. I simply take out the proviso that is in the bill which says that no part of this $90,000 shall be used for training cruises. If we are going to retain the reserve force, let us give them an opportunity to cruise, if they can, on the $90,000 that is carried in the bill. If they can not maintain their cruises, if they can not put their cruises into effect with certain additional economies, then that will be too bad for the service; but at least the House should not limit the appropriation of $90,000 for the reserve force by saying that no part of this money shall be used for training cruises.

I hope the House will go along with me on this. It will be approved by the Navy Department. It is something that the reserve force needs. It is something that will prove for the efficiency of the reserve force. It may give the younger men an opportunity to have cruises in the summer time if they are willing to pay their own food or mileage. Let the Navy Department have a little latitude at least and do not encumber the reserve force with the provision that is in the bill.

Mr. BLANTON. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. BLANTON. The subject of the gentleman's address, as announced a few minutes ago, was "give the Navy what it wants"?

Mr. BRITTEN. I said the Navy Department was in favor of this.

Mr. BLANTON. But the gentleman said, "give the Navy what it wants." That is the gentleman's idea?

Mr. BRITTEN. Oh, yes; certainly.

Mr. BLANTON. Now, in 1917, before we entered the war——

Mr. BRITTEN. The summer cruise is probably the greatest incentive to membership in the Reserve Officers' Training Corps. If discontinued, the morale of the Reserve Officers' Training Corps will undoubtedly suffer. In the past the department has been put to expense on account of the cruise for mileage, food, and pay. The amount of the appropriation has been cut; but without this prohibition against the cruise, the department would still be able to offer a cruise to such students as might wish to take it without such reimbursement of mileage, food, or pay as the state of the appropriation might make desirable. It is believed that under these conditions a large number of the ex-juniors could be given the cruise.

Reserve naval officers can not be given proper training without experience on board ships at sea.

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

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for two additional minutes.

Mr. AYRES. Mr. Chairman, I had reserved a point of order, and I now make the point of order against the amendment, that it is legislation on an appropriation bill.

Mr. CHINDBLOM. Mr. Chairman, I would like to be heard on the point of order.

I do not have the amendment before me, but I looked at it a moment ago. It repeats the last half of what is already in the text of this proviso. It omits the first half of the proviso. I call attention to the well-established rule that where language already in the text of a bill or already in the text of an amendment may have been subject to a point of order, an amendment to such language, which does not involve a new point of order or enlarge the objection involved in a point of order, is in order.

In this case this language is in the proviso:

Members of such corps—

Meaning the Naval Reserve Officers' Training Corps—

denied such cruises—

Meaning cruises such as are mentioned in the foregoing—

shall not be refused appointments as ensigns in the Naval Reserve by reason thereof.

For that language the gentleman from Illinois offers an amendment, which reads as follows:

Any member of the Reserve Officers' Training Corps denied the advanced-course training cruise at the convenience of the Government shall not be refused appointment as ensign in the Naval Reserve by reason thereof.

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

Mr. BANKHEAD. Mr. Chairman, I would like to address a few remarks to the Chair on the question. I frankly confess it is a matter that is not entirely clear in my own mind; but if the point of order is well taken, it is upon the assumption that in the first instance the committee having incorporated in the bill a provision that is itself legislation upon an appropriation bill and it is sought to strike that out entirely by the amendment proposed, whether or not as an original proposition the point of order would not be in the position of being laid against the original proposition, which in itself confessedly is not authorized by law. The gentleman from Illinois offers an amendment striking out the entire proviso. If he seeks to strike out the entire proviso and add additional language, the purpose of his motion would be to nullify the entire provision and then the gentleman would have to rely upon the proposition offered by himself, which, I think, is confessedly legislation on an appropriation bill. If the point of order is well taken, I think it must be based upon that assumption; and, in my opinion, unless there are precedents to support the statement made by the gentleman from Illinois in his initial statement, the point of order is clearly well taken.

Mr. CHINDBLOM. Mr. Chairman, may I add this one word? I call attention to the fact that the amendment offered by my colleague from Illinois does not strike out the whole proviso. It strikes out everything after the word "*Provided*" and inserts language in lieu of the matter so stricken out. So it is an amendment offered in lieu of language in the text.

Mr. BLANTON. Mr. Chairman, I want to be heard on the point of order. The only instance where it has been held that an amendment that is subject to a point of order may be added to by another amendment that is subject to a point of order is where the original proposition is offered on the floor as an amendment to the bill. Then if the original proposition which is offered from the floor as an amendment to the bill is in itself subject to a point of order and there is no point of order made against it, then it has been held that a germane amendment can be added to it that would otherwise be subject to a point of order. But this is not an analogous case. This is a provision in the bill and it has passed the point-of-order stage. There was no point of order made against it. This is an attempt to strike it out and put something in the bill which is subject to a point of order, because it is legislation unauthorized on an appropriation bill.

The CHAIRMAN (Mr. FULLER). The Chair is ready to rule. The Chair is in a little doubt about this proposition, but he is fortified by the opinion of the Parliamentarian. The first part of this clause is a limitation down to line 4 and the rest of it is clearly legislation, but no objection was made to it because it was legislation.

In a decision rendered by Speaker Cannon, found in section 8504 of Cannon's Precedents, it is stated:

A paragraph changing existing law, being permitted to remain by general consent, may be perfected by germane amendments which do not provide additional legislation.

This was concurred in by Chairman Garrett, of Tennessee. As the Chair stated, he was in a little bit of doubt; but being fortified by those opinions, the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BRITTEN) there were—ayes 39, noes 79.

So the amendment was rejected.

The Clerk read as follows:

NAVAL WAR COLLEGE, BUREAU OF NAVIGATION

For maintenance of the Naval War College on Coasters Harbor Island, including care of grounds, $100,000; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $2,000; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, including subscriptions to newspapers, $5,000; for contingencies of the president of the Naval War College, to be expended in his discretion, not exceeding $1,000; in all, $110,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $73,000.

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

The Clerk read as follows:

Amendment offered by Mr. BURDICK: Page 15, line 20, change $100,000 to $168,000; page 16, line 3, change $110,000 to $178,000 and add the following immediately thereafter: *Provided*, That if the training of recruits is continued at the naval training station at Newport and the said training station is not closed, the sum of $68,000 from this appropriation is hereby made available for the maintenance of the naval training station, Newport, in addition to any other sums appropriated for the maintenance of said station.

Mr. AYRES. Mr. Chairman, I reserve a point of order.

Mr. BURDICK. Mr. Chairman, yesterday the committee voted down an amendment to increase the appropriation for the training of recruits at Newport and gave as the reason that the Navy Department was considering closing training there and adding it to the War College. It is absolutely necessary to keep up this station and practically the amount that I have asked to be added to this appropriation for the War College is the lowest amount for which the station can be maintained. It is necessary to keep up the grounds whether training is conducted at the training station or not. The War College is on the same grounds with the same supply of heat and with the same pipes requiring the same amount of work, whether actual training is continued at that point or not.

Therefore, it seems to me if you are going to take the sum of $83,000 from the amount that the Bureau of the Budget recommended for the Newport Naval Training Station, you should at least add the sum of $68,000 to the appropriation for the War College in order that they may carry on, because, as I have said, the heat, light, or other similar work is done by the training station on the island, and all that work practically will have to be done if it is continued solely as a War College.

The amount estimated, therefore, is to keep up the station whether training goes on there or not, and the reason for this amendment, as I have said, is because the grounds, the sea walls, the roads, the walks, the pipe lines and the electrical supply are all necessary to be kept up so long as the War College is situated on this island.

I therefore hope the committee will see that this station, which even the Appropriations Committee acknowledges must be carried on for the benefit of the War College, has a sufficient amount allotted them to keep up the work.

Mr. AYRES. Mr. Chairman, I make the point of order that the amendment is legislation on an appropriation bill.

The CHAIRMAN. The Chair is of the opinion the point is well taken and sustains the point of order.

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

Mr. Chairman, I want to comment on the suggestion made by our good friend from Illinois [Mr. BRITTEN], that we ought to give the Navy everything it wants.

Just before we entered the war in 1917 we had 30 admirals. We have 59 to-day. We have approximately twice as many admirals to-day as we had when we entered the war. When we entered the war in 1917 we had 99 captains in the Navy, and to-day we have 242.

We have in Washington doing land service to-day nearly 500 naval officers. They are in each other's way. I wish you would go down to the Navy Department building and go in every room of that building at 10 o'clock in the morning or at 2.30 o'clock in the afternoon and tell me how many high naval officers you find hard at work there. They will be talking over last night's dance, or reception, or bridge game, or golf, or polo, or horseback riding, or something that is not business.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. BLANTON. Yes; I yield, always, to the big-navy man, who is naturally "wet."

Mr. BRITTEN. In addition to his remarks about the work of the naval officers in a particular department, will the gentleman tell me how many highly paid men there are in the Prohibition Bureau in this town who are wasting money every day?

Mr. BLANTON. Yes; I shall answer the gentleman. They are not idle. They are hard at work. They are doing good work. They caught nearly $300,000 worth of liquor the other day. And they are now catching the big moguls.

Mr. BRITTEN. Where did that liquor go? Who got the liquor?

Mr. BLANTON. The Government takes it and confiscates it. They have taken in more property and more money in fines than they have paid out in expenses. That is a paying department of the Government; it is self-supporting. It is the only department of the Government that is paying its own way.

Mr. LAGUARDIA. I will say it is a paying job for the agents.

Mr. BLANTON. I can not yield further.

Since my friend from Illinois and my friend from New York are on the floor I want to take this opportunity to take my hat off to the brave Governor of California who has upheld the honor of the great Commonwealth of California. He has seen fit to consider upholding the law and the courts of California of more importance than yielding to outside influence exerted in behalf of a murderous dynamiter. He believes in looking at the record and evidence of a case and paying some attention to it and not trying cases on outside influence; and when it came to granting a pardon to a man who murderously had taken the lives of 10 innocent men, women, and little children with a bomb, he had the guts and the courage to stand up and uphold the law. Great is the Commonwealth of California, and great is Governor Rolph of that great State. [Applause.]

I have probably made a closer study of and know more about the official trial of Tom Mooney than any other Member in this House. At the time Hon. W. B. Wilson was Secretary of Labor, during the Sixty-sixth Congress, I introduced in the House, on June 20, 1919, a resolution known as H. Res. 128, which was referred to the Committee on Labor, which resolution directed the Secretary of Labor to promptly report to the House of Representatives, first, what connection John B. Densmore, then Director of the United States Employment Service, had with the case of Thomas J. Mooney, convicted in California, stating in detail the activities of said Densmore concerning said case, attaching copies of all reports concerning same made to the Department of Labor by said John B. Densmore, director; and second, what connection in behalf of the Department of Labor, since the

punishment of said Thomas J. Mooney was commuted to life imprisonment, has any employee of the Department of Labor had with said case of Thomas J. Mooney; and, third, what requests on the Department of Labor, if any, have been made by a grand jury or a court in California for said John B. Densmore, director, to appear in California to give evidence, and what action concerning same was taken by the Department of Labor.

The Committee on Labor gave me a prompt hearing and favorably reported my said resolution, House Resolution 128, on June 26, 1919, and it was referred to the House Calendar, and the then chairman of the Committee on Labor, Mr. Smith, of Michigan, filed the committee Report No. 75, and on June 27, 1919, my said resolution was duly passed by the House of Representatives.

Pursuant to the requirements of my said resolution, House Resolution 128, Hon. W. B. Wilson, Secretary of Labor, transmitted to the House of Representatives his report on July 22, 1919, which embraced a report of 88 printed pages, made by said John B. Densmore, director, detailing how his paid assistants, paid with the money of the taxpayers of the United States, had burglarized the office of the district attorney, Charles M. Fickert, who had tried and convicted Mooney, and how they had secretly installed a dictaphone in this State official's office. This report was printed by the House of Representatives as House Document No. 157, first session Sixty-sixth Congress, and contains 90 printed pages.

I wish every Member of this Congress would get a copy of this House Document No. 157 and read it. You would then understand how in 1918 evidence was already being manufactured to free Mooney when he had been legally tried before an impartial jury of his peers and lawfully convicted in an orderly way of an heinous and dastardly crime.

In such connection, it should be remembered that it was during the Preparedness Day parade in San Francisco on July 22, 1916, that Thomas J. Mooney perpetrated his bomb outrage, throwing his deadly bomb among innocent people and killing 10 men, women, and little children who suffered horrible deaths, and seriously wounding a large number of others.

This report of Director John B. Densmore is disgusting and revolting to every American who believes in law and order. He had the audacity to report to a Cabinet officer of the United States of America, the Secretary of Labor, that—

> His plan was to proceed secretly, with but two or three men, and make no move that would attract attention, either from the prosecution, the defense, or the corporate interests of the city of San Francisco.

Densmore further reported that he—

> had at this time two trusted assistants in San Francisco, and to them I confided my plan of operations, leaving, however, the execution of the details very largely to their own judgment.

Densmore further reported that his assistants "had not been long at work before they unearthed evidence that convinced them that it was absolutely necessary to the success of the operation to install a dictaphone in the office of the district attorney, Mr. Charles M. Fickert."

And then it was most astounding when Densmore, a high official of the United States, confessed that he was a party to committing deliberate burglary when he reported:

> This task was a seemingly impossible one, owing to the fact that Fickert keeps himself barricaded behind double-locked doors on the fourth floor of the Hall of Justice in a private office to which only one other man has the keys.

And then, apparently ashamed of disclosing just how he committed burglary and other crimes, Densmore reported:

> The full details as to how this dictaphone was finally installed will probably never be divulged, as no good purpose could be served by a recital of the facts, interesting as they are. Some idea of the difficulties involved will be gained when it is stated that more than two months of careful and clever work were required before the installation was complete and the machine in actual operation.

It took Director Densmore that long to bribe the one other man who had keys to the district attorney's office.

Then I want you to note the minute description of the private office of the district attorney of California, which, through committing heinous crimes, this United States official, Densmore, was able to enter secretly, for Densmore reported:

> Fickert's office in the Hall of Justice is a very large room in the southwest corner of the building, on the topmost floor. (See diagram, Exhibit A.) It is lighted by two arched windows, one overlooking Portsmouth Square to the west, the other fronting Merchant Street on the south. The district attorney's desk is in the extreme southwest corner of the room, between the two windows. Besides the desk, the room contains a large oblong table; otherwise there is little furniture. On the floor and table, in picturesque disarray, are countless exhibits alleged to the activities of the I. W. W.'s, the Mooney defendants, and other reputed agitators and dynamiters.

You will note that it was this brave district attorney of the great Commonwealth of California who, in behalf of law and order and of good society, was bending his efforts to disrupt I. W. W.'s and dynamiters, and it was this interfering official of the United States Government who was out there, across the United States from Washington, burglarizing even the Hall of Justice in an attempt to manufacture evidence to free a murderous dynamiter.

Densmore further reported:

> For dictaphone purposes the location was by no means an ideal one. Rumbling teams and street cars, tooting automobiles, the shouts of Chinese children playing around the Robert Louis Stevenson fountain in the park opposite—these and other sounds from Kearney Street ascended and mingled with the voices of those conversing within the room. The room itself was about 25 by 30 feet, and when conversations were held in a low voice at some distance from the transmitter the results attained were not always satisfactory.

I want to ask my colleagues here in this House if they have ever before heard of a more revolting and disgusting detail of how criminals worked to manufacture evidence.

Now, listen to this. Densmore further reported:

> Considerable experiment was thus required to adjust the delicate microphone to the peculiar and baffling conditions. After trying out various combinations of batteries, resistance coils, amplifying valves, and receivers, and making several novel improvements never before attempted in similar lines of work, a final satisfactory adjustment was at last received.

And I want my colleagues here to read all of the ridiculous matter said Densmore reported—that for days he took over that dictaphone, as contained in his said report—none of any probative force, effect, or value whatever, and yet the Secretary of Labor reported to Congress that our Government paid to Densmore's said assistants the sum of $6,101, and other expenses of $1,043, used in committing crimes.

It was my investigation of these criminal activities of Director John B. Densmore on the Pacific coast that led me to discover that he had wasted and grafted several hundred thousand dollars, and the record will show that when he tried to get $5,000,000 more out of the Treasury I fought and blocked it, and kept him from getting it.

After getting the Densmore report of his crimes committed in San Francisco, I then got the House of Representatives to pass my resolution, House Resolution 225, which required the Secretary of Labor to furnish other facts to Congress, and pursuant thereto Secretary W. B. Wilson, on August 28, 1919, transmitted his report embracing the information sought, and same was printed into House Document No. 209, first session Sixty-sixth Congress, and I want my colleagues to get same and read the astounding facts contained therein.

And while he was Secretary of Labor, at an annual convention of the American Federation of Labor at Atlantic City, Secretary W. B. Wilson and President Gompers sat on the platform with Mrs. Rena Mooney and passed sympathetic resolutions and helped to collect funds to fight for Mooney's pardon.

Since the American Federation of Labor has repudiated anarchy and anarchists and communists, and has broken away from William Z. Foster and Emma Goldman and Alexander Berkman and that ilk, I had hoped that they would no longer defend a convicted bomb thrower, who killed and wounded his innocent victims by the score, without the semblance of an excuse except that he wanted to break up and interfere with a Preparedness Day parade.

Yet we find to-day reputable members of organized labor, and sympathizers even here in this Congress, who will still defend Mooney, and fight to have him pardoned, when all they know about his case is that money, Densmores, and other influences have tried to cast clouds upon his trial, and to impeach his conviction.

I have personally discussed the details of the case against Mooney with Hon. Charles M. Fickert, the district attorney in California who tried the case, who was familiar with every detail of the testimony, and who convicted Mooney before a fair and impartial jury, and he convinced me beyond peradventure of a doubt that Mooney was guilty, and was lawfully convicted.

Judge Matt I. Sullivan, former chief justice of the Supreme Court of California, who carefully reviewed Mooney's trial, certified that Mooney had been proven to be a dangerous radical, a coworker of Emma Goldman and Alexander Berkman, and had been identified with the bomb planting that killed and injured so many people.

Four distinguished, brave, unbiased, impartial Governors of the great Commonwealth of California have now reviewed the conviction of Thomas J. Mooney, and in spite of every influence that could be brought to bear upon officials have decided that Mooney is guilty of a heinous crime, that he was lawfully tried, and legally convicted.

I did not intend to discuss the Mooney case when I arose. Now, I want to get back to these 59 admirals.

Mr. HARLAN. Will the gentleman yield for a question pertaining to the 59 admirals and directly on that point?

Mr. BLANTON. Yes.

Mr. HARLAN. The gentleman spoke of the great number of naval officers in Washington doing land duty.

Mr. BLANTON. Nearly 500 of them.

Mr. HARLAN. How are we going to maintain a naval establishment suitable for war conditions unless we maintain a corps of officers in some way?

Mr. BLANTON. The question has gone far enough for me to answer it. I shall answer the gentleman.

Mr. HARLAN. I would like to finish the question.

Mr. BLANTON. I will answer the question.

If we could conduct the Naval Establishment in 1917—and we had a pretty good one—with 30 admirals, who, after the commencement of the war, got our men across and helped win the war by stopping the German Kaiser and saving the civilization of the world—if we could do all that then with 30 admirals, why do we now need 59 admirals in peace time? And if in 1917 when we entered war we could do it with 99 captains, why do we now need 252 captains in the United States Navy in peace time?

If we could only cut off of the pay roll of the Government the admirals and other big Navy officers we do not need, and cut off the generals and other big Army officers we do not need, and cut off the chiefs and thousands of other bureau employees we do not need, we could then balance the Budget and get back to normalcy, and our Government and people would be much better off.

[Here the gavel fell.]

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment. I am gratified to say that I can agree to some extent with the gentleman from Texas [Mr. BLANTON] on one proposition, namely, on the tremendous number of these useless admirals and captains that we are providing for.

But I can not agree with him in his defense of these prohibition admirals, generals, snoopers, snipers, and boozers for whom we appropriate, and are appropriating, these large sums of money, notwithstanding that we have had a deficit of nearly $1,500,000,000. However, I am hopeful that some day the gentleman from Texas will realize and admit that his defense of these professional prohibitionists was undeserved.

Nor do I agree with the gentleman from Texas in his commendation of the Governor of the great State of California. I respect the people of California. I am acquainted with many of them, and I find in that great State some of the finest men and women in our country. However, I do regret exceedingly that the Governor of California did not have the courage to do the righteous thing and pardon Mooney, a man who is innocently suffering for the misdeeds of others and a man who, as unbiased investigation disclosed and as Trial Judge Griffin and all of the jurors now admit, although they found him guilty at the time, was convicted on perjured testimony. I feel that if the gentleman from Texas, though he is prejudiced against labor, and especially organized labor, would investigate all of the disclosures in that case, particularly in regard to how Tom Mooney was "framed," I feel that he would be man enough to condemn, instead of commending, not only the governor but all of those responsible for the most glaring injustice ever perpetrated in the name of the law.

At this moment I have come into possession of statements which I feel should satisfy even the gentleman from Texas that Thomas J. Mooney not only should have been pardoned but should not have been convicted. Superior Court Judge Franklin Griffin, who presided at the Mooney trial, has this to say in regard to the decision of the Governor of California in denying Mooney a pardon:

> A great disappointment. I firmly believe he is absolutely innocent.

Capt. Duncan Matheson, who directed the police case against Mooney, expresses himself as follows:

> California has lost another opportunity to correct a miscarriage of justice.

William V. MacNevin, foreman of the jury that convicted Mooney, states:

> I am sorry he was not freed.

I am hopeful that in the near future there will be a governor elected in that great State who shall have the courage to do what the great Gov. John P. Altgeld of my State did when he found that certain men were unjustly convicted of a crime which they never committed—pardon an innocent man.

In the State of California an election will soon be held, and I hope the honest citizens of that State will elect a man who will be courageous enough, strong enough, and just enough to do the righteous thing by Mooney, who has been convicted, as I have said, on perjured evidence and incarcerated unjustly.

[Here the gavel fell.]

Mr. SABATH. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman to read the public document that I had printed years ago showing John B. Dinsmore's activities in spending hundreds of thousands of dollars of Government money in manufacturing testimony for Tom Mooney in Los Angeles.

Mr. SABATH. I can not yield further to the gentleman. I have read the evidence that he refers to; and if it was manufactured evidence, it was not in behalf of Mooney but in behalf of the State. This much was admitted by the witnesses who were made to offer the perjured testimony which convicted Mooney, to the everlasting shame to the State of California.

Now, as to the Navy, we read every day and we hear on the floor of this House that we are starving the Navy, and that we are starving the Army. I am the last person who wants to see the Navy or the Army starved. I know we are starving 8,000,000 American citizens who are unable to find employment.

When I entered this House 25 years ago we appropriated $94,000,000 for the Navy. Last year we appropriated $360,101,593, an increase in appropriations of almost 400 per cent in a quarter of a century.

And for the information of the House and for those who continually cry and deplore that we are starving the Nation, I shall take the privilege of inserting in the RECORD the figures showing the great increase that has taken place in the Navy as well as the Army appropriations since the be-

ginning of my incumbency in the House. These are not my figures, but have been prepared for me by the director of the Library of Congress, and are therefore correct:

Fiscal year ended June 30—	Grand total, all appropriations	War Department		Navy Department		Pensions, Interior Department
		Total	Military Establishment	Total	Naval Establishment	
1908 [1]	$710, 287, 626	$182, 106, 207	$78, 883, 990	$102, 886, 052	$94, 471, 571	$146, 143, 000
1909 [2]	832, 629, 393	193, 328, 116	95, 160, 659	133, 160, 401	112, 977, 355	163, 053, 000
1910 [3]	835, 593, 379	208, 946, 483	101, 262, 070	143, 122, 757	130, 137, 432	160, 908, 000
1911 [4]	805, 294, 513	213, 205, 301	96, 141, 285	136, 061, 340	121, 880, 212	155, 758, 000
1912 [5]	767, 218, 485	199, 747, 922	93, 412, 231	130, 610, 218	117, 881, 032	153, 686, 500
1913 [6]	751, 377, 207	193, 930, 943	91, 830, 532	126, 807, 323	118, 539, 339	164, 725, 000
1914 [7]	788, 864, 599	191, 950, 494	95, 185, 668	143, 490, 119	136, 369, 490	180, 300, 000
1931 [8]	4, 242, 870, 150	464, 350, 935	346, 655, 079	400, 008, 101	(9)	----------
1932 [8]	3, 995, 026, 535	460, 078, 650	334, 781, 865	360, 101, 593	(9)	----------

Veterans' Administration, total	$921, 392, 349
Army and Navy pensions	232, 000, 000
Adjusted-service certificate fund	112, 000, 000

[1] Estimates of appropriations, for fiscal year ending June 30, 1909. Washington; Government Printing Office, 1907. Pp. 564-566. Includes deficiencies, miscellaneous, and permanent annual appropriations.

[2] Ibid. for 1910, pp. 608-609. Includes deficiencies, miscellaneous, and permanent annual.

[3] Ibid. for 1911, pp. 557-558. Includes deficiencies, miscellaneous, and permanent annual, but excludes Postal Service payable from postal revenues.

[4] Ibid. for 1912, pp. 500-502. Includes deficiencies, miscellaneous, and permanent annual, but excludes Postal Service payable from postal revenues.

[5] Ibid. for 1913, pp. 541-543. Includes deficiencies, miscellaneous, and permanent annual, but excludes Postal Service payable from postal revenues.

[6] Ibid. for 1914, pp. 807-809. Includes deficiencies, miscellaneous, and permanent annual, but excludes Postal Service payable from postal revenues.

[7] Ibid. for 1915, pp. 743-745. All appropriations made during the Sixty-second Congress, third session, and Sixty-third Congress, first session, for 1914 (exclusive of Postal Service); but not including deficiencies for prior years, amounting to $30,537,275.

[8] The Budget for 1933, totals as given on p. A-177; Military Establishment, p. A-115; details for Veterans' Administration, p. A-27.

[9] Separate figures for total Naval Establishment not given.

The above figures should forever silence the professional Navy and Army propagandists and lobbyists that Congress is not fair to the Navy or the Army.

Mr. Chairman, ladies, and gentlemen, I am absolutely certain that, if a real survey were taken, we would find that we could easily eliminate not only 10 but 20 per cent of the appropriations for the Army and Navy, and that without affecting or impairing in any way the efficiency of either. And I feel, therefore, that the remarks which have been made that we are starving the Navy are unfair and unjust. [Applause.]

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

The Clerk read as follows:

Amendment by Mr. BURDICK: Page 15, line 20, change "$100,000" to read "$168,000," and on page 16, line 3, change "$110,000" to read "$178,000."

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

The question was taken; and on a division (demanded by Mr. BURDICK) there were—ayes 16, noes 60.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the paragraph, and I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AYRES. Mr. Chairman, I hope that after this 5-minute speech there will be no more speaking out of order. We want to finish this bill this afternoon, else we shall have to have a session tomorrow.

Mr. LAGUARDIA. Mr. Chairman, I shall not feel offended if the gentleman from Kansas objects. He is quite within his rights when he objects to time being used on subjects not related to the bill, and I sympathize with him in his efforts to expedite consideration of the bill. I would not have asked to speak out of order were it not for the unfortunate statement made by the gentleman from Texas [Mr. BLANTON] in reference to the Mooney case. I can not permit the record to remain unchallenged as to the conclusions reached by the gentleman from Texas and inserted into the RECORD a few moments ago. No fair-minded man, none with the slightest knowledge of law, can read the record in the Mooney case without becoming indignant and ashamed of such administration of justice.

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

Mr. LAGUARDIA. I decline to yield. Every responsible man who was connected with that trial who has learned since the trial of the perjury committed, of the framed witnesses brought there to testify, has expressed his regret for his action in connection with that trial. The judge himself said it was the dirtiest day's work in his life. Every living juror has signed a statement that had he known that the testimony was perjured and framed he would not have brought in a verdict of guilty. Only recently the Wickersham Committee, which the gentleman from Texas himself praised for the great ability of its members and the great confidence he had in its membership, caused an investigation of that case to be made, and the findings of the trained investigators were so repulsive, so repugnant, it so exposed the indecency of that trial to such an extent, that for some unknown reason or for some mysterious reason the report was suppressed. The Senate committee succeeded in obtaining the report, and if the gentleman from Texas will take the pains he can get that report to the Wickersham Committee.

I am sure that instead of taking the floor and glorifying the continued incarceration of an American citizen who has been proved to be innocent, after reading it he will hang his head in shame at the conduct, surroundings, and perjury of that trial.

Mr. BLANTON. Mr. Chairman, will the gentleman be fair enough to yield to me now?

Mr. LAGUARDIA. On that ground I yield.

Mr. BLANTON. The gentleman is talking about a record that has been fixed up since the trial by somebody else. I have been talking about, and the Governor of California has passed on, the official record of the trial itself, which four distinguished governors of California have held showed a lawful conviction.

Mr. LAGUARDIA. Mr. Chairman, when the gentleman refers to a record that has been fixed up, I say yes, the record in the Mooney case was fixed, was perjured, and stands there as a blot on American justice. [Applause.]

The Clerk read as follows:

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes, $98,475.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word. I did not intend to speak on this bill, but I am wondering what the gentleman from Texas [Mr. BLANTON] would have defend this Nation in time of another war. He wants to increase the river of unemployment by adding to the great many already unemployed many of the officers and enlisted personnel of our Navy, where active service should be continued in order to maintain an adequate defense. He cited the personnel which we had in the Navy prior to the World War, and I suggest to my friend from Texas that perhaps in a future war, where the very destiny of the Nation and the lives and homes of our people are involved, we might not be fortunate enough to have allies carrying the burden of the war for many months until we were able to train officers to command and lead the legions of American manhood as in the case of the World War.

I suppose if another great catastrophe came upon our Nation and her people that the gentleman from Texas would rely upon the naval experts in the prohibition-enforcement part of the Coast Guard Service, who have been trained in

chasing rum runners, bootleggers, and hijackers. I suggest that the gentleman from Texas and the gentleman from Illinois [Mr. SABATH] look into the stupendous increase in the cost of maintaining the Coast Guard by reason of its prohibition-enforcement activities, if they want to make a real study from the economy standpoint. I suppose that the gentleman from Texas, in time of national emergency, would also have the Army-officer personnel recruited from the shotgun experts of the Prohibition Unit, which unit is costing the taxpayers many millions of dollars each year. The gentleman from Texas favors this extraordinary large expense in the name of law enforcement. The Committee on Expenditures in the Executive Departments recently had hearings, which developed that the Bureau of Investigation, Department of Justice, was charged with the enforcement of a multitude of criminal laws.

This bureau is charged with enforcing the Mann White Slave Act, the national motor vehicle theft act, the national bankruptcy act, the national bank and Federal reserve act, all frauds perpetrated against the Government, antitrust prosecutions, thefts from interstate shipments, all crimes committed on Government reservations and the high seas, bribery and corruption of Government officials, and impersonations. These are some of the major violations. There are many smaller violations. They also apprehend all fugitives from justice, whether they have been convicted by another governmental agency or not. They also perform investigative functions for the State Department and other departments of the Government. They also investigate applications for appointment as Federal judges, United States attorneys, United States marshals, and other important officers.

The total personnel of this bureau is now only 820; the total appropriation for the fiscal year 1932 is only $2,978,520, and there are now over 1,100 cases on record for investigation which have not been assigned.

On the other hand, a total personnel of 12,443 and a total expenditure of $40,043,313.50 from the Federal Treasury is provided for the same fiscal year to enforce the one sacred prohibition law.

The breakdown is as follows:

Bureau of Industrial Alcohol, personnel 1,718; expenditure	$4,814,420.00
Prohibition Bureau, personnel 3,380; expenditure	11,369,500.00
Increase in Coast Guard since that branch of the Government has been charged with prohibition enforcement, personnel 7,345, expenditure	23,859,393.50

From the law-enforcement standpoint, as viewed and expressed by the gentleman from Texas, I believe he thinks it is more important to catch a poor widow selling a glass of home-brew containing 2½ per cent of alcohol, in order to support her children, and send her to jail for five years under the nefarious Jones law than it is to catch a white slaver or a murderer on an Indian reservation, or a public official who robbed the Nation of Teapot Dome—Mr. Fall, a Republican, who conspired with Mr. Doheny, that sterling Democrat.

When you talk about law enforcement, come down to bedrock and do not demagogue and try to fool the American people. I wonder if the Committee on Appropriations, led by the economy expert, the chairman of the committee [Mr. BYRNS], really believes this is the correct Navy appropriation bill. It is unfair for the taxpayers of this Nation and the Members of this House and the other body to be made pawns in a fake economy battle of Tennessee, from "BYRNS to MCKELLAR to BYRNS to MCKELLAR."

After careful consideration of the Interior Department appropriation bill, Mr. BYRNS's committee recommended——

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

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

Mr. AYRES. Mr. Chairman, I demand the regular order.

Mr. SCHAFER. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. AYRES. Mr. Chairman, I withdraw my objection.

Mr. HUDDLESTON. Mr. Chairman, I object.

Mr. SCHAFER. Mr. Chairman, I make the point of order there is no quorum present.

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

The Clerk read as follows:

BUREAU OF ENGINEERING

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus, and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Md.; payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; in all, $18,030,000, of which $250,000 shall be available exclusively for the procurement and installation of new tools and machinery for shops under the cognizance of the Bureaus of Engineering and Construction and Repair, and $90,000 shall be available exclusively to continue in effect for an additional period of 18 months the license agreement entered into by the Navy Department, May 2, 1931, for the use of certain inventions pertaining to radio control: *Provided*, That the sum to be paid out of this appropriation for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the schedule of wages for civil employees in the field service of the Navy Department shall not exceed $1,850,000.

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

I rise at this time to ask the chairman of the Committee on Appropriations if this bill is perfect as reported by his committee from the standpoint of economy and efficiency? If a distinguished Member of another body makes a motion to strike 10 per cent from the total appropriations recommended by the committee and the Senate agrees to the reduction, will the House be called upon, under suspension of the rules, to cut 10 per cent, no matter where it hits, and without any information or consideration of the appropriations involved, as in the case of the Interior Department appropriation bill?

Mr. AYRES. The gentleman is directing his question to the chairman of the Committee on Appropriations and not to the chairman of the subcommittee?

Mr. SCHAFER. I am directing my question to the chairman of the Committee on Appropriations. I will repeat it. The Committee on Appropriations held extensive hearings on this bill. It was reported to the House of Representatives by the Appropriations Committee, which is the agent of the House. The Interior Department appropriation bill, containing certain appropriations, with a certain total, was also reported by the Appropriations Committee. Following the recommendation of its agent, the Committee on Appropriations, the House very carefully considered the bill under the 5-minute rule and passed the bill and sent it to the Senate. Then the other body arbitrarily reduced the total of the bill 10 per cent and, I believe, incorporated some 186 amendments which increased, decreased, eliminated, or added certain appropriations. This House was again called upon by the chairman of the Appropriations Committee after the bill came back to swallow every one of the amendments under suspension of the rules, with only 40 minutes' debate. We were told we must accept the bill with all its amendments in order to make the bill perfect from an economy standpoint.

I wonder whether the bill now being considered by the House is the real economy opinion of the Committee on Appropriations, or should the gentleman from Tennessee at the other end of the Capitol make another reduction of 10 per cent of the total, whether the Committee on Appropriations of the House of Representatives will come to the House and say, "We were all wrong when we recommended the amounts reported in this bill," the same as they did in the case of the Interior Department appropriation bill?

Mr. BYRNS. I will say to the gentleman from Wisconsin that I think the subcommittee of the Committee on Appropriations, of which the gentleman from Kansas [Mr. AYRES] is chairman, has performed a splendid service in the preparation and reporting of this bill. I think they have done a real service to the people and to the Treasury. They have made every reduction they thought possible, consistent with national defense. Too much praise can not be given them for that. Now, I am not responsible, and neither is the gentleman, for what the body at the other end of the Capitol may do. The gentleman says that a certain Senator is performing this job over there, but I call the attention of the gentleman to the fact that while the Senator may have made the motion to cut these appropriation bills 10 per cent, it is the action of the entire Senate body. I, for one, believing in economy, believing in making every reduction possible, have made up my mind, so far as I am personally concerned, to accept every reduction they make in any of these bills [applause] and leave the responsibility with them as to whether it is sufficient to carry on the activities of the Government.

Mr. SCHAFER. That is a remarkable statement coming from the chairman of the great Committee on Appropriations, a committee which is the agent of this House. After careful and lengthy hearings and consideration they recommend to this House certain appropriation bills, and they say they have cut to the bone, and then, because another body arbitrarily cuts 10 per cent of the total, without realizing what activity of the Government is being crippled, we are told that we should swallow every amendment adopted by the other body. If that policy is to be followed, then in the name of economy we should make provision for the House of Representatives to dissolve and let the Senate legislate. I ask the Members of the House not to forget, if the Appropriations Committee does, that under the Constitution of the United States we have certain duties and responsibilities. If the Committee on Appropriations is going to follow that policy of betraying the House of Representatives whom they represent, and make it a cat's-paw and rubber stamp for the Senate, I call upon the alleged economy members of the Appropriations Committee to resign, so that we can have an Appropriations Committee that will not lead the House to slaughter because of a few political economy peddlers at the other end of the Capitol. [Applause.]

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

The Clerk read as follows:

PERSONNEL

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders (not to exceed, exclusive of officers designated pursuant to law as additional numbers, 5,499 commissioned officers of the line, 908 officers of the Medical Corps, 186 officers of the Dental Corps, 556 officers of the Supply Corps, 83 officers of the Chaplain Corps, 233 officers of the Construction Corps, 109 officers of the Civil Engineer Corps, and 1,461 warrant and commissioned warrant officers), pay—$30,646,680; rental allowance, $6,098,515; subsistence allowance, $3,705,180; in all, $40,450,375; officers on the retired list, $5,800,410; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $3,000; pay of enlisted men on the retired list, $4,419,910; extra pay to men reenlisting after being honorably discharged, $2,480,225; interest on deposits by men, $3,000; pay of petty officers (not to exceed 5,910 chief petty officers and 850 chief petty officers under acting appointment), seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men for diving, and cash prizes (not to exceed $71,500) for men for excellence in gunnery, target practice, and engineering competitions, $63,729,756, and, in addition, the Secretary of the Treasury is authorized and directed, upon request of the Secretary of the Navy, to make transfers during the fiscal year 1933 from the clothing and small-stores fund to this appropriation of sums aggregating not to exceed $2,750,000; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment at not to exceed $100 each, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water or air borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $1,409,449; pay of enlisted men undergoing sentence of court-martial, $134,596, and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $990,420; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay $613,900, rental allowance $35,520, subsistence allowance $19,272; pay retired list $47,641; in all, $716,333; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, $10,451,941; reimbursement for losses of property as provided in the act approved October 6, 1917 (U. S. C., title 34, secs. 981, 982), as amended by the act of March 3, 1927 (U. S. C., Supp. V, title 34, sec. 983), $5,000; payment of six months' death gratuity, $150,000; in all, $130,744,415, and no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list: *Provided*, That hereafter additional pay for making aerial flights or for duty on board a submarine of the Navy shall in no case be at a rate in excess of $1,100 per annum and $720 per annum, respectively: *Provided further*, That hereafter no enlisted man of the Navy shall be assigned to the Fleet Naval Reserve as provided for in section 22 of the act of February 28, 1925 (U. S. C., title 34, sec. 783): *Provided further*, That the total number of enlisted men in the ratings of bandmaster, first musician, musician first class, and musician second class on April 18, 1932, shall be reduced by 355 by discontinuing new enlistments and reenlistments not continuous in such ratings and/or placing in such ratings men otherwise rated.

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order.

Mr. AYRES. Mr. Chairman, I offer a committee amendment.

Mr. GOSS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GOSS. I make a point of order on the second proviso, beginning with the words "Provided further," in line 15, to and including line 19, just before the next proviso.

Mr. BANKHEAD. What is the gentleman's point of order?

Mr. GOSS. That it is legislation on an appropriation bill.

Mr. LAGUARDIA. I make an additional point of order on next to the last proviso, commencing in line 19 and including the balance of the paragraph.

Mr. GOSS. For the same reason?

Mr. LAGUARDIA. Yes.

Mr. GOSS. Mr. Chairman, on page 1094 of Cannon's Precedents, under the chairmanship of Hon. John A. Buchanan, of Virginia, the ruling was made and later cited and approved by Hon. William L. Wilson, of West Virginia, that on an amendment offered—

"*Provided*, That no further contract shall be entered into by the Postmaster General under said act."

A point of order on the amendment having been raised by Mr. Dingley, the chairman held—

"The amendment offered by the gentleman from Illinois changes existing law, because it repeals the power conferred upon the Postmaster General by the first section of the act of March 3, 1891. As an amendment to an appropriation bill it must be germane to the subject matter and must retrench expenditures in one or more of the methods pointed out in the rule. The Chair is of the opinion that it does not do this unless by inference, and therefore is not in order."

Now, Mr. Chairman, reference is made in this proviso to title 34, section 783, of the United States Code, which states:

"That the Secretary of the Navy, in his discretion and under such regulations," etc., "may require any person when first enlisting in the regular naval service and may authorize any enlisted man in such service to pledge himself to serve for four years in the Fleet Naval Reserve upon termination of enlistment in the regular naval service."

The proviso in the bill before us reads:

That hereafter no enlisted man of the Navy shall be assigned to the Fleet Naval Reserve.

It does not refer to a regular enlisted man or to an enlisted man of the regular Navy. I claim that it can not come under the Holman rule, because there is no proven saving to the country covered in this section. It is, therefore, not a limitation. Further, it has the tendency of repealing title 34, section 783, of the United States Code, which is at present existing law; and, repeating the chairman's opinion:

The Chair is of the opinion that it does not do this unless by inference, and therefore is not in order.

And further, it does repeal, or have the effect of repealing that whole existing law.

And if you follow it down further—I refer to page 31 of the report that refers to this section, and over on page 32, section 4—it states:

Enlisted men of the regular naval service assigned to the Fleet Naval Reserve in accordance with the provisions of this section, or enlisted men who within three months from date of discharge from the regular naval service upon completion of a four or six year enlistment, enlist in the Naval Reserve may, while so in the Naval Reserve, be permitted to reenlist in the regular naval service, in which case they shall be entitled to the same benefits as if they had enlisted in the regular naval service within three months of their last discharge therefrom.

Therefore there is no way to tell whether this would come under the Holman rule as a limitation, because no one knows when those enlistments or reenlistments expired or started.

Further, the existing law refers to the regular naval service, while in the bill it refers to enlisted men only.

Mr. SWING. Mr. Chairman, I would like to supplement the statement made by the gentleman from Connecticut. Ordinarily the Holman rule is invoked as an exception to the general rules of the House when it is applicable to and operates as a limitation on an appropriation in the bill for that year only. It comes in like a camel's head under a tent for the purpose of limiting the specific appropriation in connection with which it is offered. This objectionable feature is not in the form in which the Holman rule has been sustained so many times. This is a bald, open, and deliberate undertaking to change the general law on the subject, not with relation to the dollars that are herein appropriated for the ensuing fiscal year but for all time to come, until Congress again by some legislative enactment may change it. That is a far different thing from the usual case in which the Holman rule has been invoked and has been sustained.

It is provided in line 12:

That hereafter—

Which means for all time to come. Here is permanent legislative enactment by the Appropriations Committee and not a mere limitation upon an appropriation for this year. The same evil is found in line 16. If countenanced, this will break down all distinction between legislative committees and the Appropriations Committee, and hereafter appropriation bills may contain any declaration of public policy or substantive law which that committee sees fit to put in them.

Mr. GOSS. Mr. Chairman, I had not quite completed my thought. I desire to refer the Chair to page 1094 of Cannon's Precedents, where this language is found:

Provided, That no further contract shall be entered into by the Postmaster General under said act.

I claim that the contracts referred to in this particular bill are entered into by the Secretary of the Navy, and I respectfully refer the Chair to that part of the section—that is, title 34, section 783—where it starts out by saying the Secretary of the Navy, in the place of the Postmaster General, as was under discussion at the time of the former Chairman's ruling. In my opinion, it clearly comes under that ruling.

Mr. STAFFORD. Mr. Chairman, recent decisions of the Chair construing the scope of the Holman rule have gone pretty far afield. Those decisions are so broad that they are virtually supererogating to the Appropriations Committee legislative authority, which the Holman rule never intended to give to the Appropriations Committee or any Member on the floor.

Let us construe just what the Holman rule does, because there is before the Chair now the question as to whether there shall be any limit at all on the power of the Appropriations Committee or of any Member of this House in seeking to change existing law that squints at economy or whose ulterior purpose or manifest purpose is economy.

What are the three proposals that may be considered under the Holman rule, as written in clause 2 of Rule XXI? There are three proposals and three proposals only.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter—

It first has to be germane—

except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

This certainly does not come within that category—

by the reduction of the compensation of any person paid out of the Treasury of the United States—

Certainly this amendment does not come within that classification—

or by the reduction of amounts of money covered by the bill.

There is nothing on the face of this amendment that shows that it comes within the last classification.

These are only three classes on which the Appropriations Committee or a Member of this House may justify an amendment counter to the general rules of the House.

Now, going to the proviso, the Committee on Appropriations is not a legislative committee and it does not come within that proviso.

I direct the Chair's attention to what is covered in the proviso:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law.

The Appropriations Committee has no legislative power. It is not authorized by law to change existing law. That rests with the Committee on Naval Affairs.

Or the House Members of any such commission having jurisdiction of the subject matter of such amendment.

Certainly that is not the proposal here, because there is no commission making a definitive proposal for the changing of substantive law which results in the reduction of expenditures.

Which amendment being germane to the subject matter of the bill shall retrench expenditures.

Mr. Chairman, here we have the broadest kind of legislative authority being attempted by the Appropriations Committee. What is it? It says:

That hereafter—

Not alone so far as the appropriations as carried in this bill are concerned but for all time the Appropriations Committee is seeking to take unto itself the powers of the Committee on Naval Affairs.

That hereafter no enlisted man of the Navy shall be assigned to the Fleet Naval Reserve as provided for in section 22 of the act of February 28, 1925.

Certainly, if it were not for the Holman rule the Chair would unhesitatingly rule that this was legislation on an appropriation bill, because it interferes directly with existing law which gives the Secretary of the Navy full power and direction so far as the enlisted men of the Fleet Naval Reserve are concerned.

In view of the three designated classes which the Committee on Appropriations must show to bring it within the Holman rule there is, in my opinion, with all due respect to the great Committee on Appropriations, no authority whatsoever that will justify the great power which is sought in

this instance, namely, of supererogating to itself the legislative power of the Congress where naval affairs are concerned.

Mr. BANKHEAD and Mr. LAGUARDIA rose.

Mr. BANKHEAD. Mr. Chairman, I would like to be heard very briefly on the point of order.

The CHAIRMAN. Does the gentleman from New York [Mr. LAGUARDIA] want to be heard on his point of order?

Mr. LAGUARDIA. There are two points of order and I would like to be heard on the one that I have submitted.

The CHAIRMAN. The Chair is considering the points of order together, as they both involve the same point.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard following the gentleman from Alabama.

The CHAIRMAN. The Chair would prefer to hear first the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, with respect to the point of order I made to the last proviso, there is not even the semblance or the color of any economy or retrenchment, and the Chair can not infer, even by the remotest stretch of the imagination, any economy there. Why? It simply provides and legislates against any new enlistments. It does not reduce the number now in the service. It does not attempt to discharge any musicians now in the service.

The CHAIRMAN. The gentleman's point of order was directed to the last proviso that provides for a reduction of 355.

Mr. LAGUARDIA. But it does no such thing, as a matter of fact. It does not discharge a single man. It simply provides against any new enlistment, but every member now in the service may reenlist, and therefore it is purely legislation and nothing else. In fact, it is a mere declaration of policy. It has not even the color of economy. The amendment does not provide for the discharge of any given number of men. As the amendment now stands it suggests to the Secretary of the Navy that some time in the future in the case of a decrease in the number of musicians by death or otherwise, some time in the distant future because present personnel are entitled to reenlist, no new men should be enlisted. Surely this proposed legislation can not be brought within the requirements of the Holman rule. Further argument is unnecessary if the rules and precedents are to be followed by the Chair.

Mr. BANKHEAD. Mr. Chairman, I shall make a very brief statement of my views on the point of order as to both of these provisos.

I think we should frankly concede for the purpose of this argument that both of these provisos do, as a matter of fact, constitute legislation upon an appropriation bill.

The only justification for their insertion and the only ground that is left for a vote by the Committee of the Whole on these two provisos is with respect to whether or not they come within the provisions of the Holman rule.

There is no dispute as to the citations offered by the gentleman from Connecticut [Mr. GOSS] or the interpretation of the rule as cited by the gentleman from Wisconsin, Mr. STAFFORD. I think we are all pretty familiar with the general principles involved in interpretation of the Holman rule. The Chair can not, by inference, read into a provision any imaginative economy, but it must be apparent to the Chair upon the face of the provision itself that it does, as a matter of language and as a matter of direct interpretation, come within one of the three exceptions set out in the Holman rule.

With this premise I want to read into the RECORD the statement made by the gentleman from Kansas [Mr. AYRES] with reference to the status of these men that are involved in the first proviso that is assailed:

> We have a class of reservists, composed of what are termed "assigned" men. Assigned men are former enlisted men who, for a consideration of $25 per annum, obligate themselves to serve in the Navy or Marine Corps in the event of war occurring within four years from the date of expiration of their enlistment. You will find the law on the subject in full on pages 31 and 32 of the report.

I think the gentleman from Connecticut cited that provision of law in his argument, so it will not be necessary to restate it.

The sole question here is raised in view of this law which has been cited and which, perhaps, I should restate:

> The Secretary of the Navy, in his discretion, under such regulations as he may prescribe, may require any person when first enlisting in the regular naval service, and may authorize any enlisted man in the service to obligate himself to serve four years in the Fleet Naval Reserve upon termination of his enlistment in the regular naval service.

This was an authorization under which the Secretary of the Navy could enlist these men. Under this proviso it is stated that hereafter no enlisted man of the Navy shall be assigned to the Fleet Naval Reserve as provided for in section 22 of the act of February 28, 1925, which is the act I have just cited. So the sole question before the Chair, as I understand it, is whether or not this prohibition set-up in this proviso does, as a matter of direct interpretation, reduce the expenditures out of the Federal Treasury.

Mr. BACON. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BACON. How does the gentleman interpret the word "hereafter"?

Mr. BANKHEAD. For the purpose of a proper interpretation of the Holman rule, I do not think that makes any difference. The question, as I understand it, is not necessarily confined to a reduction in the immediate bill. I think sufficiently wide scope may be given to it to make it permanent law, although as to that I may be in error. Nevertheless, that is not the decisive question for the Chair here to decide, and my interpretation of the proviso is that it necessarily follows that if any enlisted man can be enlisted, under the terms of the law I have just read, the necessary inference is that when you cut off or prohibit enlistments that are now authorized, you thereby reduce the expenses.

The CHAIRMAN. The Chair is prepared to rule. The Chair has carefully examined the language to which the point of order has been directed. The Chair thinks that his decision on this point of order should be governed by the last sentence of clause 2 of Rule XXI, which provides:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction in compensation of any person paid out of the Treasury of the United States or by the reduction of amounts of money covered by the bill.

That provision of the rule which the Chair has just read permits legislation on an appropriation bill provided it comes within one of the excepted classes just enumerated. The Chair thinks that the language to which the point of order has been made is germane to the bill under consideration. The Chair also thinks that the language reduces expenditures in at least two of the ways provided by the rule. The Chair is of the opinion that all of the language to which the point of order has been made is necessary to bring about the reduction sought. The Chair, therefore, overrules the point of order.

Mr. AYRES. Now, Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

> Page 23, line 8, strike out the figures "$30,640,680" and insert "$30,653,486, including not to exceed $1,014,250 for increase pay for making aerial flights."

Mr. AYRES. That is in accordance with the agreement this morning. I am going to offer another amendment in relation to submarines.

Mr. TABER. Mr. Chairman, I have an amendment which I want to offer to the committee amendment.

The Clerk read as follows:

> Amendment by Mr. TABER to the committee amendment: Page 23, line 8, after the word "pay," strike out "$30,653,000" and insert in lieu thereof "$30,242,680."

Mr. TABER. Mr. Chairman, this amendment I expect to follow later with the amendment that I stated when we were under general debate.

This amendment is designed to reduce the pay to officers by $400,000, and I expect to follow this by an amendment at the end of page 25, which will prohibit constructive com-

mission services, so that the officer shall be entitled only to actual commission services.

My idea in offering this amendment is that there are a number of officers in the Army and in the Navy who, by reason of constructive service, are being paid large amounts of money which are not justified by the service they perform. They are being paid these sums because of some constructive service as an enlisted man or in the National Guard out of all proportion to the rank they occupy. For instance, there was the case of a certain admiral in China, and the pay of a lieutenant serving under him was greater than that of the admiral. These payments are out of all proportion.

Mr. LAGUARDIA. There seems to be some confusion here. The gentleman from Kansas offered an amendment. Does the amendment offered by the gentleman from New York go over the figures of the gentleman from Kansas or under?

Mr. TABER. Under.

Mr. HILL of Alabama. Did the subcommittee have any hearings on the proposition?

Mr. TABER. Simply as to the amount, the figures.

Mr. HILL of Alabama. Then you had no real hearings?

Mr. TABER. No; not going into this in detail.

Mr. HILL of Alabama. And the subcommittee really never considered it?

Mr. TABER. No; they did not. It was brought up in the full committee, and I brought it up on the floor. I tried to bring it up at different times, but the others refused to consider it, not because they did not recognize its merits, I think, but for some other reason.

Mr. OLIVER of Alabama. Mr. Chairman, in order to simplify the matter so that the House can consider it separately why not let the committee amendment be first adopted, and then have the gentleman offer his amendment, which will raise, as he knows, a very controversial question?

Mr. TABER. The reason is that under the rules I can not offer the amendment later.

Mr. HILL of Alabama. The gentleman could ask unanimous consent, so that we may have the two matters put to us separately.

Mr. TABER. The committee can act upon my amendment and then can act upon the committee amendment.

Mr. LAGUARDIA. Mr. Chairman, I want to ask this question. There is this danger, that if this amount is cut now, it will destroy the purpose that the gentleman from Kansas has in offering an amendment to maintain the flight pay. I am sure the gentleman does not want to confuse the issue to that extent.

Mr. TABER. I do not want to confuse any issue; I want it clear. Does this amendment of the gentleman from Kansas raise this sum?

Mr. HILL of Alabama. Yes; it raises the figure now carried in the bill.

Mr. TILSON. What assurance has the gentleman that this deduction will be made from the sum he says it will? It is a lump sum; and why could not the reduction be subtracted from some other portion of the expense?

Mr. TABER. It should come out of this particular item, because this is the item out of which these people are paid.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

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

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 25, lines 12 to 16, inclusive, strike out the following:

"*Provided*, That hereafter additional pay for making aerial flights or for duty on board a submarine of the Navy shall in no case be at a rate in excess of $1,100 per annum and $720 per annum, respectively: *Provided further*."

Mr. AYRES. Mr. Chairman, that is in accordance with the announcement I made this morning.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. VINSON of Georgia. The purpose of the amendment is to strike out the reduction of the flight pay?

Mr. AYRES. The limitation.

Mr. VINSON of Georgia. Then the flight pay stands as it does now?

Mr. AYRES. Yes.

Mr. LAGUARDIA. That means the existing law as it is as to flight pay?

Mr. AYRES. That is correct.

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

Mr. AYRES. I hope the gentleman will not take any more time out of order.

Mr. SCHAFER. I do not intend to discuss politics, as I want to call to the attention of the members of the Committee on Appropriations and the Economy Committee certain conditions existing with reference to the Navy officer personnel from the standpoint of economy. I shall not take the five minutes if the gentleman will be patient.

I suggest that the members of the Naval Affairs Appropriation Subcommittee, the members of the Naval Affairs Legislative Committee, and the members of the Economy Committee look into an absolute waste of the taxpayers' money in so far as expenditures in the Navy Department are concerned. We have a situation in the Navy Department today which is becoming very expensive to the Treasury, because of a shortage in the number of vacancies in the higher-officer-personnel grades. The taxpayers of the Nation have been training midshipmen at Annapolis at a cost of about $16,000 each. Under the existing method of promotion in the higher-officer ranks we have a number of admirals sitting in star-chamber proceedings—a so-called selection board—plucking them up and plucking them down. This plucking board considers the records and ability of the officers, not in the rank to which they seek promotion but the recommendations of superior officers as to how they performed the duties assigned to their lower rank prior to the promotion.

It is a star-chamber proceeding without records being kept. These admirals on the plucking board choose, for instance, in the case of lieutenant commanders, which ones are to be selected for promotion on their record and, on the other hand, designate those who should not be promoted. And then all of these lieutenant commanders who have not been selected for promotion and who are in the prime of life and who have been educated at the Naval Academy at a cost of $16,000 to the taxpayers, after having 21 years service, are placed on the retired list to draw on the average $3,000 per year as long as they live without rendering any service. I want to suggest that if you want economy in the Navy look into this fraud on the taxpayers and bring legislation before the House which will cure this indefensible extravagance.

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

Mr. AYRES. Mr. Chairman, I ask unanimous consent that the spelling of the word "subsistence," in line 9, on page 23, may be corrected.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Chairman, I rise in favor of the amendment for the purpose of having the Clerk read in my time a telegram just received from Capt. Eddie V. Rickenbacker, American ace of the World War. It has to do with the gentleman's amendment, which is now before the House.

The CHAIRMAN. Without objection, the Clerk will read the telegram, as requested.

There was no objection.

The Clerk read the telegram, as follows:

NEW YORK, N. Y., *April 22, 1932.*

Congressman FRED A. BRITTEN,
House of Representatives:

May I enlist your sincere support in opposing the elimination of flying pay for Army, Navy, and Marine Corps pilots? My years of experience and close association with the members of these branches of our defensive arms recommend the maintenance of the high standard which has been developed as a guaranty that we may never again be confronted with the usual problems which faced us during the World War. It is my genuine belief—and I speak for a great many of my former comrades of the air—that not only is the elimination of flying pay false economy but would destroy the desire and ambition of our present service pilots, and would also work a definite hardship financially on them, as the individual expense brought about by the very spirit that exists to-day among our flying personnel makes it inadvisable. It is essential that this high standard and spirit be maintained in order that these branches of our national defense may continue as years go on to attract the quality of youth and intelligence which, in my estimation, is second to none throughout the world. The limited number of fatalities in the face of the tremendous hazards among the different branches of our Air Service during the past year is indicative of the qualities mentioned above, which should be maintained regardless of cost. The great majority of commercial pilots flying throughout the United States with our mail and passengers, both day and night, are graduates of the Army, Navy, and Marine Corps flying schools. Again, proof that the necessity of the above is emphasized in the fact that America can to-day boast of the finest combination of commercial and transportation systems by air that exist anywhere in the world, which is the second line of our aerial defense in peace time, and from which would be recruited in time of national emergency the great majority of highly skilled technicians, administrative, and flying personnel. Implore you and every other Member of the House of Representatives to guard this spirit jealously in honor of that great body of pioneers of the air, both in peace and in war, who gave their all in the springtime of their lives that this generation and those yet unborn may be privileged to enjoy the peace and happiness we all so fervently desire. Certainly the very conditions which are to-day demanding the utmost effort in the interests of economy on the part of our representatives also demand judgment in bringing about these economies that are the result of calm deliberate reflection rather than hysteria.

CAPT. E. V. RICKENBACKER.

Mr. BRITTEN. Mr. Chairman, at this time I desire to say that there are a certain number of officers and enlisted men (besides pilots) whose duty in connection with aviation requires them to make regular and frequent flights in aircraft. The number that can be so detailed is restricted by certain laws enacted by Congress, and the following are quoted:

[From an act, Public, No. 35, 67th Cong. (H. R. 4803)]

There shall be a chief of the Bureau of Aeronautics, appointed by the President, by and with the advice and consent of the Senate, from among the officers of the active list of the Navy or Marine Corps who shall within one year after his appointment qualify as an aircraft pilot or observer, * * *:

Provided, That not to exceed 30 per cent of the officers in each grade below that of rear admiral who fail to qualify as aircraft pilots or as aircraft observers within one year after the date of their detail into the Bureau of Aeronautics shall be permitted to remain detailed in this bureau: *Provided further*, That flying units or detachments, with the exception of aircraft carriers or other vessels, shall in all cases be commanded by flying officers.

[From air program act, June 24, 1926, sec. 3, par. 5]

Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified. (44 Stat. 767, ch. 668.)

[From the joint service pay act, June 10, 1922, sec. 20]

Exclusive of the Army Air Corps, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this act who may be required by competent authority to participate regularly and frequently in aerial flights as defined by such Executive orders as have heretofore been or may hereafter be, promulgated by the President, shall not at any one time exceed 1 per cent of the total authorized commissioned strength of such service.

Mr. Chairman, a previous law provided that one-half of 1 per cent of the total number of officers of the Navy could be detailed for duty involving flying, besides naval aviators, and receive flight pay. This law was later changed to the above; namely, providing that 1 per cent of the total number of officers in the Navy could be given flight orders.

The most recent law thus permits the Secretary of the Navy to detail to duty involving flying, with the award of flight pay, 92 officers. The Navy Department has never taken full advantage of this law nor employed this number, but has carefully restricted the number so detailed as much as possible. There are now 57 nonaviator officers instead of the 92 allowed, who have flight orders, including 27 medical officers, 12 aerologists, 5 naval aviation observers, and 13 others. The flag officers detailed to duty involving flying at present include two—the Chief of Bureau of Aeronautics and the Commander Aircraft, Battle Fleet, both of whom are naval aviation observers. There is also a captain naval aviation observer, ordered to command the carrier *Lexington*. All of these officers' duties require them to make regular and frequent flights in aircraft, and they have flight orders and the laws so intended. The law establishing the Bureau of Aeronautics requires the chief of bureau to be a pilot or observer, and that 30 per cent of each grade below that of rear admiral be naval aviation observers or naval aviators, the evident intent of the law being that they should engage in regular and frequent flights. There are two naval aviation observers, besides the chief of bureau, in the Bureau of Aeronautics, who were so qualified in order to comply with this law, and whose duties require regular and frequent flights in aircraft. Another aviation observer is the officer in charge of the naval aircraft factory. His duties require regular and frequent flights and he has flight orders. The flight orders of these officers are considered absolutely necessary and justifiable in every sense of the word.

It is highly desirable that a certain number of medical officers and areologists have flight orders. Their detail has resulted in increased efficiency and safer flying for all the personnel concerned.

It will be seen, however, that the detailing to duty involving flying of nonaviators is an administrative matter in the hands of the Secretary of the Navy, authorized by the above-mentioned laws, and that it was evidently the intent of the Congress in passing these laws that the Chief of Bureau of Aeronautics and at least 30 per cent of the officers of each grade detailed in the Bureau of Aeronautics, and the commanding officers of aircraft carriers, should be aircraft pilots or aircraft observers, and engage in frequent and regular flights.

The total flight pay received by the 57 nonaviator officers in the entire aeronautic organization who have flight orders is $95,145.

There are 1,097 enlisted men (exclusive of enlisted pilots) who have flight orders, whose total flight pay amounts to $688,851. These men are flying radiomen, gunners, and mechanics. It is absolutely necessary for the efficiency and safety of aviation that these men have flight orders. The number is restricted and kept to the lowest possible limit, as is the case with officers.

It will be seen that the authorization by law for flight orders to nonaviators was made after the most careful consideration by Congress and that the number awarded flight orders by the Navy Department has been kept to the lowest possible limit consistent with efficiency and safety. Proof of this is in the fact that only 57 officer nonaviators have flight orders, whereas a maximum of 92 is allowed by law. Likewise the appropriations for the current fiscal year carried funds for flight orders for a maximum of 1,600 enlisted men, whereas the average number of flight orders actually in effect has been 1,472, including enlisted pilots.

Mr. Chairman, as my good friend, Eddie Rickenbacker, indicates, the fact is well known that aviation duty is much more hazardous than other naval duty. The principle of giving increased pay for performing this duty has been established by the justice of law and of custom. For the Navy this increase has been 50 per cent of the base pay of all rates and ranks of enlisted men and officers. It has compensated them for the extra hazard of their duties; it has permitted them to make provision for the care of their families by life insurance, to purchase the additional uniforms required in aviation duties, and to cover the extra expenses which an aviator incurs in the execution of his duties and for which he can not always obtain recompense from the Government.

The officers assigned to aviation duty must fly. Their flying may be of different kinds, but the flying must be

done. The ensigns, lieutenants (junior grade), and the lieutenants (second and first lieutenants) and captains of the Marine Corps on sea duty or duty in the field comprise the squadrons and fleet aviation units or the watch officers of our rigid airships. Their flying is intensive, dangerous, and mandatory. They can not pick and choose the kind of flying they want to do, the types of planes to fly in, nor the days on which they will fly. Their flying is dictated by rigid schedules of operation, which include gunnery, bombing, air tactics, scouting, patrol, observation, and all those functions included in war games. It involves flying off and on carriers, being catapulted from ships, landing and taking off from the open sea. Their operations are carried on far from land and even far from surface ships. For some of the marines it involves participation in actual guerrilla warfare, with casualties resulting from enemy gunfire.

These same officers—ensigns, lieutenants (junior grade), and lieutenants—when they go to shore duty become the flight instructors at the various training centers. They train students in flying day after day the year round, or they are assigned as test pilots at the various test stations, or as test pilots to fly planes newly overhauled, erected, or repaired. Their intensive and hazardous flying continues whether the officers are ashore or afloat. An increase in these officers' pay of 50 per cent is but just and proper to induce them to become naval aviators and to enable them to cover up with life insurance and other protection to themselves and their families.

The lieutenant commanders—majors, Marine Corps—come next in rank. These are the squadron commanders and executive officers of the Navy squadrons at sea, the executive officers of our rigid airships, or the squadron commanders in the field. They have all the flying, the same kind of flying, that the more junior officers have, but added to all that is the responsibility for the safe conduct of the squadrons to their objectives, the proper performance of the mission at hand, and then the safe conduct of the squadrons back to their carriers, ships, or bases. They have administrative and executive responsibility in addition to all the hazards of daily flying on naval missions.

Ashore these officers are the chief instructors at training centers, or the heads of departments at naval air stations, where their duties require them to fly intensively to supervise the work of their subordinates. Some lieutenant commanders are assigned as inspectors of naval aircraft, others to administrative duties in the Navy Department, but they all must fly in the execution of their duties. This flying includes the hazardous checking, testing, and inspecting of new equipment in the air. During the fiscal years 1929, 1930, and 1931 the average flying time for lieutenant commanders flying in all capacities was 140 hours per year. This includes every lieutenant commander, no matter what billet he was filling. An increase of pay of 50 per cent for these lieutenant commanders is eminently justified by the flying duty to which they are assigned and assignable.

Mr. Chairman, at this time it appears proper to reiterate that flying involves military or naval missions that may be of short duration, but full of action. In dive bombing, for instance, the pilot of a fighting plane can take off, drop his bombs, and be back on the ground in 20 minutes. If he does this three times a day, his total time for the day is one hour, during which time he has exposed himself to collision with other planes, the stripping of the wings from his plane, and to fire and engine failure caused by high-diving speeds. In aerial combat, a squadron may take off from a carrier, meet the "enemy," engage in all the hazards of the ensuing mêlée, and be back on the carrier in an hour. So on throughout the various types of aerial duties. Each flight may be short or long, but each flight on naval and Marine Corps missions usually contains some danger occasioned by naval flying duty.

Above the lieutenant commanders (majors in the Marine Corps) come the commanders (lieutenant colonels)—men who have passed through the hard apprenticeship of the lower ranks and who have been properly rewarded by promotion. These officers are the executive officers of air stations, of aircraft carriers, or aircraft tenders, of rigid airships, and administrative officers ashore. It has long been the desire of the Navy to have commanders (lieutenant colonels) in command of the various wings of aircraft. Up to now this has been impossible because, as naval aviation expanded, the demand for commander aviators in administrative and executive billets has exceeded the supply. As soon as enough commanders are available, it is planned to assign them as wing commanders. Their present duties are executive and administrative because the lessons learned during the days of their apprenticeship make them eminently fitted for such duty. They are employed on aviation duty because of their knowledge of aviation matters. Their flying is necessarily somewhat reduced because they are employed in positions which require their aviation knowledge, acquired in intensive flying, to administer naval aviation, but they must maintain that knowledge by flying, or their efforts suffer accordingly. New planes, new methods, new tactics, new policies, require their constant attention; and unless these officers keep familiar with the new things by flying, their value to the Navy will fall off proportionately. However, the fact that the number of flying hours is lowered, in no way influences life-insurance companies toward reducing premiums, nor reduces the financial obligations that increased rank and responsibilities have brought on, nor detracts from the justice of increased pay for hazardous duty in maintaining their ability and increased responsibility. From these officers are selected the captains and admirals for high command in later years. Their aviation experience must be capitalized, and their recompense must be such as to induce them to stay in aviation, otherwise their experience is lost, and their value for future aviation assignments is reduced. The average flying time for each commander for the fiscal years 1929, 1930, and 1931 was only somewhat less than that for each lieutenant commander.

Mr. Chairman, the captains in the Navy (colonels of the Marine Corps) are the commanding officers of aircraft carriers and tenders, of naval air stations, the chiefs of staff of the flag officers, and the commanding officers of rigid airships. Through these officers are executed the plans and operation of all naval aviation. The success or failure of these officers in their duties means the success or failure of naval aviation. In 1931 there were only nine captains in the Navy on aviation duty. The billets for these officers are filled as necessary, and each billet is of vital importance. During the past three fiscal years the captains on aviation duty flew more than the commanders did.

The three admirals on aviation duties are the high commanders. Theirs is the responsibility for all naval aviation. Their ability, their experience, and their courage control the destinies of naval aviation, and the efficiency of naval aviation may well mean the safety of the Nation. Many times 50 per cent increase in pay is too little for these men.

Their foresight and their immediate efforts may in one short decision put their value to the Nation far above evaluation in dollars and cents. Their flying to accompany their fleets of airplanes, in rigid airships, in furthering the development of the Nation's defense is hazardous. They have taken on many and unescapble obligtions, and they should accordingly be able to carry these obligations in a fitting manner. Their responsibilities are too great to justify any reduction in their increased pay for hazardous duty. Their flying is hazardous, but more hazardous to health and well-being is the responsibility that they carry for the lives of their subordinates. It requires much more courage to order a hundred planes into the air on a dangerous mission than it takes to pilot one of the hundred planes. It takes high courage to order a rigid airship on a new and untried kind of flight or to order the launching of aircraft from a carrier at sea in the face of darkness, low visibility, and other hazardous conditions. This courage takes its toll in health and happiness and it should be adequately rewarded.

The morale and efficiency of naval aviation are vitally dependent upon the services of the senior officers, com-

manders, captains, and admirals, many of whom have been with the naval aviation since its inception and who have brought it to its present high state of efficiency. In recognition of this fact, the Morrow Board went so far as to recommend "the giving of temporary rank as captain, commander, or lieutenant commander to any officer of a junior grade when he is detailed to duty requiring specialization in aviation and for which the higher rank is proper." The senior officers should be given an inducement, aside from a natural love of this branch of the service, to remain with naval aviation. They should and do fly as much as their administrative and command functions permit. It is manifestly unfair to expect them to continue in a duty which they know is dangerous for a decreased sum of money which would hardly cover the excessive life-insurance premiums they would have to pay. For example, a flat rate which would induce a junior officer to fly is not a large enough percentage increase of pay of the senior officer to cause him to overlook his responsibilities to himself and his family by risking his life at a time when he should be anticipating security for himself and his growing sons and daughters.

Mr. Chairman, a study has been made showing the savings that could be effected if certain flat rates of flight pay were substituted above certain ranks for the present 50 per cent increase. This study shows that if the average captain's flight pay ($3,000) were the maximum paid, the saving would be exactly $1,000 per year; if the average commander's flight pay ($2,450) were the maximum paid, the saving would be $19,600 per year, or 1.11 per cent of the total flight pay of all Navy and Marine Corps officers; if the average lieutenant commander's (major's) flight pay ($1,958) were the maximum, the saving would be $29,248 per year; and if one went down the list as far as lieutenants and made the average lieutenant's flight pay ($1,422) the maximum paid, the total saving would be only slightly over $100,000 per year, or the cost of two flying boats.

It is understood that economy is the sole reason for the suggestion that flight pay be reduced. The above study of changes in the system of flight pay shows that inconsiderable savings will result. Certainly the saving would be insufficient to compensate for the blow to the morale and efficiency of the officers concerned. The principle of increased pay for extrahazardous duty has been well recognized. It should be pointed out that if the pay of the Navy is cut in the interests of economy, such cut will automatically carry with it a cut in the extra pay for flying, because the increase now is 50 per cent of the person's base pay. Thus a cut in flight pay now plus a future cut in the pay of the Navy would cause a double cut in the pay of naval aviators.

Mr. Chairman, it has long been recognized that extra reward should be given for extrahazardous duty or work. This is true in all walks of life and is by no means confined to the armed services. In the business world it is impossible to get workers in munition factories for the same wage as those who work in cotton factories, or sappers and miners at the pay of ditch diggers.

Flight pay, or the extra compensation paid to those engaged in the extrahazardous duty of flying, has been recognized by the Congress as being just and equitable practically since the inception of military and naval aviation. It is recognized and paid to flying personnel in the service of all countries in so far as known. In 1914 and again in 1922 the Navy Department declared itself to be in favor of flight pay. The Congress recognized the value and merits of flight pay and provided for its payment by the necessary legislation. In 1925 the Morrow Board carefully considered this question and recommended:

> Considering the extrahazardous nature of flying, we believe that the principle of extra pay for flying should be recognized as permanent in time of peace.

The report of the Interdepartmental Pay Board of July 19, 1929, contains the following:

> The foregoing principles are not intended to affect the right of officers regardless of rank to receive special compensation while performing duty involving extra hazard as determined by the Congress.

Thus we see that the principle of flight pay has for a long time had the approval and backing of the Navy Department, the Congress, and of special investigators.

It has been pointed out that the principal of extra compensation for extrahazardous duty is so well recognized as to be almost axiomatic, and that flight pay has been so recognized by both law and custom as to be its natural corollary. Statistics covering the five calendar years 1926–1930 show the average annual death rate of naval aviators killed in aviation accidents to be 21.34 per thousand. The average annual death rate of all officers, excluding aviators, from accidental causes, for the same period, was 0.71 per thousand. This means that the accidental death rate of the aviator engaged in the normal pursuit of his duties was thirty times that of his brother officer during the above 5-year period.

In addition to the much greater probability of early death, the aviator is faced with the danger of injury to a far greater extent than is his brother officer on other duties. The line existing between fatal accidents and injury accidents is so fine that it is difficult to define. Luck, skill, split-second decisions, and lightning-fast executions frequently change a potentially fatal accident to a minor one with no injury to personnel. To cite only one example of many which frequently occur: Two planes in company were caught in a fog. One pilot, attempting to turn back to the clear, hooked a wing on the ground and both pilot and passenger were killed. The other landed blind, and, fortunately, striking no major obstructions, both pilot and passenger were uninjured. Personnel and material factors, and other causes too numerous to enumerate, frequently cause loss of life in a comparatively minor accident. In many instances, people otherwise uninjured are drowned when unable to extricate themselves from a plane which has crashed in the water. These very apparent hazards are not considered in the above comparison of death rates, and yet they are ever present.

Safety in operations has steadily increased and is constantly pointed to with pride. Let us consider this. In 1926 there were flown 4,380 hours per fatality, and in 1930, 14,710 hours, an increase in safety of operations of 236 per cent. The death rate for 1926 was 21.70 per thousand, and for 1930 it was 18.45 per thousand. Although safety of operations increased 236 per cent, safety of personnel, with which we are vitally concerned, increased only 15 per cent. Also for the year 1930, when the great record of 14,710 hours per fatality was made, the ratio of the death rate of aviators to nonaviators was 102.5 to 1, an abnormally high figure, showing that the extra hazard was present to a greater degree than ever before, even in our "safest" year.

One of the reasons for the above paradox lies in the ever-increasing use of aviation, especially in the fleet at sea. Naval aviation, being an integral part of our combatant forces, participates in practically all fleet maneuvers, and maneuvers at sea with aircraft are steadily increasing. Only the advent of more reliable power plants, radios, and direction finders, flotation gear and rubber boats, and other developments and improvements in recent years and the increased skill and greater experience of our aviators have prevented the death rate from being higher than it actually is. That the aviation hazard is considered real by senior naval officers in the fleet is shown by the following quotation from the report of the commander in chief of the United States Fleet in the 1931 maneuvers:

> I wish to call your attention to the fact that personnel of the air force in the air come nearer to operating under war conditions, so far as the hazard of their profession is concerned, than any other naval personnel.

Mr. Chairman, aside from death or injury in accidents, the aviator is constantly suffering deleterious effects caused by actual operations. The injurious effects are many, there being particular strain on the eyes, ears, and heart. The eye-muscle balance is subject to derangement because of the rapid change of focus required in constant shift from instrument board to far horizons. Exophoria and other eye

troubles develop as a result of the goggles and the wind-blast.

Rapid changes of pressure and of temperature encountered in a dive of 10,000 feet or more aggravate infections of the sinus passages, the nose, and the throat, and at the same time are particularly injurious to the ears. There is almost invariably loss of acuity in hearing as a result of these factors, coupled with the constant noise of the engine. The pull-outs from dives and the rapid changes of direction and velocity in aerial combat produce a tremendous strain on the contents of the chest and abdomen, and may cause injury of such nature as to result in complete disability.

Since the human body is not adjusted to withstand the demands placed upon it by high altitude, there is, naturally, an unusual strain upon the heart and whole circulatory system when the pilot reaches excessive heights. The air is a new element for man; his body suffers in an attempt to conquer it. Until such time as evolution can so change his body to meet the new requirements, deleterious effects must continue to exist.

Mr. Chairman, all life-insurance companies consider that flying is an extrahazardous occupation. Some companies will insure aviators in the Army and Navy, but they require extra premiums of from $12 to $50 per year per thousand. Even the Army and Navy mutual aid associations exact extra rates. Some of the large companies, for example, Penn Mutual, Ætna, Union Central, and others, refuse to insure aviators.

The following table gives an example of the increased cost of insurance for aviators. The figures on costs shown in the first column were obtained from a well-known commercial company:

Insurance costs per year for $10,000 policy for man aged 25 years

	Non-flyer	Naval aviator					
		$12 loading	Per cent increase	$25 loading	Per cent increase	$50 loading [1]	Per cent increase
Straight life	$147.20	$267.20	81	$397.20	177	$647.20	439
20-pay life	221.90	341.90	54	471.90	113	721.90	225
20-year endowment	403.10	523.10	29	653.10	62	903.10	124

[1] Loadings are the extra premiums required of aviators by all companies that will insure aviators. They range from $12 to $50 per year per thousand. The amount of insurance obtainable from one company is generally limited for officers required by orders to make frequent flights.

Mr. Chairman, it has been shown that extra compensation for hazardous duty is sound, that flight pay has always been considered reasonable and just, and that extra hazard does exist in connection with flying. Several methods for giving just, extra compensation have been proposed, the most prominent being:

(a) Percentage of normal pay (present method).

(b) Flat rate.

(c) Free insurance to those engaged in flying duty.

This is the present method and was adopted by Congress after due consideration. It is believed to be the best one for the following reasons:

(1) It has the approval and backing of the personnel involved and actually incurring the extra hazard.

(2) It is the most fair and just to the individual involved.

(3) It has the approval and backing of custom and Congress.

(4) It is not unduly expensive, as compared with other proposed methods.

In this connection attention is invited to the fact that as originally planned flight pay consisted of 50 per cent of pay and allowances. This has been reduced to 50 per cent of the base pay.

Mr. Chairman, regarding the flat rate, the contention is made that the risk for all flyers being equal the compensation should be equal. To this I can not subscribe. The senior officer is considered to be more valuable than his junior brother, as recognized by the fact that he has more experience, occupies more responsible positions, and is given a larger salary. Also he has greater responsibilities, especially as regards dependents, and the risk he runs as to his health is greater with age.

One fact that should be remembered is that officers rotate in their duties. A man occupying an administrative position on one tour of duty is, on his next tour, almost invariably ordered to duty in the fleet, where the hazards are multiplied. Even while on his administrative status he is often called upon to perform flights of extremely hazardous nature, so that it may be safely said that all naval aviators are, in the long run, subjected to approximately the same hazards.

A sum of X dollars may be sufficient to induce a young officer to risk his life in flying, because such sum is fairly large in proportion to the normal salary of an officer of his grade. With a senior officer this does not hold. His normal salary is increased over that of his junior by reason of his increased worth to the Government, his responsibilities, the demands made upon him by his increased rank as a representative of the Government, his dependents, increased insurance, and so forth. For these reasons his flight pay should be correspondingly increased. The officer of increased rank, such as the commander of a squadron, vessel, or air station, is responsible not only for his own life in the air but he must also assume the responsibility for the lives of his subordinates. It is as logical to contend that the six months' gratuity pay given to an officer's dependents in the case of his death should be the same for an ensign as for a rear admiral as to contend that all ranks should receive the same flight pay.

It has been proposed to substitute a flat rate of a certain amount for all persons engaged in duty involving flying, regardless of rank; in other words, to substitute a flat rate for the present system. Aviation had no representative on the Interdepartmental Pay Board, but in hearings before the board aviation personnel opposed any change in the present system of flight pay. The Interdepartmental Pay Board did recommend, however, a flat rate of $125 a month for all officers engaged in flying as a substitute for the present system of flight pay. The board made this recommendation on the assumption that its proposed increase of base pay and allowances would be adopted, and the change to a flat rate of $125 a month was coupled with this proposal.

At this point I desire to point out that the pay for aviators is in almost every case less than the pay recommended by the Interdepartmental Pay Board for nonflying officers in corresponding ranks.

I further desire to point out that if the flat rate of $125 a month were substituted for the present system of flight pay for officers alone it would cause an increase in the total appropriation for flight pay of $193,198. For officers and enlisted men there would be caused an increase in total appropriations of $1,660,519.

If the flat rate for officers only were reduced to $100 per month—$1,200 per year—the reduction or saving to the Government would be only $114,302. If it were further reduced—for officers only—to $83.33 per month—$1,000 a year—the reduction or saving would be only $319,302. If the flat rates were also applied to enlisted men, there would be a total increase—at the rate of $100 per month—of $857,119. Under the rate of $83.33 per month the total increase would be $321,519.

Mr. Chairman, the proponents of the flat-rate system argue, however, that the risk is equal and the pay should therefore be equal. If such a principle is accepted, the flight pay of an enlisted man under flight orders should be the same as for an officer engaged in duty involving flying. Consistency demands this.

I believe that a wrong impression exists as to distribution of flight pay in the various grades. An analysis of flight pay for the fiscal year 1931 shows that less than 1 per cent of flight pay is received by flag officers; 2.42 per cent by captains; 5.71 per cent by commanders; 16.43 per cent by lieutenant commanders; 36.41 per cent by lieutenants; 35.55 per cent by lieutenants, junior grade, and ensigns; and 2.59

per cent by warrant officers; 72 per cent of total flight pay goes to lieutenants, junior grade, ensigns, and lieutenants. Only 5.3 per cent—$66,400—of the total amount of flight pay went to officers on flight duty who are over 45 years of age. During the current fiscal year there are only two rear admirals on flying duty, so that their total pay is 0.6 per cent of the total officers' flight pay. Seven rear admirals who were formerly in aviation and received flight pay have returned to regular Navy duties.

Mr. Chairman, there is a general impression or belief that there will be a steady and great increase in aviators in the upper grades, resulting in a great increase of flight pay. Such is not the case, as will be seen from the following table:

Naval aviators and observers (U. S. Navy) by ranks, for fiscal years 1931, 1932, and 1933; estimated number that will be assigned on September 30 of each fiscal year

Rank	1931	Per cent of total	1932	Per cent of total	1933 (estimated)	Per cent of total
Rear admiral	3	0.45	2	0.26	3	0.36
Captain	9	1.36	10	1.30	13	1.51
Commander	21	3.17	29	3.77	29	3.44
Lieutenant commander	77	11.61	77	10.01	79	9.36
Lieutenant	258	38.91	266	34.58	268	31.75
Lieutenant (junior grade)	250	37.71	306	39.79	340	40.28
Ensign	22	3.32	57	7.40	95	11.26
Warrant officer	21	3.17	22	2.86	17	2.01
Total	663		769		844	

It will be noted from the above table that the number of naval aviators in the senior grades (rear admiral, captain, commander) will increase slightly during the next few years to meet the actual needs of the service; a total of only 14 in the upper grades in 1933–34 as compared with 1931, whereas there is an increase of 173 in lieutenants, lieutenants (junior grade), and ensigns.

Owing to the newness of aviation there has always been a shortage of senior officer aviators, so that officers of junior rank have necessarily been assigned to positions commensurate with senior rank. However, the number in the three senior grades will stabilize in the near future, and the number in the senior grades will remain the same. Officers in these three grades will then be returned to regular line duties. Seven rear admirals who have served in aviation have been so returned already.

The increase in flight pay required for increases in the senior grades in the fiscal years 1931–1933 will amount altogether to $34,600. It will be noted from the above tables that the percentage of increases in the upper grades is practically the same, being increased in some cases and decreased in others.

Mr. Chairman, I can not too forcibly express my conviction that the substitution of insurance for flight pay would be ruinous to naval aviation. In the first place, insurance is the personal and private concern of the individual. The amount of life insurance that an individual should properly carry depends upon the number of actual dependents that he may have and the financial resources of himself and his dependents, and his financial needs. Therefore, it would not be justifiable to give to all aviators insurance for a fixed amount irrespective of the status of the individual as regards dependents, his personal resources, and obligations.

The principle of extra compensation for extrahazardous duty has been accepted as sound. In the case of individuals with no dependents, wherein would be the compensation received by insurance which they neither want nor need?

One important feature of this phase of the subject is the direct financial loss that would result from this substitution in the case of many officers. The majority of officers having dependents have used their flight pay to carry expensive insurance policies which they could not have afforded on normal salary, and they increase their insurance with increase in dependents. Since some of these policies now in effect are endowment policies, partly paid up, the revocation of flight pay would necessarily require the forfeiture of the policy, with a direct, unfair monetary loss to the officers concerned.

I have no hesitancy in saying that the extra compensation for the hazards of flying has been well deserved and has had much to do with the success we have gained in naval aviation. The equalization of material naval strength by treaty agreements means that superiority must be sought in personnel. I believe that we now possess that superiority and that it would be grossly unwise to sacrifice or to do anything to lessen the high morale, and with it the efficiency of naval aviators, in an attempt to effect a comparatively small monetary saving.

By hard fighting and constant loyal effort, especially on the part of naval aviators, naval aviation has been kept as an integral part of the Navy. United States naval aviation undoubtedly leads in the navies of the world to-day. In this connection I invite attention to excerpts from two articles which show the regard in which others hold us. First, Admiral Lord Beatty in a letter to the London Times under date of April 30, 1930:

SIR: * * * The navy to-day is the most up to date and efficient navy in the world, except in one respect, and that is the air equipment. The air wing of the United States Navy, owing to the single control exercised over the United States Navy, is far ahead of our fleet air arm. They carry out exercises on a scale quite impossible in our fleet. Cooperation between their shipborne and shore-based aircraft has reached a high state of efficiency; with us it is nonexistent.

And second, an article appearing in La Revue Maritime, of November, 1930, which won the first prize in the Académie de Marine, France:

* * * The result of this organization is that naval aviation in the United States is much ahead of all others in the world; their Navy is distinguished by the prodigious development of its aviation, and particularly of its employment. It was the first to employ catapults, and it holds enviable rank among world's records.

Mr. Chairman, in recent years since the advent of flying we have built up in the Navy a great organization based on sound principles. The most important part of this organization is not the material but the personnel—naval aviation personnel.

United States naval aviation is on a sound foundation. Why do anything, especially anything of a doubtful nature, to shake this foundation, to upset and undo all we have so carefully and laboriously built up? Remove flight pay or drastically change it and you will ruin United States naval aviation morale as it exists to-day, and also Army aviation. I say this advisedly and from an intimate knowledge not only of naval aviation but also of the Navy as a whole.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 25, line 16, beginning with the word "that," strike out the remainder of the paragraph.

Mr. BRITTEN. Mr. Chairman, I desire to offer a substitute amendment, instead of striking out the language just referred to by the gentleman from New York, beginning on line 19, page 25, strike out the balance of the paragraph.

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Page 25, line 19, after the colon, strike out the remainder of the paragraph.

Mr. BRITTEN. Mr. Chairman, that will have the effect of preserving music for the Navy. The amendment offered by the gentleman from New York covers two provisos in the bill, and I am sure the Members of the House would much prefer to vote upon them separately. Particularly do I feel that Members of the House are interested in retaining music for the Navy. There is little enough in the Navy for the officers and men without taking from them this occasional music. [Applause.]

Mr. GOSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOSS. In view of the substitute amendment offered by the gentleman from Illinois, I would like to inquire if I will have an opportunity, after this vote is taken, to offer an amendment to strike out the proviso from line 15 to line 19?

The CHAIRMAN. That is the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I ask for recognition on my amendment.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Would not the object sought by the gentleman from Illinois [Mr. BRITTEN] be attained by asking for a division of the subject matter?

The CHAIRMAN. The Chair is of that opinion, but the gentleman has offered it as a substitute amendment.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered. That will leave the amendment offered by the gentleman from Illinois before the House. After that is disposed of, the gentleman from Connecticut may offer his amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York is withdrawn.

There was no objection.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois.

The Clerk again reported the amendment offered by Mr. BRITTEN.

Mr. LAGUARDIA. Mr. Chairman, I ask for recognition on the amendment offered by the gentleman from Illinois.

I hope the chairman of the committee will state to the House that, as far as economy for the next fiscal year is concerned, there will be none effected, because any musician now in the service may reenlist. Surely all of the enlistments are not expiring this year. What will be the result? The result will be that as a musician's enlistment expires and he does not wish to reenlist, or he dies, his place may not be filled, so that it is quite possible a battleship may have a band that is absolutely helpless and unable to perform. If the musicians who play solo parts should die or be transferred, a band may be left entirely dismembered.

Mr. Chairman, I wish to point out that music in the Navy is not a luxury. It is a necessity. If 1,200 men are placed on a battleship or a group of Americans are stationed in any of the distant posts and they are left there day after day without some music to break the monotony, the discipline and morale will go to pieces. Why is it that every division, every brigade, and every regiment demands a band in times of hostility?

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. VINSON of Georgia. The only amusement that the men on the battleship have is the moving pictures and the band, is it not?

Mr. LAGUARDIA. I am not talking about the amusement side of it. I insist that music, a band, is essential in any military or naval organization. It is almost impossible to go through the setting-up exercises unless there is music for the rhythm. The same is true as to drills. It is absolutely a part of the daily routine work. I say, Mr. Chairman, this subject can not be indifferently brushed aside. It is a most serious matter.

To take 355, or whatever number you want to reduce them, and drop them at once might support a plea of economy, but you can not make that plea when you have to wait until they die.

Mr. BRITTEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BRITTEN. Will the gentleman be good enough to ask the chairman of the subcommittee whether or not it is intended to take the bandsmen off of battleships? I might say that these 355 men referred to were to be bandsmen in navy yards, and would include the destruction of the Navy Band, but would not apply to bands on battleships.

Mr. AYRES. That is my understanding of the matter.

Mr. VINSON of Georgia. It means that if the enlistment of a bandmaster expires he is out of the service; he can not reenlist.

Mr. LAGUARDIA. No, no; it does not apply to reenlistments. That is why this amendment is worth nothing. A musician in the service may reenlist. The provision of the bill is:

> The total number of enlisted men of the rating of musicians, first class, and musicians, second class, shall be reduced by 355 by discontinuing new enlistments and reenlistments not continuous.

That means, of course, that every man now in the service can and will reenlist.

Mr. AYRES. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. AYRES. I should like to say that this matter did not originate with the committee. The Secretary of the Navy in a letter dated March 19, 1932, addressed to the chairman of the Committee on Economy, at that time the gentleman from Tennessee, Mr. BYRNS, indicated that the Marine Band would serve all needs of the Navy in Washington and that "military features" would not be affected if bands at navy yards, except Cavite, P. I., were discontinued. The Secretary specifically excepted bands at training stations and at the Naval Academy. The adoption of this course ultimately would dispense with about 355 bandsmen.

Mr. LAGUARDIA. The Secretary of the Navy is the last man in the United States who should take such a stand. Last fall when I objected to the Navy Band playing an admission concert in New York the answer was that the Secretary of the Navy put on his yachting cap and went to see a lawn-tennis game in New York and insisted on having the band with him. If the Secretary of the Navy recommends abolishing music in the Navy, he does not know what he is talking about.

[Here the gavel fell.]

Mr. LAGUARDIA. Mr. Chairman, I ask for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. I believe that music in the Navy is absolutely necessary, not as a luxury, not as an amusement, but for the proper morale and discipline of the personnel.

Let me repeat for the third or fourth time that there is no economy effected by this provision. You can not prevent a reenlistment of continuous service, but you have to wait for these men to die.

So, let us not cripple the music of the Navy. I appeal to my colleagues to vote down this provision of the bill.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. This same Secretary of the Navy took the position in the name of economy that the Navy Band could not play at the United States Spanish War Veterans' reunion in Milwaukee, but at the same time they are making arrangements to have the United States Marine Band go to Canada and play God Save the King.

Mr. LAGUARDIA. If anyone is to blame for the band not going to Milwaukee, it would be the Secretary of the Navy. I am not to blame for that. I am for the Navy Band playing for the Navy and not competing with unemployed musicians. I have a right to defend the Navy Band. I believe in the band for strictly naval purposes and am against this band going on a concert tour booked by a cheap private booking agent making money out of it. That is why I am sure the House will listen to my appeal to continue music in the Navy.

Mr. BRITTEN. Mr. Chairman, I rise in support of my amendment.

I wish to take but a few minutes of the time of the committee to show the peculiar position into which these bands will ultimately be placed if the proviso in the bill is adopted. It provides that the bandsmen go out of service as they retire, not necessarily at the end of their 4-year enlistment, but as they retire, and their places shall not be filled.

It happens that this year one of our best players in the Navy Band will retire. He is an outstanding solo player. That place can not be filled and the loss of that instrument may destroy the value of the band.

If we are going to have music, if we are going to have a Navy Band, let us have a Navy Band that is second to none; let us have a real band. If we are going to lose the first cornetist and perhaps the slide trombonist and maybe a click-clack drummer and be unable to put others in their places, the result will be that we will have no band worth while and we might just as well discontinue it and refuse to appropriate for it completely. But in the name of Heaven, if this wonderful aggregation of players that we call the Navy Band is worth while, let us not destroy it by indirection. That is what this legislation contemplates.

Let the Navy have music. Let the people in Washington have music. Let the people all over the United States hear the Navy Band, as they do once or twice a week over the radio. No charge is made for that music. It is worth millions to the psychology of the people of the country. Who could fail to be happy when he hears some of Benter's fine music over the radio? I think it is better music than that of the Marine Band; it is more mirthful. If we are going to discontinue one of these bands, let us do away with the Marine Band. Let us put one of these bands out of business completely, but do not let either of them continue to be deprived of three or four important instruments. That is what the proviso does. I hope you gentlemen will vote with us to retain the Navy bands and retain music in the Navy. The gradual saving to be made is too costly. It is false economy.

Mr. Chairman, economy in Federal expenditure, as everyone knows, is to-day not a theory but a condition demanded at almost any sacrifice. There is one point at which the country has a right to expect the sacrifice will not be made. That is the point at which the interests of national defense can be imperiled.

Yesterday the House Appropriations Committee, continuing its sharp reductions of the President's Budget estimates, cut the amount recommended for naval requirements $31,921,657 below appropriations for the current year and $15,336,984 under President Hoover's Budget proposal. As left by the committee, the Navy for "direct" needs is assigned $326,340,466 for the fiscal year 1933.

The ordinary citizen—and as far as that is concerned, the average Member of Congress—has only limited knowledge of the actual necessities of the fleet. The country at large has confidence in the wisdom and patriotism of the men in charge of the Navy. It will be preponderantly inclined to believe that the House Appropriations Committee was ill-advised when it ignored the following message from Admiral Pratt, Chief of Naval Operations, which was submitted when Congress began consideration of the annual Navy budget:

> The Navy Department is constantly seeking means to reduce expenditures. One of the most obvious methods is to decommission ships. A careful survey is made annually and only such ships are kept in commission as are considered to be absolutely essential to provide security for the Nation and to perform the functions assigned to the naval service.
>
> Under stress of existing conditions we have cut our operating forces to the danger zone. We can not go any further without jeopardizing our national security.
>
> International conditions are such to-day as to render it unwise, in my opinion, to make further cuts in the operating forces of the Navy.

Mr. Chairman, little needs to be added to that sailor-like and statesmanlike declaration. Surely in a Budget aggregating four and a half billion dollars and in a proposed "omnibus" slash of five hundred million and odd it should not be beyond the wit of Congress to cheesepare in directions which will leave the Nation's first concern, its security, unquestionably unimpaired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BRITTEN].

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 67, noes 35.

So the amendment was agreed to.

Mr. GOSS. Mr. Chairman, I offer an amendment. I move to strike out the proviso beginning in line 15, down to and including the colon in line 19, on page 25.

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

The Clerk read as follows:

> Amendment offered by Mr. Goss: Page 25, line 15, strike out the proviso beginning in line 15, down to and including the colon on line 19.

Mr. GOSS. Mr. Chairman, I have searched the hearings in connection with this particular proviso and can not find where any information is contained therein. I asked the chairman of the subcommittee how much would be saved through the adoption of this proviso and he told me $30,000.

I want to read from page 18 of the report.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. GOSS. Yes.

Mr. OLIVER of Alabama. It will save about $275,000.

Mr. GOSS. I wish to have the record correct. How will it save that?

Mr. OLIVER of Alabama. Because this repeals a continuing law. It will save about $30,000 for the next fiscal year.

Mr. GOSS. I read the following from page 18 of the report:

> Besides the other limitations and provisions of a legislative character previously referred to herein, there has been included on page 25 of the bill a prohibition against assigning additional men to the Fleet Naval Reserve. A similar provision has been included under the Marine Corps section of the bill applicable to the Fleet Marine Corps Reserve. Assigned men are former enlisted men who, for a consideration of $25 per annum, obligate themselves to serve in the Navy or Marine Corps in the event of war occurring within four years from the date of expiration of their enlistments. In the committee's judgment, this is a needless expense.

I call upon the members of the committee who are interested in national defense as referred to by the Navy and the Marine Corps to vote to strike out this proviso.

I want to say we have an Officers' Reserve upon whom we can call in time of war, but that will not be true as far as enlisted men are concerned if this proviso should remain in the bill. These men agree, upon being paid $25 a year, to go to war upon call, and they are men who have been thoroughly trained in the Navy and the Marine Corps.

It seems to me this is silly economy and economy that is aimed at national defense.

I hope the committee in its wisdom will vote to strike out this part of the paragraph. [Applause.]

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

The question was taken; and on a division (demanded by Mr. Goss) there were—ayes 49, noes 52.

Mr. GOSS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

> In all, for pay, subsistence, and transportation of naval personnel, $149,045,405, of which sum $1,000,000 shall be immediately available, and the money herein specifically appropriated or transferred from the clothing and small stores' fund to this appropriation as herein authorized for "Pay, subsistence, and transportation of naval personnel" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers not specifically appropriated for in this act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1932, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of three midshipmen from Porto Rico appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large from the enlisted personnel of the naval service or from the Naval Reserve: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy for admission to the Naval Academy in the class entering in the calen-

dar year 1933 who has not served aboard a vessel of the Navy in full commission for at least nine months prior to such admission: *Provided further*, That hereafter no person holding a civil office or position, appointive or elective, under the Federal Government or the municipal government of the District of Columbia or under any corporation a majority of the capital stock of which is owned by the Government of the United States shall be entitled, during the period of such incumbency, to retired pay from the United States for or on account of services as a commissioned officer in the Navy or Marine Corps at a rate in excess of an amount which, when combined with the annual rate of compensation from any such civil office or position, makes the total rate from both sources more than $3,000; and when the retired pay amounts to or exceeds the rate of $3,000 per annum such person shall be entitled to the pay of the civil office or position or the retired pay, whichever he may elect: *Provided*, That the term "retired pay" shall be construed to include credits for all military or naval service as lawfully may enter into the computation thereof.

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

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOYLAN: Page 29, line 16, after the word "holding," strike out "a" and insert the words "an appointive."

In line 17, after the word "position," strike out the words "appointive or elective."

Mr. BOYLAN. Mr. Chairman, I desire to call the attention of the committee to this amendment. Under the language of the provision a distinguished Member of this House, the Delegate from Hawaii, would be precluded from receiving his retirement pay. There should be no objection to this provision applying to an appointive office, because in that case a man is appointed by some authority, but it should not apply to an elective office, because in the case of an elective office a man receives his mandate from the people. If we were to adopt this provision in the bill, we would prevent the Delegate from Hawaii from receiving his retired pay.

The pay he receives as a retired officer of the Navy is the pay due him for past services and for faithful service rendered to this Government as an official in the Navy. I can not understand why a provision of this kind should be inserted in this appropriation bill. There should be no objection, as I have stated, to an appointive officer but not to an elective officer, because an elective officer is a man who has been elected by the people, with full knowledge of his record, of his career, and the service he has rendered, and for which the retired pay is a just, fair, and equitable compensation.

Mr. BRITTEN. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BRITTEN. Is it not likely to be the fact that a man may be elected to office because of the service he has rendered to his country?

Mr. BOYLAN. Absolutely.

Mr. BRITTEN. And in the course of time such a man may be entitled to retired pay. Surely no one in this House would desire to take that away from him simply because he has been elected to office or because he has had additional glory forced upon him by his constituents. I agree with the gentleman.

Mr. BOYLAN. I think not, because they are just rewards for faithful service rendered to the Republic. Retired pay is not something discretionary or optional. It is something that is conferred upon a man because of service fairly and faithfully rendered. The mere fact that he is elected by the people should not militate against his standing as a retired officer.

Mr. SWING. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. SWING. I do not altogether agree with the gentleman in his use of the word "reward." I like the idea that a man has earned it. It is like a man who has paid premiums to an insurance company over a period of time and finally becomes entitled to be paid a certain amount because of the premiums he has paid. His constituency knows he receives retired pay; and if because of their respect for him they desire in addition to give him an elective office, that ought to be their privilege.

Mr. BOYLAN. I think the gentleman's point is well taken, and I agree with him.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. I do not get the distinction between the two. Is the gentleman in favor of the provision limiting the pay to appointive or civil-service personnel?

Mr. BOYLAN. No; I am striking out "elective" and leaving the word "appointive" in the bill. I say it should not apply to an elective office.

Mr. LAGUARDIA. It seems to me if it applies to one it should apply to the other.

Mr. BOYLAN. The question has been raised as to a point of order, and it was stated that it would not apply.

Mr. AYRES. Will the gentleman yield?

Mr. BOYLAN. I will be pleased to yield.

Mr. AYRES. Does the gentleman see any more justice in submitting an appointive officer to this limitation that he speaks of than an elective office?

Mr. BOYLAN. Certainly. There is all the difference in the world. Anybody can appoint a man, but everybody can not be elected by the people as their representative.

Mr. AYRES. I will put the question in another way. Does the gentleman know any more reason why a man holding an elective office should draw two salaries than a man holding an appointive office?

Mr. BOYLAN. It is not a question of salary. As the gentleman from California has stated, it is a question of something he has earned. It is not making a present or gift to him; it is something he has earned by reason of his service.

Mr. AYRES. Does not that apply also to one who is holding an appointive office?

Mr. BOYLAN. That is not in the same category. The gentleman well knows that.

[Here the gavel fell.]

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

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

There was no objection.

Mr. O'CONNOR. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. O'CONNOR. Is not the fundamental difference just this? When you say to a person who is running for an elective office, "You are not eligible for that office," or "If you get the office you must surrender something," in effect that violates our theory of government. Very often a person who holds an appointive office has sought the position and he may be going into the same department. There is great danger in the Government appointing retired officers to positions in the same department, but when a person goes before the people and is elected to a certain position, to put a string on him and say that he must surrender something that he already has violates the real principles of our form of government; and as the gentleman well knows, if this provision goes through, a similar provision will be put on the Army bill and will take away the well-earned rewards of some of the most honorable and distinguished Members of this House.

Mr. BOYLAN. The gentleman has well stated the matter.

Mr. FISH. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. FISH. If the provision goes in the Navy bill, why should it not go in the Army bill?

Mr. O'CONNOR. It should.

Mr. BOYLAN. The gentleman's point is well taken.

Mr. FISH. I would also like to ask the gentleman why the amount is placed at $3,000. Is not that rather high?

Mr. BOYLAN. I do not know. I am not in favor of this at all. I am trying to change it. I did not put the language in here, and I want it changed to strike out "elective" and have it apply only to appointive positions.

Mr. FISH. The gentleman is on the Committee on Appropriations.

Mr. BOYLAN. But not on this particular subcommittee. The gentleman has asked a question that perhaps could be

answered by the chairman of the subcommittee. I can not answer the gentleman's question.

Mr. FISH. I will ask the chairman later on.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BOYLAN. Yes; with pleasure.

Mr. OLIVER of Alabama. With reference to an elective office, I doubt whether the electors ever take into consideration the amount of pay when favoring one for an elective office. Why should one elected to an office not be put in the same position with respect to an act passed by Congress as one holding an appointive office in so far as drawing compensation from the Government on two separate pay rolls?

Mr. BOYLAN. The distinguished gentleman knows that the people, in considering the qualifications of a candidate in an election, know all about his past performances, his record is before them, and if they did not desire to elect him, knowing him to be a retired naval or military officer, they would not elect him. The people pass on that, and surely the gentleman, believing as he does in our theory of government, is willing to abide by the result of an election, which we all must do.

I do not think it is fair to militate in this way against a Member of this body if he has been elected to represent his people. If they know he is a retired officer of the Navy, why should we put a limitation upon the amount of salary he should receive, inasmuch as the retired pay, as has been brought out by the gentleman from California [Mr. SWING] is not a reward, but something that he has earned on account of the service he has rendered the Government.

I do not think it lies within the province of the Congress to attempt to put a limitation of this kind in an appropriation bill. [Applause.]

Mr. COLLINS. Mr. Chairman, we have in the Government service some Army officers and naval officers who are performing services that involve expenditures of millions of dollars and who are in charge of the management of plants and activities involving many more millions of dollars. These officers receive the regular salary stipulated for the grade or rank of the officer holding the position, and they receive only their salaries, without any additional pay from any other source.

Other officers hold positions civilian in their nature, like the Governor of the Panama Canal, whose salary, I believe, is $10,000 a year. The Panama Canal pays that part of his $10,000 salary over and above the officer's regular salary. Another is the engineer commissioner for the District of Columbia, who is paid his salary plus the amount required to make his salary the same as that of the other two commissioners. There are other Army and Navy officers holding civilian positions in the Government whose salaries are regulated in the same way.

Mr. BOYLAN. But they are not elective officers.

Mr. COLLINS. I do not yield to the gentleman from New York. The rule of fairness does not vary, whether the position held is an elective or appointive one. The grade of the work done or the responsibility of the position should regulate the amount of the salary an officer should receive. That is the rule prevailing in civil as well as official life. Congress should not try to protect some one merely because he may happen to belong to this body.

A man is retired usually because of his age or because of physical and mental disabilities. This is true in the Army or the Navy. It is believed that when a man reaches a certain age his efficiency is impaired or that he has reached an age beyond which he can not render effective service, therefore he is retired. If an individual who has been retired goes into an office, either appointive or elective, he ought to receive the salary which the office pays and no more. I doubt seriously, with unemployment rampant, as it is, if men in a retired status, drawing large retirement pay, should be appointed to positions that others can perform equally well or perhaps better.

Something has been said about certain individuals in this House who have a retired status in the Army or Navy; that this provision of the bill will take from them the amount they receive over and above the salary of $10,000 paid to Members of Congress. That argument weighs lightly with me. I believe every man in this House ought to receive identically the same salary. I do not believe that certain ones ought to be selected and paid a sum larger than the rest of us merely because they held another Government job before they came here.

I believe when a man runs for public office or is appointed to public office he ought to take the salary that the office pays and no more. If he is elected, his responsibilities are not necessarily greater than another who was appointed to an office. A great many people believe in appointing officers rather than in electing them. The duties and responsibilities of the position is all that should be considered in fixing the size of the wage.

The public does not know whether an individual receives retirement pay from the Government when he is elected. They are not presumed to know it. He is elected because he is nominated by a political party usually. When he comes to the floor of this House or the floor of the Senate or elsewhere, he should be on an equality with every other person holding a similar position and all should receive the same salary, and no one should be placed in a preferred pay status and be permitted to draw a larger salary than the others. [Applause.]

Mr. BLANTON. Mr. Chairman, every dollar of retired pay is presumed to be compensation to a man for some kind of disability. He is presumed to be either disabled or to have reached the end of his full usefulness. He is presumed not to be able to render a full amount of service, and he is paid for it.

Why, we all know of the past years when our friend Admiral Benson drew an admiral's retired pay, and at the same time drew a tremendous salary besides from a corporation. We objected to it then but found we could not stop it. We all know that Gen. James G. Harbord draws the retired pay of a general, and at the same time for years he has drawn a tremendous salary, which they say is $50,000, from the Radio Corporation of America, and has for years. If he can render $50,000 worth of services to a corporation, why could not he have continued in the regular service of the United States Army?

Gen. Charles McK. Saltzman, chairman of the Federal Radio Commission, as a retired general, is drawing $6,000 retired pay and also a $10,000 salary additional as chairman of the Radio Commission. Gen. Pelham D. Glassford draws $4,312.44 retirement pay and also an $8,000 salary additional as superintendent of police of Washington, and he is able to drive his own motorcycle all over Washington, and is fit both physically and mentally. Why should he be doing it? And I want you to remember that each one of these retired Army and Navy officers, in addition to their retired pay, and their additional salaries, have furnished to them free an automobile and a chauffeur to drive it, and they get free from the Government for themselves and their families doctors, dentists, surgeons, nurses, hospitals, medicines, and every attention when they are sick. And also remember that they have the privilege as long as they live of buying all of their family and household supplies, including coal, from the Government stores at actual Government cost, and they use Government trucks to do their hauling.

Here is Gen. Mason M. Patrick drawing a general's retired pay of $6,000, and also $7,500 salary additional as head of the Utilities Commission in the city of Washington. Then, there is Gen. Herbert B. Crosby drawing $6,000 retired pay and at the same time drawing a $9,000 salary additional as Commissioner of the District of Columbia. Here is Gen. John C. Gotwals drawing a $9,000 salary as Engineer Commissioner, and has not rendered any service whatever therefor in months.

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

Mr. BLANTON. Yes.

Mr. LAGUARDIA. I think the gentleman is slightly in error as to the retired pay of the Army and Navy. That is not exactly based on disability. It is based on length of service.

Mr. BLANTON. My friend is in error. I am not mistaken. I know what I am talking about. All of the facts and figures I have mentioned are true and correct. I am in favor of not retiring a single officer until he reaches a certain age, say 64, or else is retired for disability, because it costs $13,000 first to educate them at West Point or Annapolis and then it costs about $25,000 more to specialize their education for the next 25 years.

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

Mr. BLANTON. Not at this moment. One of our friends and colleagues here in the House, who draws retired pay, authorizes me to state for him that he is not in favor of officials drawing double and that he is perfectly willing to go along with us and help to correct this situation, which is justly causing dissatisfaction everywhere all over the United States.

I do not believe that any Member of this Congress can go home and get the people of his district to indorse the policy of allowing public officials to draw more than one salary at a time. It is not just. It is not right. We have 8,000,000 men, heads of families, now walking the streets to-day without jobs, hungry, if you please, with big officials here drawing $6,000 retired pay and then in addition drawing a Government salary of $7,500 to $10,000 per annum, and you are going to have a bill brought in here next week to reduce all Federal salaries above $2,000, and all of you are going to vote for it.

There are a few of you possibly who will dare vote against it, but most of you will support the reductions. You can not afford to vote against it. You are going to pass the bill by an overwhelming vote and reduce all salaries in this country above $2,000, and the President will not dare not to take his medicine along with the balance of us, nor will the Justices of the Supreme Court dare not to make the same sacrifice with all the rest of us. Anyway, we will try them out.

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

Mr. BLANTON. Yes.

Mr. BRITTEN. I want the gentleman to understand he is not speaking for me when he is talking about reducing the salaries of poor postmen who are already underpaid.

Mr. BLANTON. I did not mention poor postmen. I am talking about reducing the big bugs, not the little ones. I do not want to reduce any salaries under $2,000, but I want to get at the big fellows at the top who are drawing two and three salaries.

We must reduce the expenses of this Government. I have been fighting here, earnestly and uncompromisingly, for 15 years to stop the waste, extravagance, and graft in Government bureaus and departments. I have been fighting to abolish useless bureaus. I have been fighting to consolidate departments, bureaus, and commissions, and to eliminate wasteful overhead now existing everywhere.

But every time the crisis is reached, and the crucial test comes, when we are to deny appropriations that the bureaus could get along without, there will be found here and there some friends of the surplus employees who ought to be taken off of the pay roll, who will get on the floor and make a strenuous fight to continue the appropriations, and they are usually continued. And real economies are not effected. And the spending goes on, and the deficits grow larger and larger.

We must not permit this amendment to pass. We must not allow these double salaries to continue. The provision that will stop double salaries was written into this bill by the Committee on Appropriations, composed of 35 earnest Members of this House. Let us vote down the amendment to strike it out.

Mr. AYRES. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto do now close.

The motion was agreed to.

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

The question was taken; and on a division (demanded by Mr. BOYLAN) there were—ayes 30, noes, 69.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY

MEDICAL DEPARTMENT

For surgeon's necessaries for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material; and all other necessary contingent expenses; in all, $1,840,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to Group IV (*b*) and those performing similar services carried under native and alien schedules in the schedule of wages for civil employees in the field service of the Navy Department shall not exceed $200,000.

Mr. SCHAFER. Mr. Chairman, I move to strike out $200,000. I want to keep the record straight after the speech of the gentleman from Texas [Mr. BLANTON]. He apparently fails to realize that the retirement pay of regular Navy and Army officers is in fact considered as a part of their compensation when on active duty. When salaries were being raised in Federal and municipal governments and in private institutions the salaries of this personnel were not increased. While in the active service Army and Navy officers have to move all over the world, with their furniture and baggage and families, and in many cases have to send the children to private schools because public schools are not available. I do not believe that the gentleman from Texas would desire to support himself and family on some of the salaries of the Army and Navy officers, even if he did not have some of the unusual expenses by reason of changing the station of his place of employment.

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

The pro forma amendment was withdrawn.

The Clerk read as follows:

Naval lighter-than-air base, Sunnyvale, Calif.: To continue construction and improvements as authorized by the act entitled "An act authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base, near Sunnyvale, Calif., in the county of Santa Clara, State of California, and construct necessary improvements thereon," approved February 12, 1931, in addition to the contract authorization contained in the second deficiency act, fiscal year 1931, approved March 4, 1931, $1,000,000: *Provided*, That no part of this appropriation shall be expended for the construction of quarters for commissioned officers to cost in excess of the respective limits fixed by law for quarters for commissioned officers of corresponding rank in the Army.

Mr. DARROW. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. DARROW: On page 39, after line 4, insert a separate paragraph, as follows:

"Naval Hospital, Philadelphia, Pa.: To continue construction of the public works authorized by the act entitled 'An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Philadelphia, Pa., and for other purposes,' approved February 12, 1932 (46 Stat. 1091), subject to the limit of cost fixed by such act, the Secretary of the Navy is au-

thorized to expend $1,000,000 from the naval-hospital fund for the buildings, equipment, accessories, and appurtenances authorized by such act, in addition to the expenditures authorized from such fund by such act."

Mr. OLIVER of Alabama. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DARROW. Mr. Chairman, does the gentleman intend to make his point of order?

Mr. OLIVER of Alabama. I think it would be well to have it passed on now if the gentleman prefers.

Mr. DARROW. I would like to have the point of order discussed.

Mr. OLIVER of Alabama. I will reserve it if the gentleman desires.

Mr. DARROW. It does seem to me that this point of order is not well taken.

Mr. OLIVER of Alabama. What authority in law is there for using the Navy hospital fund for the purpose of building this hospital in excess of the sum authorized by the legislative committee, of which the gentleman is a member?

Mr. DARROW. In the act authorizing this construction, which was approved in the last Congress on the 12th of February, 1931, there was an authorization, and also an authorization to take from this fund $300,000, $200,000 of which was for the purchase of a site and $100,000 for the preparation of the plans. The site has been purchased and the plans have been prepared, and it was not a limitation, nor did it in any way indicate that other amounts should not be taken from that item. It does not seem to me in this case, because the authorization has been made, that the point of order would lie against it under those circumstances.

Mr. OLIVER of Alabama. The Navy hospital fund is supported by a tax of 20 cents per month collected from the officers and men of the Navy and of the pensions of the inmates of the Naval Home at Philadelphia, Pa., together with the balance of fines and forfeitures imposed by naval courts-martial not needed for transportation, and so forth, of discharged prisoners to their homes.

This amendment would seem to be a diversion.

In the authorization for this hospital the legislative committee provided $300,000 of the fund to be used for this purpose. There seems to be no authorization for a larger sum to be used. It would appear that the authorization by the legislative committee was necessary, and they expressly fixed the amount at $300,000—fixing the definite purposes for which it should be used.

Mr. STAFFORD. Will the gentleman yield?

Mr. DARROW. I yield to the gentleman from Wisconsin to discuss the point of order.

Mr. STAFFORD. Mr. Chairman, at the request of the gentleman from Pennsylvania [Mr. DARROW] on yesterday I have given more than passing consideration to the question as to whether the amendment recommended by the Budgetary Office would be in order on the appropriation bill.

My argument will be somewhat elaborate. I wish to call attention first to the existing law, as far as the naval fund is concerned. The question here involved is whether the Treasury of the United States shall be called upon to pay $900,000 or whether the naval-hospital fun may be substituted to that extent for construction purposes.

All the laws relating to the naval-hospital fund are found collated in the hearings on the Navy appropriation bill of 1926 on pages 821 et seq.

By the bye, this 20 cents per head which the gentleman from Alabama referred to as being the contribution and basis for this naval-hospital fund was enacted at the very beginning of our Government in 1798 and has been the law ever since.

On page 822 of the hearings, where all the laws were collated at the request of the chairman of the committee, to have them embodied for all time, we find this statement:

The acts of February 26, 1811, and July 10, 1832, when later condensed, were reenacted into section 4810 of the Revised Statutes, which stood without change from 1874 until March 4, 1913, when it was reenacted by Congress without change in the original language, except by the addition of a proviso as shown.

I am now reading section 4810, with the added proviso, which was passed on March 4, 1913:

SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines.

That was the law up to 1913. The Secretary of the Navy had absolute authority to use any of the naval-hospital fund for the purchase of sites and the construction of buildings without limitation by Congress. The proviso which was adopted in that year is as follows:

Provided, That hereafter no site shall be procured or hospital building erected or extensions to existing hospitals made unless hereafter authorized by Congress.

Again I read:

Provided, That hereafter no site shall be procured or hospital building erected or extensions to existing hospitals made unless hereafter authorized by Congress.

Now, I contend that the Congress did last year provide this definitive proposal to erect a naval hospital at Philadelphia.

There is no denying the fact that if the gentleman from Pennsylvania would offer an amendment providing for this work and that $1,000,000 should be appropriated from the Treasury it would be in order on this appropriation bill. I bottom my whole argument upon the fact that that would be in order.

The question which is very likely troubling the Chair, and also the parliamentary adviser, is whether the fact that in the authorization bill the proviso said that of the above amounts, namely, the full amount of $3,000,000 for construction purposes, that of the above amounts $200,000 shall be used for the purchase of land and $100,000 for the buildings, equipments, accessories, and appurtenance, and so forth, $300,000 shall be expended from the naval-hospital fund. This amendment that the gentleman from Pennsylvania has offered seeks to appropriate the additional amount for construction up to $1,000,000 from the naval hospital fund.

Now, follow me closely. I said a moment ago that I bottom my argument on the fact that it would be in order for the gentleman to offer an amendment providing for an expenditure of $1,000,000 from the Treasury of the United States for the construction of this hospital. There can be no denying that, because it is authorized. Suppose the gentleman had offered that amendment and that amendment were pending before the committee, and that I, as a Member of the House, offered the amendment proposed by the gentleman as a substitute. Would that amendment, being germane, be in order? That is the one question that is before the House, and I maintain with all the strength I have that it would be in order under the Holman rule. Under what part of the Holman rule do I contend it would be in order? Before I read the Holman rule, let me call attention to the fact that the organic act has placed a limitation of $300,000 as the amount that shall be used of the naval-hospital fund. Therefore, the Secretary of the Navy would have the right to use the naval-hospital fund upon his own motion for this construction when once the construction is authorized without further ado by Congress. Why? We find at page 823 in the interpretative part of that authorization that that year there was spent for reconstruction $282,000.

But now I am going back to my original proposal, that it can not be denied that if the gentleman from Pennsylvania had offered an amendment providing for an appropriation from the Treasury of $1,000,000 for the construction of the naval hospital at Philadelphia, it would have been in order, and I then would be entitled to offer the amendment that he has now offered, which is the budgetary estimate.

Why do I say it would be offered as a germane amendment? The Chairman of the Committee of the Whole just a moment ago gave a very broad construction to the Holman

rule. The proposal, which is now before the committee for consideration, on its face shows that there would be a saving. There would be a saving to the Government of appropriations under the last clause of the Holman rule, which says:

Or by the reduction of amounts of money covered by the bill.

Understand me clearly, the gentleman from Pennsylvania offers an amendment that is in order on this bill providing for the authorization of $1,000,000 for that construction, and it is in order because it is authorized by law. Then I offer an amendment as proposed by the gentleman providing that $1,000,000 shall be obtained from the hospital fund. On its face the amendment would be shown to be germane in character, that it was an amendment coming within the third provision of the Holman rule with respect to reductions of money covered by the bill. You can not escape the logic of the argument.

Now, are we going to make this in order by the circuitous proposal that there shall be offered an original proposal that a million dollars shall be paid out of the Treasury for the construction of this naval hospital at Philadelphia and then the gentleman from Pennsylvania will offer his amendment in order to make it in order? Under the case I have suggested, it would be in order. Then, of course, the chairman would have to hold in order the present amendment.

I make a further argument based on the organic act, but I make my strong holding on the fact that this proposal of the gentleman from Pennsylvania is a germane amendment to an amendment offered by me or any other Member of the House providing for the appropriation of $1,000,000 from the Treasury. This would be a clear saving of money, because it would not be out of the Treasury, but it would be out of the naval-hospital fund.

Although the original act said that not more than $300,000 shall be expended from the naval-hospital fund, that does not prevent Congress, under its rules, from providing for more being spent in that way, because it is not in violation of existing law.

The existing law clearly shows that for construction purposes this money may be paid out of the naval-hospital fund.

For the benefit of the parliamentary adviser I again call his attention to section 4810, with the proviso that was adopted on March 4, 1913, which reads as follows:

Provided, That hereafter no site shall be procured or hospital buildings erected or extensions to existing hospitals made unless hereafter authorized by Congress.

Gentlemen, if it had not been for that cost of $300,000 there would have been no question whatsoever that this money could have been used from the naval-hospital fund.

In view of the fact that the organic law provides that it may be used without limit and that the third classification of the Holman rule provides that it shall be in order if there is a saving to the Government, I respectfully contend that it is in order for the reasons I have stated.

The CHAIRMAN (Mr. FULLER). The Chair is prepared to rule. The Chair thinks the point of order is well taken. The Chair can see no connection with the Holman rule. The law which has been referred to as providing for the building of a hospital in Philadelphia was a general law authorizing appropriations for that purpose. In that law it is specifically provided that $300,000 of the Navy-hospital fund may be used for the purpose of constructing the hospital. Under the amendment offered it is proposed to appropriate $1,000,000 out of the hospital fund, which changes the law to that extent. The amendment changes existing law and is therefore legislation.

The Chair sustains the point of order.

Mr. DARROW. Mr. Chairman, I offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DARROW: On page 39, after line 4, insert as a separate paragraph the following:

"Naval hospital, Philadelphia, Pa.: To continue construction of the public works authorized by the act entitled 'An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Philadelphia, Pa., and for other purposes,' approved February 12, 1931 (46 Stat. 1091), subject to the limit of cost fixed by such act, $1,000,000."

Mr. DARROW. Mr. Chairman, I want to appeal to members of the committee, with all the earnestness I have, for the adoption of this amendment.

The increasing urgency for an early start on the construction of the Philadelphia Naval Hospital has become so great that the President of the United States sent a special message to Congress transmitting a supplemental estimate from the Bureau of the Budget to enable the Secretary of the Navy to use $1,000,000, of the naval-hospital fund for this purpose. Such action was approved by the Secretary of the Navy, by the Bureau of the Budget and by the President of the United States. It is very clear to me this is the most urgent construction required anywhere in the country.

I want to give you, if I may, a brief description of the present hospital buildings. There are 34 in number. They are of a very flimsy wooden-type construction, mostly stucco on wood laths, built for war-time emergencies. They are built on wooden piles, about two feet or two and a half feet from the ground. They have been decaying so rapidly that the sills are rotting away. The buildings are sagging, and in many instances the heating pipes and plumbing have been disconnected. Captain Dennis told me a few days ago that when he visited these buildings in September last, during a heavy rain, he saw the patients, eating in the mess hall with umbrellas over them to keep from getting wet. The buildings being grouped closely together, and because of this flimsy construction, we have there one of the greatest fire hazards which you can conceive. Should a fire break out, the loss of life, I am afraid, would be appalling.

It seems to me a crime and a disgrace for this Government to keep men housed in buildings of that character. I know the committee made a comparison between certain wooden structures at Pensacola, Fla., Parris Island, and Charleston, S. C., but those buildings are mostly one-story and were built of a permanent character as far as wooden buildings can be built, and there is no comparison between conditions there and conditions in Philadelphia.

There are upwards of 465 veterans being treated at this hospital in addition to the Navy personnel. It is the only general and surgical hospital anywhere near this locality for veteran patients as well as for patients of the Navy. The nearest Veterans' Bureau hospital at the present time is at Hartford, Conn., and we must find some place for those who require general and surgical attention.

[Here the gavel fell.]

Mr. DARROW. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DARROW. Every veterans' organization in the State of Pennsylvania as well as veterans' organizations in near-by States are pleading for this more earnestly, I believe, than anything else. To deny them these facilities and subject those patients to that terrible risk of fire is a crime and a disgrace.

Mr. STAFFORD. Will the gentleman yield?

Mr. DARROW. Yes.

Mr. STAFFORD. Is there any Army hospital or any veterans' hospital nearer to that at League Island than the Walter Reed Hospital, which gives attention to general hospital patients?

Mr. DARROW. There is not.

Mr. STAFFORD. There is none proposed by the Veterans' Bureau or in course of construction, and it is proposed to utilize some of these beds for veteran patients.

Mr. DARROW. That is true. The reason for combining the two in one hospital is on account of the great economy which can be effected. According to the last report of the Surgeon General of the Navy, and General Hines, of the Veterans' Bureau, it was clearly shown that for general and surgical classes of patients there was a saving of 93 cents per day per man if hospitalized in a naval hospital?

Mr. LINTHICUM. Will the gentleman yield?

Mr. DARROW. Yes.

Mr. LINTHICUM. Where is this hospital located in Philadelphia?

Mr. DARROW. The present hospital is in the navy yard. We have purchased a beautiful site of 22 acres and a fraction, facing League Island Park, within about a half mile from the navy yard, where they will always have a beautiful and open recreation space.

The site has been purchased, the plans have been prepared and we are ready to go ahead, and if there is anything that is needed as much as this, I do not know where it is.

I plead with you to grant this appropriation. I had hoped that a point of order would not be made against my first amendment, because the naval-hospital fund is intended for this very purpose and yet, on a point of order, you do not permit it.

Mr. LINTHICUM. Is that fund sufficiently large to construct this hospital?

Mr. DARROW. The naval-hospital fund at the present time has about $1,250,000 in it. According to the Surgeon General, there will be an addition to that fund of over $800,000 during the next fiscal year.

I can not feel that there is any new construction anywhere in the United States the demand for which is at all comparable with this, and the amendment ought to be adopted even if we take the funds from the Treasury of the United States.

I appeal to you in behalf of the veterans who are hospitalized there, and in behalf of the naval patients, to grant this appropriation.

I understand that some naval officer intimated to the committee that this is not essential at this time. I have looked through the hearings and I can not find anything in them to that effect. The Secretary of the Navy has approved this proposal in writing, and while I am a thorough believer in a strong Navy, I can not understand how anyone could be so hard-hearted as to want nothing but ships and men and give no attention to the poor unfortunates who have given their services and have become disabled. I do not see how anyone, even though he may be a high ranking officer in the Navy, could make any such statement, off the record.

Mr. Chairman, I wish I could have the Members see the condition of these buildings. I have here photographs of them, showing that the sills have rotted away and that the buildings are in a most deplorable condition. They constitute an extreme fire hazard, and continuous supervision, inspection, and care are necessary to guard against fire. The hospital is usually filled to capacity and the conditions in case of fire present a serious menace to the life of the patients. The complete replacement of the present hospital is a very urgent necessity, and, as construction costs are now so favorable, this is a most opportune time to proceed with its building.

The authorization for the construction of this hospital, enacted on February 12, 1931, provided that $200,000 for the purchase of the site and $100,000 for the preparation of plans be made available from naval-hospital fund.

The site has been purchased. It is a tract of 22.1 acres, splendidly located, near the Philadelphia Navy Yard, on Pattison Avenue between Sixteenth and Nineteenth Streets, facing League Island Park, and it is considered an ideal location. The price paid is about $60,000 below the sum authorized.

The architects' plans have been approved, and within the limits of the authorized appropriation I believe we will obtain the most modern, the most useful, and the most economical hospital building to be had.

Probably I should further emphasize the fact that while this is a naval hospital, officered and manned by naval personnel, it is to a great extent used by disabled veterans under the jurisdiction of the Veterans' Administration. This arrangement is entirely satisfactory and desired by General Hines, of the Veterans' Administration, with whom I have been in frequent consultation on this subject. It has the hearty indorsement and approval of the President, of the Secretary of the Navy, of the Chief of the Bureau of Medicine and Surgery, and the Chief of the Bureau of Yards and Docks. Our veterans' organizations are urgent in their demand for new, modern, and fireproof facilities, where patients may receive care and treatment with safety and without the threat of fire hazards.

Gentlemen, I am pleading for your support of this amendment. Even with the spirit of economy which all of us wish to practice in face of the present economic conditions, I feel justified in asking your support for this appropriation and feel that such action can not be criticized, for I can not conceive that anyone anywhere would want a member of his family or a sick and disabled veteran or service man treated under conditions now existing at this hospital. This proposal is most meritorious, and I request that it be given your support.

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

What the gentleman from Pennsylvania [Mr. DARROW] has said relative to a supplemental estimate being sent down to the committee is true. The estimate was received after we practically had completed our hearings and were ready to frame the bill. The committee, following the principle which it was understood was applied in the preparation of the original Budget, that no funds would be recommended for undertaking new work, concluded to make no provision for initiating this project.

From a purely naval standpoint the hospital is not required, and its erection is not advocated by the regular administrative officials of the Navy. Admiral Pratt, who is Chief of Operations, stated before our committee that it is not required; and so did the Secretary of the Navy, for that matter.

There are many places in the country that need a permanent hospital just as much as Philadelphia.

The Navy at this time has 5,071 beds in fire-resistant buildings, and on November 11 last the Navy patients numbered 2,514, or about one-half the number of patients for which we have beds in fire-resistant buildings. It is true that the present hospital at Philadelphia is entirely of temporary construction, but this is also true as to Charleston, S. C., Parris Island, S. C., and Pensacola, Fla., while at many other places, as will be seen from the table on page 746 of the hearings, both permanent and temporary facilities exist, the latter being the more commodious, in two or three instances, particularly at Great Lakes, Ill.

There is no more need, from a naval standpoint, to have this hospital for these patients at Philadelphia than at Pensacola or Charleston, S. C., or any of these other places.

Mr. STAFFORD. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. STAFFORD. Is it not generally accepted that League Island Navy Yard is a live navy yard, whereas Pensacola and Charleston are being considered for abandonment?

Mr. AYRES. No; not at all.

Mr. STAFFORD. Is it not generally accepted that the Secretary of the Navy has recommended the abandonment of the yard at Charleston?

Mr. AYRES. There has been no suggestion to close Pensacola or to abandon activities at or in the vicinity of Charleston to an extent that would justify closing the hospital there.

Mr. STAFFORD. Charleston is being considered for abandonment, and Pensacola was considered a raid on the Treasury when it was established years back through the efforts of a Senator from that State.

Mr. AYRES. The navy yard is the only activity at Charleston which has been considered for abandonment. The Marine Corps activities at Parris Island are near by. The gentleman will recall, I am sure, that the Navy's flying school is maintained at Pensacola.

Mr. LINTHICUM. Could not these beds be used by the veterans? If you try now to get a veteran in the hospital, they tell you there are 40 or 50 ahead of him.

Mr. AYRES. The larger portion of the patients in these hospitals are veteran patients.

Mr. LINTHICUM. Why could we not have these facilities provided for the veterans? We need them for some of our people in Maryland.

Mr. AYRES. Then I say to the gentleman from Maryland that it should be paid for out of the veterans' fund. The gentleman knows that the Veterans' Bureau is building hospitals all over the United States. Why have the Navy build a hospital for the purpose of housing veterans?

Mr. STAFFORD. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. STAFFORD. Is it not the fact that the Veterans' Bureau wishes this new building constructed so as to accommodate the veterans, and that they are not planning for any general hospitals for veterans this side of the Allegheny Mountains?

Mr. AYRES. Not to my knowledge.

Mr. STAFFORD. I have made inquiry, and that is the fact.

Mr. AYRES. I have also made inquiry, and I have not found anything to that effect.

Mr. BACON. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. BACON. Is it not true that there are at the present moment over 600 patients in this fire trap, and would the gentleman be happy if the fire trap burned down and three or four hundred patients were burned to death?

Mr. AYRES. I do not think the gentleman is fair in asking that question.

Mr. BACON. There are over 600 patients there.

Mr. AYRES. If we are going to build a permanent hospital in Philadelphia, then why not build such hospitals at the other places where we have temporary facilities? Of course, I believe that all hospitals should be fireproof, but I must confess that I do not like the idea of waiting until our Treasury is exhausted to launch a replacement program.

I may say further that there was no recommendation on the part of the President relative to this hospital until the bill was practically completed, when all of a sudden it appeared before the committee. It seems to me to be unfair to the rest of the places that claim they should have hospitals of permanent construction. I hope the amendment will be voted down.

Mr. DARROW. Is not the gentleman in favor of economy, and by combining the Veterans' Bureau and the naval stations together we save on this one hospital over $221,000, to the better satisfaction of the veterans and all concerned? It is advocated by the Veterans' Bureau and by the Navy.

Mr. McCLINTIC of Oklahoma. The Veterans' Bureau did not approve of it. I will read the language of Doctor TEMPLE last year:

> Mr. TEMPLE. Mr. Chairman, the gentleman from Oklahoma, Mr. McCLINTIC, who has preceded me, spoke at some length of a letter from General Hines written to the chairman of the Committee on Rules. I can readily understand why General Hines, the Director of the Veterans' Bureau, would not interfere with the administration of the Navy Department by recommending the construction of a naval hospital. In fact, he himself told me that he could not do that. Having said that, I am also thoroughly convinced that he would not interfere with the department in the opposite way by recommending that a naval hospital should not be constructed.

So he did not recommend the construction of this hospital.

Mr. BECK. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BECK. Mr. Chairman, I only want to testify of my own knowledge to the present condition of this hospital, which would do little credit to the smallest South American republic. It can not be compared to the hospitals, to which reference has been made, which are in a warmer climate. These flimsy, wooden, decayed structures are in a climate where the thermometer sometimes goes to zero.

I can not add anything to what my colleague, Mr. DARROW, has so ably and eloquently said, except to make a plea to the membership of this House. Philadelphia gave to the United States Government, without the expenditure of a penny, the magnificent site of the navy yard, one of the choicest sections in its future possibilities, because it is at the junction of two great rivers that flow through Philadelphia.

It is true that at any moment, while we speak, a match could set fire to these buildings and two or three hundred patients might be burned to death. I have followed the committee in most of its plans for economy, but I draw the line at this question of health and even life. I think the least we can do for the service men and the faithful employees of the Navy Yard is to build this new building, or rather commence its construction, to furnish adequate facilities to the men whose services deserve so well of their country. [Applause.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, when this bill was up for consideration last year I opposed it on the ground that the Veterans' Bureau should be willing to provide the necessary facilities for its own patients. I am the last person who would ever raise my voice against providing hospital facilities for any class that is entitled to the same, but there should be sufficient facilities available to take care of them without using naval hospitals.

There are naval hospitals with sufficient available beds for use at the present time. Everybody knows that naval enlisted men are subject to be transferred from one place to another. Now, I want to call attention to where we are going.

In 1915 the total appropriation for naval purposes, including the amounts allocated for shipbuilding, was $172,498,000. In 1916 the total was $186,565,000. Now we are being called upon to appropriate more than $340,000,000 for next year, which means that expenditures for the upkeep of this branch of our Government has doubled, and apparently there is no desire upon the part of this House to reduce expenditures further. As long as the naval hospitals have sufficient facilities to take care of their own men, that ought to be sufficient, and further, that is the reason General Hines refused to favorably approve this particular piece of legislation when it was under consideration last year. I am in favor of some economy at some place somewhere, and I am hoping that this House will at least look at this subject from the standpoint of reason and stop wasting the taxpayers' money.

Mr. AYRES. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. AYRES. Mr. Chairman, it is my purpose to complete this bill if it takes until 10 or 11 o'clock to-night.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that debate do now close.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 70, noes 11.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighteen Members, a quorum.

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

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 75, noes 72.

Mr. AYRES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DARROW and Mr. AYRES to act as tellers.

The committee again divided, and the tellers reported—ayes 74, noes 62.

So the amendment was agreed to.

The Clerk read as follows:

> Naval radio and radio-compass stations: Improvement of power plant, Darien, Canal Zone, and improvement of building No. 1, Destruction Island, Wash., $40,000.

Mr. SNOW. Mr. Chairman, I move to strike out the last word. I will say to the chairman of the subcommittee, the gentleman from Kansas [Mr. AYRES], that technically I shall speak somewhat out of order. I am anxious to leave the Chamber, and I have one or two observations to make on a paragraph of the bill that has not yet been reached. I hope no objection will be raised under the circumstances, as I shall be very brief.

An appropriation bill is solely for the purpose of appropriating money for the maintenance of the various Government departments and activities and nothing else.

Consequently, this paragraph on page 39 of the bill authorizing the President to sell, lease, or cease to operate certain naval shore properties does not belong in this bill. It is clearly an attempt to legislate and is not related to the present appropriation.

In other words, it is a subterfuge and a left-handed way of legislating. The question of closing the navy yards at New Orleans, Charleston, S. C., Boston, Mass., Kittery, Me., and various other places is a matter of grave concern.

In the name of a sensible-sized Navy, adequate to protect our country in case of war, and also in the name of thousands of employees who would be thrown out of employment in these most distressing times if this paragraph is not stricken from the bill, I ask the membership of this House to stop and ponder before voting on this critically important matter.

Perhaps there is merit in the proposal, but by all means let it be considered carefully and in an orderly legislative manner before any final action is taken here in this House of Representatives.

Let the proponents introduce a bill calling for this elimination, let it be referred to a proper committee who will have complete and full hearings, and then report to the House. We will then have the advantage of reading the hearings, obtaining the best thought of the committee members who will have given the matter careful thought and study, and will then—and not until then—be in a position to vote intelligently on the proposition.

The Clerk read as follows:

The President is authorized to sell, lease, or cease operating such naval shore property as the Secretary of the Navy may certify to him is no longer required or needed for naval purposes, and appropriations or portions of appropriations unexpended by reason of such action shall not be used for any other purposes, but shall be impounded and returned to the Treasury.

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

Mr. McMILLAN. Mr. Chairman, I make the point of order beginning in line 9 on page 39, upon the ground that it is legislation on an appropriation bill.

Mr. AYRES. Mr. Chairman, in order to save any controversy, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1932, $949,900; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $13,578,805, including $153,000 for the equipment of vessels with catapults and including not to exceed $175,000 for the procurement of helium, and such sum shall be transferred to and made available to the Bureau of Mines on July 1, 1932; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,210,000; for the payment of obligations incurred under the contract authorization carried in the Navy appropriation act for the fiscal year 1932 for the production and purchase of new airplanes and their equipment, spare parts and accessories, $7,200,000; toward the construction of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. V, title 34, sec. 749a), and subject to the contractural conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929, $1,450,000; in all, $25,388,705; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,192,145: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Navy may, prior to July 1, 1934, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $5,000,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $500.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word. I am in sympathy with the efforts of the subcommittee to complete the reading and consideration of the pending Navy appropriation bill this afternoon, and I shall not use all the time to which I am entitled, to the end that a final vote on the pending appropriation bill may not be delayed.

Yesterday the gentleman from New York [Mr. LAGUARDIA] referred to an hysteria of economy that was sweeping over the Nation. I think it is regrettable that this so-called economy complex, mania, hysteria, or psychological condition did not infect and dominate the American people and the Republican national administration that have been in charge of our Government for the last 11 years. If the Harding, Coolidge, and Hoover administrations had been inoculated with this economy virus we would not be facing a bankrupt Treasury. If President Hoover and his Republican predecessors had exercised a little economy and their much advertised governmental efficiency and had not lulled the American people into a fictitious prosperity and into a false sense of security, much of the evil effects of this depression could have been avoided.

The measure we are considering carries an appropriation of approximately $340,000,000 for the support of the Navy Department for the approaching fiscal year. Within the last 11 years we have appropriated $4,468,445,868 for the support of our War Department or Military Establishment, an average annual expense for military purposes of $406,222,351. In the same 11 years we appropriated $4,157,327,827 for our Navy, approximately $378,000,000 annually. In these last 11 years our combined appropriations for the War and Navy Departments aggregated $8,625,773,695, or approximately $784,000,000 annually for the support of our Army and Navy.

These enormous expenditures can only be met by laying heavy tax burdens on the backs of the American people who are already bending beneath an unbearable load. It is not my purpose at this time to analyze and discuss these appropriations for the support of our Military and Naval Establishments, further than to say that while many of the expenditures may have been justified, undoubtedly a very considerable proportion of the aggregate outlay represented an unwise and unnecessary expenditure.

The all-important issue before the American people is the reduction of taxation and expenses of Government. I have risen to suggest that a way must be found to reduce the expenses of our Government, otherwise our free institutions can not endure. In this enlightened age the people of the United States and other civilized nations should be able to formulate a policy that will relieve a tax-burdened world of the present excessive taxation for military and naval purposes. It is not to the credit of the American people or the nations overseas that they have not found a sane and sensible method of reducing our Naval and Military Establishments to the point where they will not constitute a burden on the citizenry of the great nations that control the destinies of the world.

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

Mr. LOZIER. I yield.

Mr. LAGUARDIA. The gentleman referred to a statement which I made yesterday.

Mr. LOZIER. Yes.

Mr. LAGUARDIA. In this hysteria and mania of economy to which I referred there is not contemplated 5 cents reduction in the items to which the gentleman referred.

Mr. LOZIER. I am sure the gentleman from New York favors genuine economy and a substantial reduction in the expenses of Government. As an able and useful public servant he is no doubt convinced that prodigality or waste in expenditures of public funds can not be justified or defended. The well-being of the Nation should be our first concern.

We are drifting into a period of competitive naval construction, which will ultimately carry with it a substantial increase in the strength of our Military Establishment and in a few years double or treble our present expenditures of these two departments. In this connection may I say that if the bill granting independence to the Philippine Islands fails to become a law, and if their independence is denied or indefinitely delayed, such action on our part will make it absolutely imperative that we expend not only hundreds of millions but at least a billion dollars annually on our Navy. From a diligent study of the Philippine problem I am convinced that the permanent retention of these far-away possessions, or our exercise of sovereignty over them for 25 or 50 years, will necessitate the construction of a Navy so large and expensive as to shock the national conscience and drive our Government dangerously close to bankruptcy and economic disaster.

The forces favoring our permanent retention of the Philippines or withholding independence for an indefinite period are not asleep at the switch but are exerting every possible influence to delay and ultimately defeat the enactment of any measure designed to fulfill our national covenants and grant independence to these islands which by the fickle fortunes of war were left on our doorstep. I indulge the earnest hope that the influence of every Member of the House who recently voted for the Philippine independence measure may be exerted to the uttermost, within the limits of right and propriety, to secure favorable action in the Senate on the Hare bill providing for the withdrawal of our flag from the Orient.

We must not be drawn into a naval building contest which I believe to be inevitable unless we promptly withdraw our flag from the Philippines. By such action we will promote the interests of the American people and the welfare of our insular wards.

Now is the opportune time to withdraw our sovereignty from the Philippines. The dream of territorial expansion, the fever of national aggrandizement, the vision of gold from exploitation of Philippine resources, the piping hours of jubilee and dalliance are at an end. Prudence, reason, common sense, expediency, and sound public policy emphasize the importance of fulfilling our commitments, and withdrawing our flag from the Philippines in the immediate future.

To paraphrase the language of Horace, by withdrawing from the Philippines, thereby contributing to the creation and stabilization of the Filipino republic, we will have reared for our own people and Nation a monument more lasting than brass, more enduring than bronze or marble, more majestic than the Parthenon or Temple of Hadrian in their pristine splendor, and more regal and sublime than the ancient pyramids, which neither the wasting shower, the unavailing north wind, or an innumerable succession of years, and the flight of seasons shall be able to demolish.

Both the American and the Filipino are creatures of the same Benevolent and Infinite Father, in whose likeness and similitude each was made. The finger of Deity touched a block of Parian marble, and the American came forth. The same Omniscient Power breathed on a block of brown granite, and out of it sprang the Filipino. Each may invoke His unstinted bounty; each may claim His all-sufficient protection; each may share in the covenant of grace He gave to a misguided and self-centered world, and they may enjoy alike the birthright of freedom, and the inalienable right to work out, each his own destiny, free from the dominion or control of the other.

In meeting our obligations to withdraw from the Philippines we have experienced a flux of promises and a paucity of performance, the inevitable effect of which will be to benumb our sense of obligation and make callous and irresponsive our national conscience. It is quite evident that we have approached the Philippine problem with laggard, halting, and tardy-gaited feet. The movement for Philippine independence is flowing like a mighty river, with ever-increasing volume and momentum, toward the great ocean of realization. Not infrequently the duration of an illness is in proportion to the length of the patient's purse. And some would protract our stay in the Philippines because of the rich financial rewards that will come to a few of our people from commercial ventures in the Philippines.

Somewhere I have read of a looking-glass kept in a heathen temple that makes beautiful things appear deformed and deformed things appear beautiful. Methinks some of my colleagues, in some niche or corner of their otherwise well-balanced brains, have a mirror of this kind into which they look when considering the Philippine problem, and from which they see reflected the Filipino, of pigmy stature, grotesquely caparisoned, and wholly incapable of self-government, while in this same trick mirror they visualize "Uncle Sam" as a benevolent lord, guardian angel, and wet nurse of the Filipino people, and pretend to see the dire calamities that will overtake the native inhabitants if they are granted the poor but God-given privilege of managing their affairs, free from the guiding hand and fatherly protection of the United States Government.

Our century and a half of national life is but a moment in the tideless sweep of time. "A thousand years scarce serve to form a state; an hour may lay it in the dust." Our longevity as a nation will depend on how sacredly we hold to the high ideals on which our institutions are builded. Our Republic is not immune from the insidious process of delay, nor from the relentless forces of destruction which like rust eats its way ruthlessly through massive steel beam and column. Turn to the pages of history and learn that oblivion enshrouds not only illustrious persons but puissant nations. A Roman poet gave expression to this great truth when he said:

> The loftiest pine is oftenest agitated by the winds—high towers rush to the earth with heavier fall, and the lightning most frequently strikes the highest mountain.

And Sallust tells us:

> Everything rises but to fall, and increases but to decay.

Nations are no exception to this ruthless rule. Only by a scrupulous adherence to our national ideals can we successfully resist the insidious forces of destruction that have disintegrated world powers in the past.

It is a great thing for Americans to sit down by themselves occasionally, take stock, and learn their own shortcomings. Colton said:

> It is with nations as with individuals—those who know the least of others think the highest of themselves; for the whole family of pride and ignorance are incestuous and mutually beget each other.

Some one has said that governments of the world are like a stream that rolls under us; men are only bubbles that rise on its surface; some are brighter and larger, and sparkle longer in the sun than others; but all must break, whilst the mighty current rolls on in its wonted majesty. And friends, what are we that we should vainly boast our mastery in the science of government? What are we that we should refuse to recognize in others the aptitude for efficient self-government that we claim to possess? What assurance have we that the bubble that typifies our national life may not be punctured and collapse long before the bubble of Filipino destiny disappears in the wreck wrought by the onrushing centuries?

Ours is the most resourceful and puissant Nation on the globe; but our power, great as it may be, is not sufficient to prevent the ultimate establishment of a republic in the Philippines. In their struggle for independence, Providence is fighting on the side of the Filipinos. There is no instance in the history of the world where 13,000,000 people, as well qualified for governing themselves as the Filipinos, have ever lost their battle for independence. Sometimes destiny may travel with laggard footsteps, but ultimately he crowns with victory the efforts of every upstanding, forward-looking race to achieve independence. In the language of Morier—

The decrees of Providence are inscrutable. In spite of man's shortsighted endeavors to dispose of events according to his own wishes and his own purposes, there is an intelligence beyond his reason which holds the scales of justice in spite of his puny efforts.

And this wonder-working Providence will in the near future bring independence to the Philippines. Liberty withheld will poison the fountains of Filipino life and breed ever-increasing discontent among the inhabitants as they bite the political chains that bind them. We are not justified in longer withholding independence from the Filipinos. We should no longer stop the throats of the Filipinos who are pleading for independence and the God-given right to solve their own problems and live under laws of their own enactment.

We must once and for all time forego the exercise of sovereignty over the Philippines. We should restore the government of these islands to the race that inhabits and owns them. This act of renunciation is not incompatible with our national interests. Let us actively and unselfishly assist the Filipinos in establishing and maintaining a sister republic, motivated and inspired by the high ideals that underlie, permeate, and vitalize our free institutions, to the end that the American and Filipino Republics may go down the ages arm in arm, each a lamp and light to the other's feet. With our Republic for a pattern, and animated by our accomplishments and our high ideals in our dealings with other nations, the Filipino republic will prosper without having to fertilize her tree of liberty with the blood of her patriots. [Applause.]

The pro forma amendment was withdrawn.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word. It is getting late in the day. There is not a quorum present, and I want to call the attention of the Members of the House who are present to the fact that it would be well for them to remain if we are going to complete the bill to-day, because I intend, if I can obtain recognition, to offer a motion to recommit the bill to the Committee on Appropriations with instructions to further consider it and report it back with a 10 per cent total reduction.

Since the Senate has indicated that it is going to follow this 10 per cent arbitrary reduction on all of the appropriation bills which we send over there, and since the chairman of our Committee on Appropriations indicates he is going to swallow those reductions without further consideration, if this reduction is to come, let it come from the House, so that when the bill is finally passed with a 10 per cent reduction we will pass it after a careful consideration of all of the items involved under the 5-minute rule. It is poor economy from the standpoint of real economy for the Committee on Appropriations of this House to hold hearings and spend hours and days considering a very voluminous bill of this nature, involving so much money, and then have the membership remain on the floor of the House, as we have to-day, carefully going over each and every item under the 5-minute rule, and send the bill to the Senate to be arbitrarily reduced 10 per cent, without a record roll-call vote on many important appropriations, and then expect the House of Representatives to rubber stamp the Senate amendments under suspension of the rules, with only 40 minutes' consideration.

If the arbitrary additional reduction is to be made in order to enhance the political standing of some who would destroy some of the essential functions of the Government by a false and fake economy, and since the chairman of the Committee on Appropriations indicates he will support the 10 per cent reduction if it is incorporated in this bill in the Senate and swallow it as he did the 10 per cent reduction on the Interior Department appropriation bill, let us, in the name of orderly procedure, in keeping with the authority and responsibility vested in us under the Constitution, take our part in the enactment of this appropriation bill.

Mr. BYRNS. If the gentleman has reached the end of his sentence, I would like to ask him to yield.

Mr. SCHAFER. I yield.

Mr. BYRNS. The gentleman had something to say about my position as chairman of the Committee on Appropriations, with reference, I assume, to the action taken with reference to the Interior Department appropriation bill. I just want to call the attention of the gentleman to the fact that on a record vote this House approved that action by a vote of 268 to 42.

Mr. SCHAFER. I did not approve of that action then and I do not now. I have also talked with many Members who followed the gentleman from Tennessee who would not do it again. If the gentleman would have made his eloquent political speech in the name of economy and asked the House to vote that the sun shall rise at 7 o'clock a. m. each day in the future and that the moon shall rise at 7 o'clock p. m. each evening; if one of the many Senate amendments to the Interior appropriations bill so provided, no doubt the roll call would have been the same. You might fool some of the people some of the time, but you can not all of the time.

If you could take that roll-call vote over again to-day, I know you would not even get a majority to follow the strange and unusual procedure.

Mr. BYRNS. If the gentleman has reached the end of his second sentence, I would like to ask him another question.

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

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. TABER. Mr. Chairman, I object.

Mr. BYRNS. If the gentleman would practice a little more economy, he would represent the taxpayers of his district. I am sure that his district, like my district and every other district in the United States, wants to see these expenditures cut down.

The CHAIRMAN. The time of the gentleman has expired. Objection was made.

The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY

Pay, Naval Academy—pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $269,000: *Provided*, That not more than $36,500 shall be paid for masters and instructors in swordsmanship and physical training.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I move to strike out the last word for the purpose of bringing a situation to the attention of the chairman of the subcommittee. I find that the military appropriation bill provides $46,561, as is found on page 21 of the appropriation bill, for the payment of salaries of professors in the Military Academy. Then on page 18 of last year's naval appropriation bill I find that the sum was $290,000. In view of the fact that the Military Academy takes care of two appointees for each Senator and each Member of the House, and the Naval Academy takes care of only three, I can not understand why it is necessary to appropriate $290,000 to take care of teachers in one of these institutions and only $46,000 in the other. I respectfully ask somebody to tell us why these inequalities seem to exist.

Mr. GOSS. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. GOSS. Was the gentleman reading from this year's Army appropriation bill or last year's Army appropriation bill?

Mr. McCLINTIC of Oklahoma. I am reading from last year's Army appropriation bill. I understand that both of these bills have been reduced in a slight percentage, but the ratio remains the same. It does seem to me that if we are

interested in economy, and we base this upon the number of appointees that the House Members have, there is something radically wrong, and I would like some one who has the facts to give them to the committee.

Mr. AYRES. I will state to the gentleman that I can not speak as to the West Point proposition.

Mr. McCLINTIC of Oklahoma. I will be glad to get information from some one.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. CHINDBLOM. Does not the difference arise from the fact that at the Military Academy they employ officers who are assigned to duty as teachers and instructors rather than employing civilian teachers and instructors?

Mr. McCLINTIC of Oklahoma. I do not know how far the gentleman's statement is accurate, but I do know that in the Naval Academy they possibly employ as many officers as they do in the Military Academy.

Mr. TABER. If the gentleman will yield, they have more at the Naval Academy.

Mr. BARBOUR. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. BARBOUR. I think they have about eight civilian instructors at West Point and the rest are Army officers.

Mr. McCLINTIC of Oklahoma. Can the gentleman enlighten the committee as to why this enormous inconsistency exists with respect to the appropriations that are made to take care of teachers in both of these institutions?

Mr. BARBOUR. I am not familiar with the situation at the Naval Academy, but I understand they employ a great many more civilians there.

Mr. McCLINTIC of Oklahoma. It seems to me the committee ought to be furnished with the facts. It seems to me somebody ought to know just why this inconsistency exists.

Mr. STAFFORD. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. STAFFORD. Last March, after the adjournment of Congress, as a member of the Board of Visitors, that question arose, and it was called to our attention that at the Naval Academy they have many more civilian instructors than they have at the Military Academy.

Mr. McCLINTIC of Oklahoma. On that point I want to say that the appropriation for civilian employees at the Naval Academy is $649,000 against the sum of $276,000 at the Military Academy.

[Here the gavel fell.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. If these figures are correct then approximately three times more is necessary to take care of the civilian employees at Annapolis than at the Military Academy.

Mr. STAFFORD. If the gentleman will yield further, there are stationed at the Military Academy two troops of enlisted men, and they perform services that are performed by civilians at the Naval Academy.

Mr. COLLINS. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. COLLINS. There are about 450 civilians at the Military Academy and between 1,100 and 1,200 soldiers at the Military Academy besides the officers.

Mr. STAFFORD. I wish to say that upon a very thorough investigation at the Military Academy, in company with the gentleman from South Carolina, our esteemed chairman of the committee [Mr. McSWAIN], the gentleman from Connecticut [Mr. GOSS], and the gentleman from Pennsylvania [Mr. COCHRAN], we saw no surplusage as far as civilian employees were concerned.

Mr. McCLINTIC of Oklahoma. I have no criticism to offer of the appropriation made to take care of these duties at the Military Academy, but I can not understand why it requires nearly three times as much to take care of the same number of employees at Annapolis.

Mr. FISH. Why does it?

Mr. McCLINTIC of Oklahoma. I would like to know.

Mr. FISH. Who is going to answer?

Mr. McCLINTIC of Oklahoma. I do not know. I have asked the chairman of the subcommittee and the different members of the committee, but up to the present time I have not been able to get any information.

Mr. BRITTEN. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. I will be pleased to yield.

Mr. BRITTEN. The reason these figures appear to give the Naval Academy all the worst of it is because the Naval Academy employs a great many less officers of the line of the Navy as instructors than West Point for its languages and higher studies——

Mr. McCLINTIC of Oklahoma. I think the gentleman is in error. I now yield to the gentleman from New York.

Mr. BRITTEN. Let me finish my statement. With respect to some of the higher studies we use nothing but civilian instructors at the Naval Academy, while the Military Academy at West Point does not have this expense at all. If the gentleman will add the civilian instructors to the officer instructors at both institutions, he will find there are fewer instructors per student at the Naval Academy to-day than there are at West Point. I am sure about this.

Mr. McCLINTIC of Oklahoma. I think the gentleman is in error. I think there are many more instructors, taking into consideration the number of men that are employed as swordsmen, tutors, athletic directors, and various kinds of assistants.

Mr. BRITTEN. I have just inquired of the Navy Department, and that is the reason I am answering the gentleman in this way.

[Here the gavel fell.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. McCLINTIC of Oklahoma: Page 42, line 1, after the word "librarian," strike out "$269,000" and insert "$200,000."

Mr. AYRES. Mr. Chairman, it is evident that we will be unable to finish the consideration of the bill this evening. I move, therefore, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FULLER, 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. 11452, the Navy Department appropriation bill, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MAY (at the request of Mr. THOMASON), for the balance of the week, on account of important business.

Mrs. OWEN, for one week, on account of important business.

AMENDMENT OF THE CONSTITUTION

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

DEPARTMENT OF STATE,
STATE OF MAINE,
Augusta, April 19, 1932.

To the honorable the SPEAKER OF HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: In accordance with the provisions of the attached resolution of the Legislature of the State of Maine, I have the honor to forward you herewith a certified and fully authenticated copy of a resolution titled as follows:

"A resolve ratifying proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress."

The same was adopted by the Legislature of the State of Maine on April 1, A. D. 1932.

Respectfully,

EDGAR C. SMITH, *Secretary of State.*

INSURANCE CORPORATIONS IN THE DISTRICT OF COLUMBIA

The SPEAKER. The Chair lays before the House the following concurrent resolution.

The Clerk read as follows:

Senate Concurrent Resolution No. 26

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3584) entitled "An act to require all insurance corporations formed under the provisions of Chapter XVIII of the Code of Laws of the District of Columbia to maintain their principal offices and places of business within the District of Columbia, and for other purposes."

The SPEAKER. The Chair is informed that the chairman of the Committee on the District of Columbia has no objection to this resolution.

Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

SOLDIERS' ADJUSTED-SERVICE CERTIFICATES

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

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, under the leave to extend my remarks in the RECORD I insert the following speech by myself on the subject of the bonus:

SPEECH OF HON. HAMILTON FISH, JR., IN RADIO DEBATE WITH HON. WRIGHT PATMAN, TUESDAY EVENING, APRIL 19, 1932

I am glad of this opportunity to discuss over the radio with my good friend, colleague, and comrade in arms, WRIGHT PATMAN, in a calm and deliberate manner, without prejudice of any kind, the already much and hotly debated question of the so-called bonus payment to the veterans of the World War.

For some 12 years past as a Member of the House of Representatives I have raised my voice and given my vote freely and openly for the benefit of the disabled veterans and of all other veterans. I was among the first to urge the creation of a Veterans' Legislative Committee in the House of Representatives and participated to the best of my ability in the original fight for adjusted compensation for the veterans, and I even voted to override the veto of a President of my own party, and only last year urged the payment of loans up to 50 per cent on the face value of the adjusted-service certificates.

I need no alibi or no defense of my record in behalf of justice, not charity, to the veterans and for all kinds of beneficial legislation sought by the three great veterans' organizations, the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans, the first two of which I am proud to be a member.

There is room for differences of opinion among veterans, and it is just and right that there should be, as the veterans merely represent a cross section of the American people who served in the armed forces of the United States in a great national emergency.

I am not unmindful of the suffering and privation among the unemployed veterans and believe that preference should be given them in obtaining positions and that the comprehensive and constructive campaign or drive of the American Legion and the Disabled American Veterans to provide work and jobs should be encouraged and supported in every way by the American public.

The veterans want jobs, not charity or doles, and I will gladly support a bond issue of $500,000,000 to provide for needed highway construction, the completion of the Federal program for post offices already allocated but not appropriated for, and for other necessary public works, with a proviso that unemployed veterans be given preference on all new construction work.

It is estimated that appropriations for the fiscal year of 1932 will approximate $1,127,935,000 for veterans' relief purposes, or over $3,000,000 a day, or more than 25 per cent of our total Federal expenditures, including debt charges of $600,000,000. Veterans' relief is by far the largest single item in our Budget, and if national defense and interest on debts are excluded, it amounts to 40 per cent of all our Federal Government expenditures.

No sane person can deny that the Government has been extremely liberal, generous, and fair in its treatment of its veterans, particularly when compared with what other countries, such as England, France, or Italy, have done for their soldiers.

It is true that we are in an economic crisis far more serious to the welfare, interests, happiness, and security of the American people than during the World War. Uncle Sam has always fulfilled every obligation to its veterans of all its wars, and has never given a bad check and never will. If it were a fact that the Federal Government owes any money to the veterans, ways and means should be found to pay it now. Obligations of the Government must be paid in full in both good and bad times. Promises and pledges must be kept to veterans as well as to all other citizens.

I, however, deny most emphatically that the Federal Government owes one red cent to any veteran at this time, either directly or indirectly, or has made any implied promise to pay in cash any part of the adjusted-service certificates this year, next year, or any time before 1945. For some incomprehensible reason many misguided veterans take it for granted and firmly believe that they are owed a debt by the Government, which they seem to think has turned a cold shoulder to them and refuses to pay what is their due.

It is utterly inconceivable that the Congress will approve the various suggestions made to start the printing presses going and issue depreciated currency to pay in cash the adjusted-service certificates during the present economic emergency. Such action by Congress would seriously affect every American household and impair the value of wages, real estate, insurance policies, bonds and other securities, and deposits in savings banks belonging to industrious and thrifty American wage earners. Any tampering with the American dollar, which is the only thing left that retains its value, by issuing two billions in paper currency will be injurious to the public credit and destructive of what remains of economic confidence, and will prolong both the depression and unemployment.

It is, in the last analysis, the same old fight of soft money against sound money. We are already in the midst of a severe panic, but if the proposed financial heresy of printing two more billions of paper money is carried out it will mean the collapse of the dollar and American credit that will make the present panic look like a new-born babe.

The proposal to pay adjusted-service certificates in United States bank notes, as suggested by Representative PATMAN, backed by 40 per cent gold, would exhaust our gold reserves, cause the flight of gold to France and other foreign countries, and probably shove us off the gold standard within six months, and be detrimental to the welfare of the Nation and ruinous to credit stability.

It is the paramount duty of the Congress of the United States to maintain the credit of the Nation, balance the Budget, and reduce governmental expenditures and thereby restore economic faith among our people, without which the depression will become worse and unemployment increase.

I appeal to all veterans not to insist on extravagant demands upon the Public Treasury at this time, when the Congress is struggling to balance the Budget and restore economic confidence. I take this occasion to seriously warn all veterans that their demand for additional compensation to the able-bodied veterans during the present crisis is causing serious public resentment and will jeopardize the benefits provided by law for the disabled veterans and the passage of the pending legislation for widows and orphans. A definite movement is under way to reduce the amount of relief already provided by Congress for the disabled veterans in a desperate effort to balance the Budget, and it is a most unwise policy for any group of veterans to alienate the support of the public by tremendous demands for cash payments to the able-bodied veterans at this time. The taxpayers throughout the Nation are on the verge of a political revolt; and while they do not begrudge the disabled veterans their just dues, they are opposed to further drains on the Treasury for any group or any section of the country.

It is not easy for me to oppose any claims of the veterans for monetary relief in this period of unemployment and distress, yet, believing firmly as I do, that any attempt to pay $2,400,000,000 to the veterans would undo all the efforts of the Government to balance the Budget and scrap all ideas of governmental economy, and be harmful to our financial credit at home and abroad and destructive of the economic welfare of the great mass of American wage earners, there is no other course for me to take except to uphold, without fear or favor, what I honestly deem to be the best interests of all the American people in preserving the integrity of the gold standard and preventing the issue of depreciated currency as a temporary expedient, which will bring ruin and disaster in its wake, as it has done in Russia and Germany and in every other country where it has been tried since the French Revolution, 140 years ago, when worthless paper currency, known to history as "assignats," were issued in vast quantities. I know of no more dangerous precedent to establish than to start the printing presses going and issue several billions of dollars to the veterans or any other group among the American people, whether they be farmers who are burdened with debts or factory workers who are unemployed.

Once Congress starts in, by a mere majority vote, to change the value of money under political pressure, whether of the veterans or any other group, it will be the beginning of the end of American currency. The value of the dollar might drop to 50 cents or even 30 cents if we go off the gold standard. If Congress starts in trying to manipulate the dollar, or pay obligations of the Government through paper currency, it may mean not only severe depreciation of our money but that it is headed for destruction.

There is no more valid reason to print two billions of new currency for the able-bodied veterans than to balance the Budget by new note issues. Why spend months haggling over various kinds of new taxes, when all that is necessary is to buy a few gallons of oil and a few bales of bank-note paper and print sufficient paper currency? What is sauce for the goose is sauce for the gander. Why argue over a program of national economy and reduction of wages; it is much easier to rely on the printing presses. Why worry over an expensive road construction and public-building program when new bank notes can be issued into the billions?

Why strive over the cost of national defense and talk of reducing the Army and Navy and closing the navy yards? Why not solve all the problems of the farmers by issuing nine billions in paper currency as suggested by one of their ultraradical organizations? There is no end to the absurdity of issuing fiat money. It is always the last resort of bankrupt nations and has never

failed to end in a financial and economic catastrophe. Instead of reviving business it would produce runs on banks, as everyone would want gold instead of fiat money or congressional or political bank notes. I know of nothing that would prostrate business quicker or more surely.

At my request, the Veterans' Administration furnished me to-day with the following astounding data relative to the number of veterans of the World War who are receiving every month monetary relief from the Treasury of the United States. The sums received by the veterans range from $8 to $100, except for special awards to the blinded, amounting to $150, and to the doubled permanently disabled, amounting to $200. There are to-day 322,825 World War veterans receiving disability compensation and 353,744 receiving disability allowance for injuries or diseases that have no connection with war service.

There are also 6,451 disabled emergency officers receiving retirement pay, of which 25 per cent are doctors. In addition, 98,401 dependents of World War veterans, making a total of 781,421 World War veterans and dependents of veterans receiving financial relief from the Government of the United States.

There has been much loose talk over the vote of Congress to set up the Reconstruction Finance Corporation with a $2,000,000,000 credit in order, in this emergency, to make loans to banks, railroads, building and loan associations, and certain farm cooperatives. In the first place, the Congress is not giving away anything; it is merely proposing to extend credit and loans on adequate security, primarily to small banks, on behalf of the small-town grocer, butcher, dairyman, or farmer. Few, if any, of the big banks have failed or are in financial trouble. The record of the Reconstruction Finance Corporation shows that it has extended loans as of April 19, 1932, to 1,520 banks. Ninety-two per cent of these loans have been made in cities of less than 100,000 population and 76 per cent in cities of less than 10,000.

There is no chance whatever of the adjusted-service certificate bill becoming law over the President's veto. In my opinion, the bill will not receive a majority in Congress, nor a majority of the veterans in Congress.

It is, however, true that there are great numbers of unemployed veterans, and much hardship and suffering among them, and it is most unjust to attempt to deceive them by holding out the hope of cash payments at this time.

I am in favor of reducing the interest on the adjusted-service certificates to 3 per cent and have introduced a bill to this effect.

No Member of Congress can vote to expend public funds to the amount of $2,400,000,000 to able-bodied veterans and at the same time represent to his people back home that he has carried out their demands for governmental economy. The veterans should not in this emergency expect individual Members of Congress who have the interest of the veterans and the public at heart to vote for any governmental expenditures that are not due or absolutely necessary.

Those Members of Congress who for selfish, political purposes propose to vote for the so-called bonus and then, if the bill passes, do an about-face and uphold the President's assured veto will be doing a cowardly political act and a distinct disservice to the veterans by holding out false hopes for cash payments, when none exist, during the present economic crisis and national emergency.

We are already confronted with a deficit of nearly $3,000,000,000 and with steadily decreasing Federal income. At this very moment we are faced with the difficulty of finding new sources of revenue, and it may be necessary to reduce the salaries of men and women in the employ of the Government. No individual has ever found a way of pulling himself up by the bootstraps, nor has any nation overcome depression by printing vast quantities of paper money without strangling public credit and confidence and within a short time creating a vicious financial and monetary circle that wrecks trade and commerce, with disastrous consequence to the rich and poor alike, thereby increasing human misery and distress and adding more unfortunates to the already huge number of unemployed.

The main reason I oppose the payment of $2,400,000,000 in unsupported paper currency to the veterans at this time is my firm conviction that it would cause runs on banks, destroy faith in our financial system, and virtually bankrupt the credit of the Federal Government.

CALENDAR WEDNESDAY

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that next Calendar Wednesday business be made in order on Tuesday next.

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

There was no objection.

DEATH OF JOSEPH WARREN KEIFER

Mr. BRAND of Ohio. Mr. Speaker, I regret to inform the House of the death of J. Warren Keifer at Springfield, Ohio, on this morning. He was 96 years of age. He was formerly a Speaker of this House, just 50 years ago, in the Forty-seventh Congress. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That the following minute be spread upon the record of the House of Representatives:

Hon. Joseph Warren Keifer died in Springfield, Ohio, April 22, 1932. On January 30, 1932, he reached the venerable age of 96 years. For seven terms he was a Member of this House; for one term (the Forty-seventh Congress) its Speaker. His services terminated with the Sixty-first Congress. He was a brave and distinguished soldier. For "gallant and meritorious service" in the Civil War he was made a brigadier general, and in the same war, having been wounded four times in battle, was made a major general of volunteers. In the Spanish-American War he was commissioned and served as a major general of volunteers side by side with Gen. Joe Wheeler and Gen. Fitzhugh Lee. He was a statesman, a scholar, an author, and a patriot. His nearly five score years of life were filled with useful deeds of kindness, of courage, and of fidelity to his country and to his fellow men, and he has passed into history honored and beloved.

Resolved, That in honor of the distinguished dead the House do now adjourn.

Mr. STAFFORD. Mr. Speaker, I know of no precedent for adjournment on account of the death of an ex-Member.

Mr. BRAND of Ohio. I am informed by the former Clerk of the House that there are several precedents.

The SPEAKER. The Chair is not informed, but understands that similar resolutions have been passed by the House.

Mr. STAFFORD. Mr. Speaker, Mr. Keifer having been an ex-Speaker of the House, I withdraw the objection.

ADJOURNMENT

The resolution was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.), in pursuance to the resolution, the House adjourned until to-morrow, Saturday, April 23, 1932, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A letter from the Secretary of War, transmitting a report dated April 20, 1932, from the Chief of Engineers, United States Army, on preliminary examination and survey of the harbor at Grand Marais, Minn.; to the Committee on Rivers and Harbors.

535. A letter from the Secretary of War, transmitting a report dated April 19, 1932, from the Chief of Engineers, United States Army, on preliminary examination and survey of Great Sodus Bay Harbor, N. Y.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McKEOWN: Committee on the Judiciary. H. R. 10593. A bill to amend section 1025 of the Revised Statutes of the United States; without amendment (Rept. No. 1097). Referred to the House Calendar.

Mr. CONDON: Committee on the Judiciary. H. R. 11057. A bill to amend section 129 of the Criminal Code of the United States; with amendment (Rept. No. 1098). Referred to the House Calendar.

Mr. MONTAGUE: Committee on the Judiciary. S. 418. An act to extend the admiralty laws of the United States of America to the Virgin Islands; without amendment (Rept. No. 1099). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 3110. An act authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes; with amendment (Rept. No. 1100). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 7532. A bill to provide funds for cooperation with the school board at Frazer, Mont., in the completion of the high-school building there to be available to Indian children of the Fort Peck Indian Reservation; without amendment (Rept. No. 1101). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 9064. A bill to provide funds for cooperation with the school board at Wolf Point, Mont., in the extension of the public-school building to be available to Indian children of the Fort Peck Indian Reservation; without amendment (Rept. No. 1102). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOLDSBOROUGH: Committee on Banking and Currency. H. R. 11499. A bill for restoring and maintaining the purchasing power of the dollar; without amendment (Rept. No. 1103). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on World War Veterans' Legislation. S. 694. An act to authorize the sale of interest in lands devised to the United States under the will of Sophie Chanquet; without amendment (Rept. No. 1104). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. H. R. 9892. A bill to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1933, and to authorize an appropriation to assist in meeting the expenses of the session; without amendment (Rept. No. 1105). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11244) granting an increase of pension to Joseph Tritschler, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 11550) to enact a uniform pension law for disabilities incurred in war service and granting pensions to certain soldiers, sailors, marines, and nurses who served the United States in time of war; to the Committee on Pensions.

By Mr. FULBRIGHT: A bill (H. R. 11551) to amend section 3 of an act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," as amended; to the Committee on Flood Control.

By Mr. DICKSTEIN: A bill (H. R. 11552) to provide for review of the action of consular officers in refusing immigration visas; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Joint resolution (H. J. Res. 372) requesting the President to establish friendly diplomatic and commercial relations with Soviet Government of Russia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11553) granting an increase of pension to Mary J. Goodwin; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 11554) granting an increase of pension to Lovery Myers; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11555) granting a pension to Lillie Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11556) granting an increase of pension to Mary E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11557) granting an increase of pension to Emma L. Gossard; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 11558) granting an increase of pension to Lizzie Odell; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 11559) for the relief of A. H. Marshall; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 11560) granting an increase of pension to Catherine Norton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Missouri: A bill (H. R. 11561) granting a pension to Sarah C. Malone; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 11562) granting an increase of pension to Mary E. Chenoweth; to the Committee on Invalid Pensions.

By Mrs. PRATT: A bill (H. R. 11563) for the relief of Mrs. Alice C. Wainwright; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 11564) to provide for the making of emergency loans upon farm lands within the municipality of St. Croix, Virgin Islands of the United States; to the Committee on Banking and Currency.

By Mr. VINSON of Kentucky: A bill (H. R. 11565) granting a pension to Louise Workman; to the Committee on Invalid Pensions.

By Mr. WEST: A bill (H. R. 11566) granting an increase of pension to Emma J. Barker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6820. By Mr. ANDREWS of New York: Resolution adopted by Buffalo Post, No. 25, Jewish War Veterans of the United States, urging opposition to reduction of salaries of Federal employees; to the Committee on Economy.

6821. By Mr. BACON: Resolution of Military Order of Foreign Wars of the United States, New York Commandery, opposing the immediate payment of veterans' adjusted-compensation certificates; to the Committee on Ways and Means.

6822. By Mr. BOHN: Petition of Hay Fever Association of Sault Ste. Marie, Mich., requesting that an investigation be instituted to determine some relief for the hay fever and hay asthma sufferers; to the Committee on Agriculture.

6823. By Mr. BOYLAN: Letter from the American Federation of Teachers of New York City, opposing any reduction in Federal salaries; to the Committee on Appropriations.

6824. Also, report on taxation and finance unanimously adopted at a meeting of the New York Board of Trade, New York City, N. Y.; to the Committee on Ways and Means.

6825. Also, resolution unanimously adopted by the Merchant Tailors Society of New York, opposing the stock transfer tax; to the Committee on Ways and Means.

6826. Also, resolution unanimously adopted by the Merchant Tailors Society of New York, urging the repeal of the eighteenth amendment; to the Committee on the Judiciary.

6827. By Mr. CRAIL: Petition from the Presbyterian Missionary Society of Inglewood, Calif., favoring the preservation of the herds of the Eskimos; to the Committee on the Territories.

6828. By Mr. CULLEN: Petition of the Merchant Tailors Society of the city of New York, opposing the soldiers' bonus bill; to the Committee on Ways and Means.

6829. Also, petition from the Merchant Tailors Society of the city of New York, urging the Congress to eliminate the proposed stock-transfer tax; to the Committee on Ways and Means.

6830. Also, petition from the Merchants Society of the city of New York, voicing its sincere opposition to the eighteenth amendment and the Volstead Act; to the Committee on the Judiciary.

6831. Also, petition from the Dairymen's League Cooperative Association (Inc.), expressing the opinion that the work that is being performed under the provisions of the Smith-Hughes and Smith-Lever laws is not only priceless to American agriculture but of great value to all of the people, and urging the Congress not to make any drastic cut in the appropriations heretofore granted; to the Committee on Appropriations.

6832. By Mr. DAVENPORT: Petition of Randolph Perry, of Herkimer, N. Y., and other residents of Herkimer County,

protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

6833. By Mr. FULLER: Petition of Lundy Orrell, as secretary, and 52 members of the Green Forest Chapter, No. 98, Future Farmers of America, of Green Forest, Ark., protesting against the proposed repeal of the Federal appropriation for vocational agriculture; to the Committee on Appropriations.

6834. Also, petition of members of Chapter No. 11 of the Future Farmers of America, of Huntsville, Ark., protesting against the proposed repeal of the Federal appropriations for vocational agriculture; to the Committee on Appropriations.

6835. By Mr. GLOVER: Petition of the Future Farmers of America, Malvern High School; to the Committee on Appropriations.

6836. By Mr. JAMES: Petition from Division No. 1, Ancient Order of Hibernians, of Hancock, Mich., through M. McMahon, J. D. Shea, Dan Harrington, Michael Shea, John Carney, and Edward Cuff, committee, favoring a tariff on copper; to the Committee on Ways and Means.

6837. Also, resolution from the council of the village of Ahmeek, Keweenaw County, Mich., through John Grindatti, president, and Mary Schutte, clerk, favoring a tariff on copper; to the Committee on Ways and Means.

6838. By Mr. JOHNSON of Texas: Petition of Major Davis, president Dawson School Board, Dawson, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6839. Also, petition of E. E. Nettles, president Kerens National Bank, Kerens, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6840. Also, petition of Hon. J. Luther Broadway, of Madisonville, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6841. Also, resolution passed at annual district convention of twelfth district, Texas Cotton Cooperative Association, opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6842. Also, petition of Howell Brister, president Chamber of Commerce, Kerens, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6843. Also, petition of W. T. Stockton, president First National Bank, Kerens, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6844. Also, petition of J. E. Woods, president Teague National Bank, Teague, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6845. Also, petition of Dr. J. C. Blair, president Kerens Board of Education, Kerens, Tex., opposing suspension for one year of Federal funds for vocational education; to the Committee on Economy.

6846. Also, petition of Second Division, American Legion, Department of Texas, favoring immediate cash payment of adjusted-service certificates; to the Committee on Ways and Means.

6847. By Mr. KELLER: Petition from National Rural Letter Carriers' Association, protesting against salary cuts; to the Committee on Economy.

6848. Also, petition of Cloyed E. McGhee, of Mount Vernon, Ill., protesting against salary cuts; to the Committee on Economy.

6849. Also, petition of William E. Barron, of Cairo, Ill., protesting against salary cuts; to the Committee on Economy.

6850. Also, petition of S. B. Thomas, of Cairo, Ill., protesting against salary cuts; to the Committee on Economy.

6851. Also, petition from Local 1492, National Association of Letter Carriers, by Frank L. Veach, secretary, Marion, Ill., protesting against salary cuts; to the Committee on Economy.

6852. Also, petition of postal employees of Benton, Ill., protesting against salary cuts; to the Committee on Economy.

6853. Also, petition of Paul M. Dillow, of Anna, Ill., protesting against salary cuts; to the Committee on Economy.

6854. Also, petition of Federal Employees Association, No. 446, Rock Island, Ill., protesting against salary cuts; to the Committee on Economy.

6855. Also, petition from the National Association of United States Civil Service Employees at Navy Yards, New York, protesting against salary cuts; to the Committee on Economy.

6856. Also, petition from Randolph County Rural Letter Carriers, by Don G. Williamson, president, Steeleville, Ill., protesting against pay cuts; to the Committee on Economy.

6857. Also, petition of Rural Letter Carriers of Jackson County, by their president, Edgar G. Gordon, Ava, Ill., protesting against Federal pay cuts; to the Committee on Economy.

6858. Also, petition of Perry County Rural Letter Carriers Association, by their president, Logan Thimmig, protesting against Federal pay cuts; to the Committee on Economy.

6859. Also, petition of Carbondale (Ill.) Branch, Railway Mail Association, by their president, W. L. Kenney, protesting against Federal pay cuts; to the Committee on Economy.

6860. Also, petition from the Illinois State Federation of Labor, protesting against reduction in salaries of Federal workers, pointing out that such reduction will have bad effect upon the economic and industrial life of the Nation; to the Committee on Economy.

6861. Also, petition of John N. Niehouse, Wilbert T. Ribbe, and Henry C. Lemmerman, of Chester, protesting against Federal pay cuts; to the Committee on Economy.

6862. Also, petition of Clem T. Hamm, of Chester, Ill., protesting against Federal pay cuts; to the Committee on Economy.

6863. Also, petition of A. F. Whitney, president of the Brotherhood of Railroad Trainmen, protesting against reduction in the Salaries of Federal employees; to the Committee on Economy.

6864. Also, petition of Mr. and Mrs. H. E. De Lap, of Carbondale, Ill., protesting against Federal pay cuts; to the Committee on Economy.

6865. Also, petition of Albert E. Carlson, of Chicago, Ill., protesting against proposed Federal pay cuts; to the Committee on Economy.

6866. Also, petition from Chester (Ill.) Chapter of Future Farmers of America, signed by 23 members, protesting against proposed cuts or elimination of Federal funds for vocational education; to the Committee on Economy.

6867. Also, petition of Charles E. Simmons, president Illinois Rural Letter Carriers Association, Mount Vernon, Ill., in which he speaks for 2,400 rural mail carriers, protesting against Federal salary reductions; to the Committee on Economy.

6868. Also, petition from the Illinois branch of the Railway Mail Association of Chicago, protesting against Federal salary reductions; to the Committee on Economy.

6869. Also, petition of Harold C. Dannenbrink, protesting against Federal pay cuts; to the Committee on Economy.

6870. Also, petition from the Ladies' Auxiliary Local, No. 239, National Federation of Post Office Clerks, protesting against the proposed salary cuts; to the Committee on Economy.

6871. Also, petition from the Chicago Post Office Clerks Union, No. 1, protesting against proposed Federal salary cuts; to the Committee on Economy.

6872. Also, petition of Harry F. Wolter, president of Government Workers Local, No. 167, representing 757 employees, Waukegan, Ill., protesting against proposed Federal salary cuts; to the Committee on Economy.

6873. Also, petition from Herrin Chapter, of Future Farmers of America, signed by 33 members of the organization, protesting against elimination of appropriations for vocational education; to the Committee on Economy.

6874. Also, petition of Post Office Clerks Union, No. 1152, Marion, Ill., protesting against Federal salary cut; to the Committee on Economy.

6875. Also, petition from Railway Mail Association of Chicago, protesting against proposed salary reductions by Federal Government; to the Committee on Economy.

6876. Also, petition of citizens of Mound City, Ill., asking favorable action on all bills relating to interstate trucks and busses; to the Committee on Interstate and Foreign Commerce.

6877. Also, petition of citizens of Karnak, Ill., asking favorable action on all bills relating to interstate trucks and busses; to the Committee on Interstate and Foreign Commerce.

6878. Also, petition of citizens of Grand Chain, Ill., asking favorable action on all bills relating to interstate trucks and busses; to the Committee on Interstate and Foreign Commerce.

6879. Also, petition of the following individuals: Herman Sims, (6880) Fred H. Stotlar, (6881) D. E. Odum, (6882) R. D. Blake, (6883) L. A. Sanders, (6884) Hessie L. Grant, (6885) D. D. Smith, (6886) A. A. Simpson, (6887) W. E. Motsinger, (6888) Leon D. Jeter, of Marien, and (6889) Dr. J. S. Williams, of Broughton, Ill., protesting against the proposed reductions of Federal salaries; to the Committee on Economy.

6890. By Mr. LAMNECK: Petition of Joe Martin, John L. Patrick, and other citizens of the city of Columbus, Ohio, protesting against the decommissioning of the U. S. S. *Wilmington*, Ohio's training ship, and the Navy Department order dispensing with 15 days' training duty for the Ohio Naval Reserve; to the Committee on Appropriations.

6891. Also, petition of Louis Woerner, A. R. Rice, and 12 other citizens of Franklin County, Ohio, petitioning Congress to enact such legislation as appears to be necessary at this time to curb the activities of the growing monopolistic organizations commonly known as the chain-store system; to the Committee on Interstate and Foreign Commerce.

6892. Also, petition of Charles F. Althen, L. H. Shirey, and 25 other citizens of Franklin County, Ohio, petitioning Congress to enact such legislation as is necessary at this time to curb the activities of the growing monopolistic organizations known as the chain-store system; to the Committee on Interstate and Foreign Commerce.

6893. Also, petition of L. H. Allard, R. G. Allen, and numerous other citizens of the city of Columbus, Ohio, protesting against the decommissioning of the U. S. S. *Wilmington*, Ohio's training ship, and the Navy Department order dispensing with 15 days' training duty for the Ohio Naval Reserve; to the Committee on Appropriations.

6894. By Mr. LINDSAY: Petition of the University of the State of New York, the State education department, Albany, N. Y., opposing reduction of Federal aid for vocational education; to the Committee on Economy.

6895. Also, petition of Substitutes Legislative Committee, post office, Schenectady, N. Y., with reference to legislation now pending for their interests; to the Committee on the Post Office and Post Roads.

6896. By Mr. MILLARD: Petition signed by employees of the Schenectady (N. Y.) post office, urging relief for substitute employees; to the Committee on the Post Office and Post Roads.

6897. Also, resolution unanimously adopted at a meeting of the New York Commandery, Military Order of Foreign Wars of the United States, opposing payment of the adjusted-service certificates; to the Committee on Ways and Means.

6898. Also, resolutions unanimously adopted by the executive committee of the Merchant Tailors' Society of New York, opposing prohibition, the proposed tax on the sale of securities, and the payment of the adjusted-service certificates held by veterans of the World War; to the Committee on Ways and Means.

6899. By Mr. NIEDRINGHAUS: Petition of 15 voters and residents of St. Louis, Mo., urging that high tax on security transfers be removed; that no further soldiers' bonus be paid at this time, and that positive steps be made to reduce the high cost of government; to the Committee on Ways and Means.

6900. By Mr. PARKER of Georgia: Petition of I. P. Herrington, of Munnerlyn, Ga., and 16 other citizens of the first congressional district of Georgia, urging the enactment of legislation regulating busses and trucks engaged in hauling passengers and freight; to the Committee on Interstate and Foreign Commerce.

6901. By Mr. RUDD: Petition of American Manufacturing Co., Brooklyn, N. Y., with reference to the manufacturers' sales tax and favoring the manufacture and controlling the sale of alcoholic beverages; to the Committee on Ways and Means.

6902. Also, petition of Substitutes Legislative Committee, post office, Schenectady, N. Y., favoring certain legislation now pending in their interests before the Post Office Committee; to the Committee on the Post Office and Post Roads.

6903. Also, petition of Dairymen's League Cooperative Association (Inc.), New York, opposing elimination of Federal aid for vocational education; to the Committee on Ways and Means.

6904. Also, petition of Hugh Smith Thompson, 3d, Chapter No. 17, Disabled American Veterans of the World War, Castle Point, N. Y., opposing any legislation which would reduce the disability allowance, compensation, or retirement pay of any disabled veteran; to the Committee on Economy.

6905. Also, petition of New York Newspaper Printing Pressmen's Union, No. 2, New York City, opposing the reduction of appropriation of financial aid to the States for promotion and development of vocational education; to the Committee on Economy.

6906. Also, petition of American Federation of Teachers, Chicago, Ill., opposing any reduction of the Federal employees salaries; to the Committee on Economy.

6907. Also, petition of Egleston Bros. & Co. (Inc.), Long Island City, favoring the reduction of the Budget estimates; to the Committee on Appropriations.

6908. Also, petition of the Merchant Tailors Society of the City of New York, favoring the repeal of the eighteenth amendment to the Constitution and the Volstead Act; to the Committee on the Judiciary.

6909. Also, petition of the Merchant Tailors Society of the City of New York, opposing the payment of the soldiers' bonus; to the Committee on Ways and Means.

6910. Also, petition of the Merchant Tailors Society of the City of New York, opposing the stock-transfer tax amendment, and favoring its removal from the revenue bill; to the Committee on Ways and Means.

6911. Also, petition of the University of the State of New York, the State education department, Albany, N. Y., opposing elimination of Federal aid for vocational education; to the Committee on Economy.

6912. By Mr. SANDERS of Texas: Resolution of Second Division, American Legion of Texas, urging payment of the adjusted-service certificates; to the Committee on Ways and Means.

6913. By Mr. SANDERS of New York: Petition of Botts-Fiorito Post of the American Legion at Le Roy, N. Y., favoring the immediate payment of the soldiers' bonus; to the Committee on Ways and Means.

6914. By Mr. SANDERS of Texas: Resolution of Alamo Post, No. 2, American Legion, San Antonio, Tex., urging payment of adjusted-service certificates; to the Committee on Ways and Means.

6915. Also, petition of Claude R. Moore and several others of Texarkana, Tex., urging passage of legislation providing for a 40-hour week with 44-hour pay in lieu of the present 44-hour week with 48-hour pay; to the Committee on the Post Office and Post Roads.

6916. By Mr. SMITH of West Virginia: Resolution from the Madison Rotary Club, of Madison, W. Va., protesting against the passage of the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

6917. Also, resolution of the Fayetteville Rotary Club, of Fayetteville, W. Va., protesting against the passage of the

Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

6918. By Mr. SUTPHIN: Petition of Dairymen's League Cooperative Association, asking support in rebuilding vocational education appropriation; to the Committee on Appropriations.

6919. By Mr. TURPIN: Petition of American Legion Post, No. 176, of Peely, Pa., requesting the passage of legislation for the payment of the full face value of adjusted-service certificates; to the Committee on Ways and Means.

6920. By the SPEAKER: Petition of citizens of Philadelphia, requesting that an investigation be directed immediately by the House of Representatives of the United States to the end that the expenditures of Representative EDWARD LOWBER STOKES may be regulated or limited as prescribed and intended in accordance with the Federal Statutes; to the Committee on Rules.

6921. Also, petition of the First Ward Democratic Club of Yonkers, N. Y., protesting against any reduction of salaries of postal employees; to the Committee on Economy.

SENATE

SATURDAY, APRIL 23, 1932

(Legislative day of Friday, April 22, 1932)

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

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had concurred in the concurrent resolution (S. Con. Res. 26) requesting the President of the United States to return to the Senate the enrolled bill (S. 3584) entitled "An act to require all insurance corporations formed under the provisions of Chapter XVIII of the Code of Law of the District of Columbia to maintain their principal offices and places of business within the District of Columbia, and for other purposes."

FINANCING OF CRIME

Mr. BINGHAM. Mr. President, I notice in the morning paper an astonishing statement that Al Capone has again offered to assist in recovering the Lindbergh baby and has actually offered an absolute guarantee that if he is permitted temporarily to leave his sojourn in the Federal penitentiary he will see that the baby is returned within a very few days. His friend has assured Colonel Lindbergh that the return of the baby will be made without the payment of a cent in ransom in addition to that which has already been paid.

Mr. President, this is the second time it has occurred that Al Capone has offered to return the baby if he could get out of jail for a while. Furthermore, the Lindbergh family have been in touch with two of the leading gangsters in New York in an effort to get the baby back. The fact that the Federal and local officials have been baffled for weeks and that it has been necessary to turn to the gangsters and that their leader, who made his money chiefly from the beer racket and from bootleggers, is willing to stake his reputation by guaranteeing that the baby can be returned lends some force to the claim which has frequently been made to me by various people that the kidnaping was done by a friend of Capone for this very purpose.

Furthermore, people have been writing to me from various parts of the country saying that they agree with the resolution adopted by the Los Angeles Aviators' Post of the American Legion, which blames the prohibition laws for the gangsters' activities. Essentially the resolution states that it is their belief that these organized criminal activities have been created and are fostered by the continuance of our existing national prohibition laws which have made enormous profits available for such antisocial groups. I have received letters from various persons in widely separated parts of the United States who tell me that circumstances connected with the kidnaping of the Lindbergh baby have convinced them that the adoption of the eighteenth amendment was a mistake and that it should be repealed. In one letter the father of a family of five children stated that he and his neighbors had until recently been ardent advocates of the eighteenth amendment, but that now they are convinced that it should be repealed.

The crime of kidnaping is not a new crime, and I do not believe that it has been caused by prohibition. At the same time it must be obvious to everyone that the successful financing of crime on a large scale has unquestionably been due to the enormous profits of the bootleggers. The Government has lost hundreds of millions of dollars in revenue which has gone into the bootleggers' pockets as profits. These profits have enabled them to finance crime on a hitherto unparalleled scale.

Although I can not agree fully with my various correspondents who blame the kidnaping of the Lindbergh baby entirely on the prohibition laws, I have the greatest sympathy with the position which they have taken, and I do feel that the time has come for the Congress to face the fact called attention to by the Los Angeles aviators, that our existing national prohibition laws have made enormous profits available to gangsters and racketeers. The sooner we repeal the eighteenth amendment and the Volstead Act and permit each State to pass the kind of prohibition law desired by the majority of its citizens the sooner will we diminish the enormous profits which are now going into the pockets of criminals and helping them to carry out difficult crimes successfully.

I send to the desk the resolution of the Los Angeles Aviators' Post of the American Legion to which I have referred and ask that it may be printed in the RECORD.

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

The resolution is as follows:

Whereas, apparently as the direct result of a dangerous new development of gangster and racketeer activities in this Nation, there has recently been perpetrated a peculiarly heinous crime, to wit, the kidnaping of the infant son of a nationally honored and beloved hero, Col. Charles A. Lindbergh; and

Whereas under stress of the great anxiety occasioned by the said crime Colonel Lindbergh has apparently deemed it necessary to carry on negotiations for the recovery of his child with reputed notorious gangster, racketeer, and other so-called underworld characters rather than depending solely upon the lawfully constituted authorities of his State and of the Federal Government; and

Whereas the perpetration of such a crime and the most regrettable means considered necessary for its solution are both indications of how seriously gangster and racketeer activities have fastened themselves upon the life of the Nation; and

Whereas, in our opinion, such organized criminal activities have been created by and are fostered by the continuance of our existing national prohibition laws, which have made enormous profits available to such antisocial groups: Therefore be it

Resolved, That Aviators' Post, No. 350, of the American Legion, Department of California, petition our Senators and Representatives in Congress to give earnest consideration to such lawful measures as may secure changes in the existing prohibition statutes which will remove the primary cause of the dangerous gangster and racketeer organizations of the country.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented a resolution adopted by the Common Council of the City of Detroit, Mich., inviting attention to the naval appropriation bill and favoring the appropriation of sufficient funds therein to enable the Federal Government continue its share of the expense of the Naval Reserve, which was referred to the Committee on Appropriations.

Mr. ASHURST presented a telegram, in the nature of a memorial, from the Phoenix (Ariz.) Clearing House Association, remonstrating against the passage of the so-called Norbeck bill, being the bill (S. 4291) to amend section 5219 of the Revised Statutes, as amended, which was referred to the Committee on Banking and Currency.

He also presented a memorial of sundry citizens of Pima County, Ariz., remonstrating against proposed reductions in the compensation of Federal employees, which was referred to the Committee on Appropriations.

He also presented telegrams, in the nature of memorials, from Fred W. Moore, president of the Chamber of Commerce of Flagstaff and the Chamber of Commerce of Wins-