a basis of population, and that no less sum than $3,500,000,000 be appropriated for such purpose; to the Committee on Appropriations.

543. By Mr. MALONEY of Connecticut: Resolution adopted at the meeting of the Ladies Auxiliary to the Private Walter J. Smith Post, No. 511, Veterans of Foreign Wars of America, held March 28, 1933, at New Britain Conn.; to the Committee on World War Veterans' Legislation.

544. By Mr. RUDD: Petition of the joint committee on unemployment, New York City, favoring the passage of the 30-hour-week legislation; to the Committee on Labor.

545. Also, petition of National Automatic Sprinkler Association, New York City, opposing the passage of Senate bill 158, 30-hour-week bill, and favoring the legislation recommended by the Chamber of Commerce of the United States, committee on working periods in industry; to the Committee on Labor.

546. Also, petition of Worthington Pump & Machinery Corporation, New York City, protesting against the passage of the Black bill, S. 158, providing for a 30-hour week; to the Committee on Labor.

547. Also, petition of National Association of American Workers Association, North Tonawanda, N.Y., favoring the passage of the Black bill, S. 158, providing for a 30-hour week; to the Committee on Labor.

SENATE

SATURDAY, APRIL 15, 1933

(Legislative day of Tuesday, Apr. 11, 1933)

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

Mr. ROBINSON of Arkansas. 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:

Adams	Copeland	Kean	Robinson, Ark.
Ashurst	Costigan	Kendrick	Robinson, Ind.
Austin	Couzens	Keyes	Russell
Bachman	Cutting	King	Schall
Bailey	Dickinson	La Follette	Sheppard
Bankhead	Dieterich	Logan	Shipstead
Barkley	Dill	Lonergan	Smith
Black	Duffy	Long	Steiwer
Bone	Erickson	McAdoo	Stephens
Borah	Fletcher	McCarran	Thomas, Okla.
Bratton	Frazier	McGill	Thomas, Utah
Brown	George	McKellar	Trammell
Bulkley	Glass	McNary	Vandenberg
Bulow	Goldsborough	Murphy	Van Nuys
Byrd	Gore	Neely	Wagner
Byrnes	Hale	Norbeck	Walcott
Capper	Harrison	Norris	Walsh
Caraway	Hastings	Nye	Wheeler
Carey	Hatfield	Overton	White
Clark	Hayden	Patterson	
Connally	Hebert	Pittman	
Coolidge	Johnson	Pope	

Mr. BLACK. I desire to announce that the Senator from Illinois [Mr. LEWIS], the Senator from Maryland [Mr. TYDINGS], and the Senator from North Carolina [Mr. REYNOLDS] are necessarily detained from the Senate.

Mr. HEBERT. I desire to announce that the Senator from Pennsylvania [Mr. DAVIS] is absent on account of illness.

I wish also to state that the Senator from New Jersey [Mr. BARBOUR], the Senator from Ohio [Mr. FESS], the Senator from Rhode Island [Mr. METCALF], the Senator from Pennsylvania [Mr. REED], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

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

THE JOURNAL

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the Journal for the calendar days April 11, 12, 13, and 14 may be approved.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting several nominations and also withdrawing a nomination, were communicated to the Senate by Mr. Latta, one of his secretaries.

FUNCTIONS OF THE POST OFFICE DEPARTMENT (S.DOC. NO. 29)

The VICE PRESIDENT laid before the Senate a letter from the Postmaster General, submitting, in response to Senate Resolution 351, Seventy-second Congress, a report relative to the functions of the Post Office Department, the statutory authority therefor, the total annual expenditures, etc., which, with the accompanying pamphlet, was ordered to lie on the table and to be printed.

FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE (S.DOC. NO. 28)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a report showing the functions and activities conducted under the jurisdiction of the Department of Agriculture, the statutory authority therefor, the total annual expenditures, and also list of employees of the Department receiving compensation at the rate of $5,000 or more per annum, which, with the accompanying statements, was ordered to lie on the table and to be printed.

FUNCTIONS OF THE GOVERNMENT PRINTING OFFICE (S.DOC. NO. 30)

The VICE PRESIDENT laid before the Senate a letter from the Public Printer, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a report showing the functions and activities conducted under the jurisdiction of the United States Government Printing Office, the statutory authority therefor, and the total annual expenditures thereon for the latest complete fiscal year (1932), etc., which, with the accompanying statements, was ordered to lie on the table and to be printed.

FUNCTIONS OF THE FEDERAL FARM BOARD (S.DOC. NO. 31)

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Farm Board, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a report of the functions of the Board, the statutory authority therefor, the total annual expenditures, etc., which, with the accompanying statements, was ordered to lie on the table and to be printed.

FUNCTIONS OF THE FEDERAL RESERVE BOARD (S.DOC. NO. 33)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Federal Reserve Board, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a chart showing the functions of the Board and of its various divisions and offices, and a statement regarding the Federal Reserve System also describing the functions of the Federal Reserve Board, and also a statement of the expenses of the Board and of each of its divisions and offices for the year 1932, etc., which, with the accompanying papers, was ordered to lie on the table and to be printed with an illustration.

FUNCTIONS OF BUREAU OF THE BUDGET AND FEDERAL COORDINATING SERVICE (S.DOC. NO. 32)

The VICE PRESIDENT laid before the Senate a letter from the Director of the Bureau of the Budget, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a statement showing in detail the functions performed by the Bureau of the Budget and the Federal Coordinating Service operating under the general direction of the Director of the Budget Bureau, the authority for the performance of each function and the annual cost thereof, also a list of officers and employees in each establishment receiving compensation at the rate of $5,000 or more per annum, which, with the accompanying statements, was ordered to lie on the table and to be printed.

FUNCTIONS OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S.DOC. NO. 34)

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Advisory Committee for

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Aeronautics, submitting, pursuant to Senate Resolution 351, Seventy-second Congress, a report of the functions of the Committee, the statutory authority therefor, the total annual expenditures, etc., which, with the accompanying statements, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Missouri, which was referred to the Committee on Agriculture and Forestry:

House Concurrent Resolution 13

Whereas there are in the State of Missouri vast areas in drainage and levee districts, covering nearly 3,000,000 acres of the most fertile land in the State, in which there is invested capital of nearly $50,000,000; and

Whereas a large part of this invested capital is represented in drainage and levee improvement bonds, many of which now outstanding are in default of payment of principal and interest because of the farm depression and low prices of farm products; and

Whereas these drainage and levee district farmers are being foreclosed and losing their homesteads and life savings because they are unable in this economic depression to meet the high taxation necessary to pay the cost of these drainage and levee improvements; and

Whereas the Glenn-Smith bill, the purpose of which was to provide a moratorium and long-time loan at a low rate of interest for the relief of distressed drainage and levee districts, was on the calendar of both the Senate and House in the last session of Congress, which adjourned before the bill was reached: Now, therefore, be it

Resolved by the house of representatives (the senate concurring therein), That the Congress of the United States be, and is hereby, memorialized to immediately enact a law that will be adequate for the relief of the now despairing farmers of the drainage and levee districts of this and other States, restoring the morale, the hope, and courage of the farmers residing therein, opening new reservoirs of credit that are now closed to them by reason of the high taxes, and preserve to the State and Nation vast taxable lands that are now, for lack of maintenance of the improvements, threatened with a return to their original state of swamps; be it further

Resolved, That duly authenticated copies of this resolution be immediately forwarded to the President of the Senate and Speaker of the House of Representatives of the United States at Washington, D.C.

Senator Jones moved that the Senate concur in the above resolution.

Which motion prevailed by the following votes:

Yeas: Senators Bales, Brogan, Buford, Crouse, Dail, Depelheuer, Doran, Gunn, Henry, Hixson, Joffee, Jones, Kennedy, Kinney, McDowell, Morgan, Nolte, Robertson, Rollins, Russell, Shotwell, and Titus—22.

Nays: Senators Briggs, Casey, Donnelly, Gordon, Haymes, Kelley, and Terry—7.

Absent: Senators Clark, Clayton, Daggs, Wisdom—4.

Absent with leave: Senator Bates—1.

Senator Casey moved that the above roll call be made a part of the record of said Concurrent Resolution No. 13.

Which motion prevailed.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Leon Unit of the Clearwater County Farm Bureau, Minnesota, favoring the passage of legislation known as the "Frazier farm-relief bill", for the liquidation of agricultural indebtedness, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the executive committee of the Society for Cultural Relations with U.S.S.R. (Russia), of Chicago, Ill., favoring the prompt recognition of the Soviet Government of Russia, and also the negotiation of a treaty with Russia for the promotion of travel, trade, and cultural relations, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a communication of Francis Williams, chairman, etc., of New Orleans, La., enclosing petitions of sundry citizens of the State of Louisiana relating to alleged acts and conduct of Hon. HUEY P. LONG, a Senator from the State of Louisiana, which, with the accompanying papers, was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Mr. PITTMAN:

A bill (S. 1380) for the relief of Nieves Maria P. C. Walsh; to the Committee on Appropriations.

By Mr. VANDENBERG:

A bill (S. 1381) to provide further for the national security and defense; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 1382) for the relief of Uldric Thompson, Jr.; to the Committee on Military Affairs.

RELIEF OF AGRICULTURE—AMENDMENT

Mr. PITTMAN submitted an amendment intended to be proposed by him to the bill (H.R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power, which was ordered to lie on the table and to be printed.

6-HOUR DAY 5-DAY WEEK—MOTION TO RECONSIDER

Mr. BLACK. Mr. President, on Friday of last week, I believe, yesterday a week ago, a motion was made to reconsider the vote by which the so-called "30-hour week bill" was passed. Under the strange rules which we have in the Senate, we have not as yet been able to get up that motion. It is now evident that the pending bill will not be completed this week, and it is evident that it will take us several days to complete it next week. It is also obvious to many Senators that the quickest way to dispose of the farm relief bill is to dispose first of the motion to reconsider. There is an obvious desire on the part of some to prevent action on the motion to reconsider the vote whereby the 30-hour week bill was passed. There are many reasons why that is desired; I shall not now go into them; but as I have said—and I believe it to be true—the quickest way to get action on the farm relief bill is first to vote upon the motion to reconsider. It will take away the desire which exists in some parts of the country unduly to protract the consideration of the farm relief bill. It is obvious that so long as the farm relief bill is under consideration, and if we cannot take up the motion to reconsider the action of the Senate in passing the 30-hour week bill, it delays the 30-hour week bill just that long.

Mr. President, I am for the farm relief bill; I am for its expeditious passage; I want to pass it at the earliest possible moment. As I said before, I am convinced that the quickest way to pass the farm relief bill is to take away any possibility that the vote on the motion to reconsider the 30-hour week bill can be delayed by protracted debate on the farm relief measure.

Mr. President, I desire to ask unanimous consent at this time that the pending farm relief bill may be temporarily laid aside, and that we may consider the motion of the Senator from Florida [Mr. TRAMMELL] to reconsider the vote whereby the 30-hour week bill was passed.

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

Mr. HEBERT. Mr. President, in the absence of the Senator from Oregon [Mr. MCNARY], who has objected to any request for unanimous consent to consider the pending motion to reconsider, I am forced to object.

Mr. BLACK. Mr. President, I do not desire to have this put on the shoulders of the Senator from Oregon. The Senator from Oregon has not objected. The Senator from Oregon objected at certain times when there was an effort to limit the debate, but he specifically stated on the floor that it was because there was a proposed limitation of debate. Each time this question has come up, some Senator has said on the floor that he wanted to object not for himself, but always the statement has been made that the objection was in behalf of some other Senator.

Mr. NORRIS. Mr. President——

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

Mr. BLACK. I yield.

Mr. NORRIS. If the Senator will permit me to go a little farther than asking a question, I should like to make a suggestion.

Mr. BLACK. I yield to the Senator for that purpose.

Mr. NORRIS. Mr. President, we passed the 6-hour 5-day week bill several days ago. There are two sides to it. I am not complaining of any Senator's vote on it. The very

object of the motion to reconsider is to afford an opportunity to offer an amendment which was offered when the bill was under consideration. It was fully debated. We had a vote on it. There is nothing new in it. It is something the Senate has already threshed out.

It seems to me as a matter of good sportsmanship, no matter whether we are for or against it, we ought to end this delay that is coming about, when everyone knows there is not a new thing involved in the proposal. I do not want to delay consideration of the farm bill. I am opposed to going into consideration of the motion with unlimited debate. We can stop debate on the motion at any time if Senators are afraid. No matter what the intention is, the effect is simply to delay the sending of the bill to the House if we debate it without limit. We voted on it once. It was decided by the Senate, and the effect now is to hold it up really after the Senate disposed of it while we are taking up another bill.

I should like to say to those who are afraid we will delay the farm bill—and I am in entire sympathy with anyone who does not want to delay it—that if the motion is taken up, it will be in order to end the debate by a motion to lay on the table the motion to reconsider. That would end it. We are not going into a long debate on it so far as I am concerned. If the Senator from Alabama does not make the motion after a reasonable time has elapsed—it seems to me in fact it has elapsed now—I will make the motion myself.

Mr. BLACK. I did not understand what motion the Senator said he would make.

Mr. NORRIS. I said I would make a motion to lay on the table the motion to reconsider. It seems to me the Senator from Alabama would be justified in making it now. It is quite apparent there is nothing new that can be brought out in the debate. I understand the Senator from Florida [Mr. TRAMMELL] is willing to have a vote on his motion, and I should like to have a vote on it, too. It is only fair to those who have been behind the legislation, particularly the Senator from Alabama, that the motion to reconsider be disposed of. I do not fear lengthy debate. If there is any indication of a lengthy debate, we can shut it off by a motion to lay on the table.

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

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

Mr. BLACK. Certainly.

Mr. TRAMMELL. I would suggest that so far as I am concerned it would be all right to lay aside the pending unfinished business for a period of 1 hour and then have a vote upon the motion to reconsider.

Mr. NORRIS. That is a good suggestion. I suggest to the Senator from Florida that he submit that in the form of a unanimous-consent request.

Mr. SMITH. Mr. President, if the Senator from Alabama will yield——

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

Mr. BLACK. Certainly.

Mr. SMITH. As a matter of course, we are trying to expedite the passage of the farm bill. I made the proposal once before that we devote, if necessary, an hour to the motion to reconsider, and that at the end of the hour we should vote on the question of reconsideration. I do not want to cause any further delay, so I make the proposal that the farm bill be temporarily laid aside for 1 hour and at the end of that hour a vote be taken on the question of reconsideration.

The VICE PRESIDENT. Is there objection?

Mr. HATFIELD. Mr. President, will the Senator from Alabama yield?

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

Mr. BLACK. I yield.

Mr. HATFIELD. I have no objection to the motion being disposed of at the present time in that way, provided I am given 20 or 25 minutes time to discuss it. That is all I ask.

Mr. TRAMMELL. As the maker of the motion, of course, I should like to have 15 or 20 minutes, but I am willing to forego even that if it becomes necessary in order that we may dispose of the motion. I have no objection to the request.

Mr. SMITH. I will amend my unanimous-consent request by providing that the Senator from West Virginia [Mr. HATFIELD] shall be given 25 minutes of the time allotted.

The VICE PRESIDENT. The Senator from South Carolina submits a unanimous-consent request which the Chair will endeavor to state. The Senator from South Carolina requests that the pending business be temporarily laid aside to take up the question of reconsideration of the vote by which the Senate passed what is known as the 6-hour 5-day bill; that at the end of an hour a vote shall be taken on the question of reconsideration; that in the meantime the Senator from West Virginia [Mr. HATFIELD] is to have 25 minutes of the 1 hour. Is there objection?

Mr. McNARY. Mr. President——

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

Mr. BLACK. I yield.

Mr. McNARY. I am sorry the distinguished Senator from South Carolina has seen fit to press the request. I had assumed that he was anxious to go forward with the unfinished business and complete it.

Mr. SMITH. I have so stated.

Mr. McNARY. A few days ago I objected to the consideration of other measures pending the disposition of the unfinished business. I have been told, we have all been told, by the able leader on the Democratic side that the Black bill is not a part of the emergency program of the administration. We know that the farm bill is. I am sure the motion to reconsider could not be disposed of in 1 hour. I do not believe in the allotment of time to any particular Senator under any circumstances. I want to protect the Senator from West Virginia and other Senators who are absent, but I could make no exception in this case.

Let me say to the Senator from Alabama that the orderly way to dispose of the matter is to take an adjournment this afternoon until Monday and have a morning hour on Monday, at which time the motion would come up automatically. Senators will then be advised that during that time the motion may come up.

Today there are 18 or 20 Senators absent, many of whom are interested in the Black proposal. I intend, whatever my own views are, to protect those absent Senators. I suggest that the Senator so arrange the proceedings of the Senate that we have an adjournment until Monday, at which time he can move in the ordinary way to consider his proposal. Entertaining that view and desiring to expedite and complete consideration of the unfinished business, and realizing there is nothing of tremendous momentary importance in the request of the Senator from South Carolina, I shall object.

The VICE PRESIDENT. The Senator from Oregon objects.

Mr. BORAH. Mr. President, the situation is to me a little mystifying. In the first place we have a motion to reconsider the vote on a bill which we know perfectly well will be passed again just as soon as the vote to reconsider is had. While I voted against the bill, nevertheless the bill was passed by a vote of 53 to 30 in the Senate. There is really nothing to be gained by the debate or by the reconsideration of the vote.

Secondly, we know, as well as we can know anything in regard to these matters, that this particular bill will never come back to the Senate in its present form. It will be modified and changed; hence we are now debating about a measure which will undoubtedly be wholly different when the other body has completed its consideration. The measure, when it goes to the House, will be radically changed from what it will be when we have voted on it a second time. It seems to me the motion to reconsider really has

no basis in fact at all. Nothing is to be gained by it. There is no possible chance to gain anything by reconsidering.

I do not want to interfere with the desire of the Senator from Alabama to get the matter disposed of, but I am utterly opposed to further delay upon the farm bill. If matters continue on the farm bill as they have been, we will be here for a week or 10 days more in considering the farm bill. Spending another week upon the measure is something we ought not to consider for a moment. I would suggest to the Senator in charge of the farm bill that he endeavor to get a limitation upon debate on the farm bill now. We have debated the bill for about 8 days. Let us have a limitation of debate upon the farm bill and then we will begin to see our way through as to both these measures. As it is now, we are playing one against the other and making no progress with either.

Mr. SMITH. Mr. President, so far as members of the committee are concerned in the handling of the farm bill, I should be perfectly willing now to vote on the bill as is; but there are certain amendments which have been offered no doubt in good faith. I should like to have an understanding as to limitation of debate on the bill and on the amendments particularly that part of the bill which pertains to farm relief—that is, parts 1, 2, and 3. The portion of the bill that refers to the mortgage situation is pretty well understood by all, I believe. I shall prepare and offer a unanimous-consent request providing for limitation of debate. I shall present it as soon as I can confer with other Senators about it.

Mr. BLACK. Mr. President, I desire to say 1 or 2 things with reference to what has been said on the floor this morning. I agree with the Senator from Idaho [Mr. BORAH] that there is no doubt about what the vote will be when we vote to reconsider. I do deny, however, that there is going to be any lengthy debate on the motion to reconsider. Those heretofore who have said there would be a lengthy debate have said they would not engage in it. It has always been true that someone else, someone whose name does not appear on the surface, is going to engage in lengthy debate. It will not delay the farm bill and would not delay the farm bill, and it is known it would not delay the farm bill to vote on the motion to reconsider. All we have to do is to hear the talk around the floor to know what has been going on and what is going on with reference to the farm bill. It will expedite the passage of the farm bill to take time out to act on the motion to reconsider.

There has been a serious desire on the part of many to delay action. The mistaken idea prevails among some that there should be built up a big backfire that will prevent favorable action on the bill in the House. I deny that any such thing can occur. But that is the idea behind a lot of the objections which have been raised from time to time. Until this morning the Senator from Oregon [Mr. MCNARY] has not come out and objected to consideration of the motion. He stated 2 or 3 times that he objected to any limitation because he wanted time for debate. As a matter of fact, those who are behind the objection to the bill have not yet risen on the floor, except in about one instance.

We know what is going on. I would be the last one here to attempt to delay action on the farm bill; but I reassert that those who are genuinely interested in the passage of farm legislation can aid in bringing that about by first disposing of this motion. If we do that, I predict that some of the debate that is to take place on the farm relief bill will be made much shorter thereafter.

Mr. ROBINSON of Arkansas. Mr. President, before taking my seat I shall ask a unanimous-consent agreement to limit debate on the pending bill, the agreement to take effect after today. I think the proposal which I shall make will be a fair one.

Those who have long speeches to make—speeches that will require more time than would be allowed under the agreement to be proposed—can make them today. Of course, there is no way to force a conclusion of debate in the Senate except under a cloture plan. In my judgment, the debate so far as it has progressed, has been directed at the bill, and nothing has occurred that would justify the imposition of cloture.

An unusual thing has occurred in connection with the labor hours limitation bill. A motion to reconsider was made, and action on that motion has been indefinitely postponed.

Under the rules of the Senate there are only three ways in which, as I see it, the motion can be finally voted on:

First, by some agreement to lay aside the unfinished business and take up the motion. An arrangement of that character has been attempted many times by the Senator from Alabama [Mr. BLACK]. It has been consented to repeatedly by the Senator in charge of the pending bill. One Senator after another has objected, so that the motion to reconsider is delaying the normal progress of business in the Senate and in the House. An agreement for a reasonable limitation on the debate respecting the motion for reconsideration has been repeatedly declined.

Second, by displacing the unfinished business. No one desires that done.

There is a way in which a majority of the Senate can enforce its will on this subject. If the Senate adjourns today, the motion to reconsider can be reached during the morning hour on Monday, and a motion to lay on the table the motion to reconsider can be made. If those who are anxious for an opportunity to discuss the motion to reconsider are unwilling to enter into any arrangement about it, if they are determined to hold up action on it, then I say that I shall seek recognition on Monday when the Senate meets after adjournment, and unless some other Senator makes the motion I shall myself make the motion to lay on the table, so that the Senate may finally have an expression on the subject.

I do not blame any Senator whose views justify him in delaying action here in taking the course that his conscience prompts. Neither can he object if other Senators do the same thing.

Those who wish to reconsider may obtain the opportunity to discuss the motion, if that is their primary purpose. If they are not willing to enter into any arrangement about it, if they are determined to block action on the motion indefinitely, then the only course to be pursued is to precipitate the issue and vote on it; and it may be precipitated and voted upon in the manner I have stated.

Now, Mr. President, I am wondering whether the Senate is in a frame of mind to enter into any arrangement for a limitation of debate on this bill after today.

Mr. LONG. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Louisiana?

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. LONG. I have discussed this matter with the Senator from Arkansas. There are some of us who want to discuss the matter of silver and inflation. I am hoping that we will get through with those matters today. The fact of the case is, we are going to do all we can to get rid of them.

Mr. ROBINSON of Arkansas. Yes; I understand that.

Mr. LONG. But we might not. I think we shall be able to agree to a limitation of debate, and the fact of the case is, we are in favor of it; but we have deferred discussing it, largely due to the request of the Senator from Arkansas, until these perfecting amendments could get out of the way.

Mr. ROBINSON of Arkansas. I am not asking that a limitation be applied to debate during the present calendar day. I am not going to ask that. My thought is that the Senators who wish to make long speeches, who feel that they should do it, will have that opportunity during the present calendar day.

Mr. LONG. The trouble is, I wish to say to the Senator, that someone may get in the way of these Senators. I know of only 3 or 4 who have made exhaustive preparations to speak, and I am not one of them. If no one steps in their way, they will get through today; but, of course, we cannot tell who else will want to speak.

Mr. BORAH. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Idaho.

Mr. BORAH. Let us have the unanimous-consent proposition submitted.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that after the expiration of the present calendar day debate on the pending measure be limited so that no Senator shall speak more than once or longer than 15 minutes on the bill, or on any amendment that may be pending or that may be offered to the bill.

Mr. LONG. Mr. President, I ask to amend that unanimous-consent agreement so that it shall not apply to the present amendment on the matter of silver, or to the amendment to be offered by the Senator from Oklahoma [Mr. THOMAS]. With that exception, I see no reason why the agreement cannot be entered into.

Mr. WHEELER. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Montana.

Mr. WHEELER. I desire to say to the Senator that as far as I am concerned I have no objection at all. I am perfectly willing to have the debate limited. The Senator from Oklahoma, however, is not here at the present time. I think he wanted to take a longer time than the proposed limitation would permit; but I do not see any reason why the debate with reference to this amendment cannot be concluded today. As a matter of fact, I did not think it would take anywhere near that length of time.

Mr. ROBINSON of Arkansas. Mr. President, I wish to be entirely frank with the Senate. One of the objects in making this request is to relieve the tension here, so that if debate during the present day should be completed, the Senate might take a recess or adjourn until Monday. Until some arrangement is effected, those of us who are interested in the progress of the pending legislation do not feel justified in quitting their posts and leaving the matter entirely without effective arrangement.

Mr. LONG. Let me ask one more question.

Mr. ROBINSON of Arkansas. So far as the Senator from Oklahoma [Mr. THOMAS] is concerned, I observe that he is not in the Chamber; but, Mr. President, he can have the opportunity to speak today without limit under the arrangement that I am proposing, just as other Senators may. The limitation is not designed to take effect until Monday. So I renew my request.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent——

Mr. SMITH. Mr. President, before the unanimous-consent request is put, may I suggest to the Senator from Arkansas whether it would not be well to have some hour specified on Monday, if possible, when we shall vote without further debate, making the limitation as he has already suggested and then fixing some definite hour at which we might reach a vote?

Mr. ROBINSON of Arkansas. Mr. President, I had not understood that it is possible to get an agreement for a final vote at this juncture. I hear about me now Senators saying that they would not consent to that arrangement. All I am attempting to do is to provide a fair opportunity for discussion, with a reasonable limitation.

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

Mr. ROBINSON of Arkansas. Certainly.

Mr. NORRIS. I hope no objection will be made to the Senator's request. Objection probably will be made if the Senator accedes to the request of the Senator from South Carolina.

All Senators know that whenever we fix a limitation for final vote on a bill, there are a thousand ways in which new things come in and have to be voted on without any debate whatever. It is never satisfactory when we get through. If the Senator's request is granted, it of itself will close this matter, and it will close it without ever compelling any Senator to vote on a proposition that has never been presented before, and that has not been debated.

I hope the Senator's request, just as he has made it, will be granted.

Mr. SMITH. The only reason why I made my suggestion is that without such an addition to the agreement it will be possible, if any Senators do wish to delay this matter, to continue debate under the 15-minute limitation on the bill and on amendments almost as indefinitely as if we had no agreement.

The VICE PRESIDENT. The Senator from Arkansas proposes a unanimous-consent request, which will be stated.

The LEGISLATIVE CLERK. The Senator from Arkansas proposes the unanimous-consent request that after the expiration of the present calendar day, debate on the pending measure be limited so that no Senator may speak more than once or longer than 15 minutes on the bill or any amendment that may be pending or that may be proposed thereto.

The VICE PRESIDENT. Is there objection?

Mr. LONG. I object. I ask to amend that request so that it shall not apply to the pending amendment, nor to the amendment to be offered by the Senator from Oklahoma [Mr. THOMAS] for the inflation of the currency; and I ask that for this reason: The committee itself has said that that is more necessary than all of this bill put together, and I do not think we ought to restrict Senators on the matter of the currency and on the matter of inflation.

Mr. BARKLEY. Mr. President, will the Senator yield? If it is more necessary than all of the bill put together, why did not the committee put it in?

Mr. LONG. I do not know. If I had been a member of the committee, I would have voted as the Senator suggests; but they evidently had good reasons.

Mr. BARKLEY. That casts some doubt upon the opinion of the committee that they think something that is not in the bill is more important than the bill itself.

Mr. LONG. I will read the Senator just what they said. I do not want to reflect on them.

Mr. BARKLEY. I do not want to get into a long argument on the matter.

Mr. LONG. Here is what they said. I will read it if the Senator has any doubt about it. They certainly said so:

> The committee also directed that there be placed in this report a statement as to the necessity of an expansion of the currency and the absolute necessity for an increase in commodity prices. The statement as prepared and adopted by the committee is attached hereto, as follows:
>
> "DEFLATION MUST BE CHECKED
>
> "The policy of deflation of commodity prices and farm values inaugurated in 1920 still persists. The first groups to feel the effects of this policy were farmers and stockmen."

I am not going to read all of this; but they go on to say in this report that nothing in this bill is going to be able to save the farmer unless we inflate. I do not think it is going to take a great deal of time—not nearly so much as I heard taken over whether or not we were going to include the nicotine provision in the bill—to discuss this whole major and important scheme that is necessary to save the farmer. If the Senator will just exempt the pending amendments on the silver question and on inflation, the latter to be offered by the Senator from Oklahoma, I think we can get through within a short time. But it is hardly fair to those Senators who want to discuss those measures to be called on to wind up during a day when nearly everybody is going to be away from the Senate. Eighteen or twenty Senators are not in town, or not in the Senate, and probably that many more will not be here by the middle of the afternoon.

The VICE PRESIDENT. Is there objection?

Mr. LONG. I object, unless I get my amendment adopted.

The VICE PRESIDENT. Objection is made.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. ROBINSON of Arkansas. I yield.

Mr. McNARY. I sincerely believe that this is an inappropriate time to make the request for a limitation on debate in the manner indicated by the Senator from Arkansas. There has been no disposition upon the part of any Member of the Senate to prolong debate unnecessarily. Our meetings have continued until half past 5 or 6 o'clock each evening during the time we have been considering this very important measure. There is no evidence of a filibuster; none would be tolerated or countenanced by any

Member on this side of the aisle. This is Saturday afternoon, and many of the Senators are absent. I could not consent to an agreement unless I knew it met with the approval of Senators on this side of the Chamber.

A number of exceptions are made to the proposal. I think we should let the debate proceed in orderly fashion today. On Monday I shall be glad to confer with Senators on this side, and ascertain how many, if any, desire to speak longer than 15 minutes, or 30 minutes, or an hour. But there is no opportunity for a conference today. A request of this kind, I repeat, I think is not well timed when brought up on Saturday afternoon; but following the morning hour at 2 o'clock on Monday, when time will have been had to confer with various Members of the Senate who are absent, and those who are here, it would be appropriate to offer some sort of agreement for a limitation on debate.

Mr. President, I assure the Senator from Arkansas, however, that 15 minutes on the bill would not be sufficient, and I will explain to him one reason why we have not finished the consideration of the bill. The most important and likely the section in the bill which will be most profitable to the farmer has not yet been considered. A majority of the Republican Senators, at a meeting a week ago, decided to present a substitute for the whole of the bill. It cannot be presented in 15 minutes, it cannot be presented in 30 minutes.

I feel that if debate goes along today in the usual course, by Monday we can probably arrive at a more satisfactory conclusion. Entertaining that thought, and with assurances of my desire to cooperate to secure an early vote upon the bill, I shall at this time have to object.

Mr. ROBINSON of Arkansas. Mr. President, of course, it is futile to pursue the proposition further, in view of the statements which have just been made. I do wish to say, however, that 3 days ago, or more, I conferred with Senators, including the Senator from Oregon and the Senator from Louisiana, about the advisability of attempting to secure a limitation on debate respecting the bill. It is my recollection that each of them at first consented, and the limitation which I then proposed was the same as that suggested now. Subsequently I was informed by one of the Senators that, owing to the absence of two other Senators who were greatly interested in the bill, he could not consent just at that moment.

Mr. President, I shall renew the request when the occasion seems more opportune to the Senator from Oregon and other Senators who have objected. Of course, it would do no good whatever, would accomplish little or nothing, to exempt the so-called "inflation amendments" from the limitation. I did not seek to arrange for a final vote on the bill for various reasons. The only course I see to pursue is to go forward in the normal way.

Mr. SMITH. Regular order!

The VICE PRESIDENT. The question is on the amendment in the nature of a substitute offered by the Senator from Montana [Mr. WHEELER] to the amendment offered by the Senator from Louisiana [Mr. LONG].

Mr. TRAMMELL. Mr. President, I am in no wise responsible for the fact that we have not thus far obtained a vote upon my motion to reconsider the vote by which the so-called "30-hour week bill" was passed. On Friday a week ago I made the motion to reconsider. After Monday I joined with others asking for a unanimous-consent agreement limiting debate and specifying a particular hour for a vote on my motion. In no instance have I suggested that we take more than an hour and a quarter for the purpose of disposing of the motion. This morning I heartily joined with the Senator from Alabama when he asked for a unanimous-consent agreement to take 1 hour to dispose of the motion.

Mr. President, when I filed a motion for reconsideration of the vote on last Friday, which was the last day when I could file the motion, in view of the fact that the Senate was to be in recess and have an entire holiday on last Saturday, although now we are in a great rush, I supposed the motion would come up Monday, and that we would dispose of it in a reasonable length of time. It is regrettable to me that we have not been able to dispose of it up to the present time.

However, I do not know of any reason why there should be any great alarm over that question. Neither the President nor his Secretary of Labor has come out with any specific endorsement of the 30-hour week bill; but whatever endorsement they have given to it has been with a reservation that the bill needed amendment, and that they would suggest certain amendments to the bill. So there has been no haste on the part of the administration, or any request on the part of the administration that the bill should be disposed of at this particular time, or during this week.

Furthermore, a similar bill has been pending before a House committee; and if there ought to be extraordinary haste in this matter, why has not the House committee pursued the matter along such lines as the House deemed proper? There has been no particular delay, as far as the question of what will become of this measure is concerned. As far as the question of whether it will be disposed of today or Monday in the Senate is concerned, of course, there has been some delay, which I regret.

The notice having been given a few moments ago, however, on the part of the Senator from Arkansas that he would call up the motion on Monday, and that he himself would shut off debate by a motion to lay on the table, I am going to avail myself of the opportunity now, in view of his warning, to say what I want to say upon this occasion, and not be subjected to any such tactics as calling the motion up and then making a motion immediately to lay it on the table. I do not think I have done anything to justify any such treatment as that, so far as I am concerned; but having been warned, I propose to exercise my right and have a few words to say today as to why I made the motion.

Mr. President, I do not know that there will be any vote to reconsider. I have seen such things happen in this body in more instances than one. Ordinarily no one becomes offended when a Senator, under the right which he has under the rules of the Senate, has made a motion to have some matter reconsidered. There is no occasion to get all in a stew over it, and act as if there has been some terrible offense committed, probably treason. It just depends on who happens to make the motion, and in this case it happens that I made the motion.

I am sorry that we have not been able to dispose of the motion. I have agreed to a limitation on debate. I have agreed to fixing an hour for a vote, and have not only agreed to get through with my motion expeditiously but have endeavored to do so. I agreed today that there should be only 1 hour for the consideration of the motion, and did not reserve any right to speak myself. I will state that I never dreamed of causing any delay in the consideration of the motion here in the Senate. I thought the motion should be taken up and disposed of. I only wanted to speak on it for a few moments.

My object in making the motion was this, that if we could get a reconsideration of the vote by which the bill had passed the Senate, I would then propose an amendment providing that foreign goods, made by foreign labor, if they were sold in interstate commerce in the United States, should be subject to the same restrictions to which American goods were subject under the bill. In other words, to make it perfectly plain, my attitude is that a man who works in an American factory, a man who puts his capital into American industry, and manufactures a commodity, should not have imposed upon him restrictions which would give an advantage to the foreign laborer and to the foreign factory. In my opinion, if this bill shall become law as it is at present, that is unquestionably what would happen.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. DICKINSON in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. TRAMMELL. I yield.

Mr. BLACK. As I understand the Senator, the substance of the amendment he desires to present is what was contained in the amendment offered by the Senator from West Virginia [Mr. HATFIELD]?

Mr. TRAMMELL. The substance of it, the idea being that we should not say to the American laborer, "Goods from a factory where you have worked cannot be sold in interstate commerce except where there exists restricted labor, but, upon the other hand, every foreign nation on the face of the earth, if it desires, can bring into this country and sell in interstate commerce its products, although the laborers in that foreign country have the privilege of laboring for 10, 12, or 15 hours."

Mr. President, I think an amendment of the character I have proposed would be for the benefit and for the aid of the American laborer, and, under pretense or something else, it is contended that this bill is for the purpose of helping the American laborer. Yet in the bill as it now stands there are restrictions upon American industries which would give the foreign laborer a decided advantage over the American laborer, which would open up to him territory which he does not now have an opportunity to occupy, due to the fact that the American producer can place his goods into those markets at a price which will compete with the foreign products which may come in. But the bill would change the situation completely. It would fix up a nice little territory or field of trade for the foreigner which is now occupied by Americans—American laborers and American manufacturers.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. I yield.

Mr. KING. No doubt, Mr. President, the Senator from Florida has in the consideration of this matter given attention to another factor, which he has, however, not adverted to, namely: Foreigners contend—and their contention, I think, is warranted by the facts—that, owing to our very large use of electricity in our industrial plants and the superior machinery and material generally that we employ, an American can produce very much more in an hour or in a day than is produced in foreign countries, by reason of their inferior machinery and their lack of electrical power. My recollection is that we employ about from 4 to 5 times more electrical energy in our industrial life and in our industrial plants than is employed in foreign countries. Obviously that increased use of electricity and our superior mechanical devices enable us to produce commodities very much cheaper in some respects than those which are produced in foreign countries. May not other countries retaliate and say, "We will not permit you to introduce your commodities into our country if they are produced by machinery that is superior to that which we use and if they are produced by electrical energy in advance of that which we employ"? The result will be, it seems to me, retaliation, and we will absolutely destroy our foreign trade and commerce.

Mr. TRAMMELL. Mr. President, as I see it, almost every time an effort is made to provide a measure of protection for the American laborer and for American industry we hear threats of calamities that may befall us on account of the manner in which foreigners may consider it. I believe we in this country have had too much of an attitude of acknowledging and receiving as facts and actual conditions the suggestions made by foreigners. Regardless of the question of the advantage that we may have in some instances because of the use of machinery, it is folly, as I see it, it is absurd to contend that foreigners, with their longer hours of labor and with their facilities, cannot produce and place in this country a great majority of products cheaper than we can produce them and place them in our home market. This bill in its present form assists the carrying on of that kind of a program. It is so framed that our factories are bound to have to pay more. I do not object to that; I am thoroughly in sympathy with the idea of shortening the length of the day's labor here in America; but when we shorten the hours of labor, when we restrict and interfere with many manufacturing concerns in this country, I wish to have that action on the part of Congress redound to the benefit of American labor and American industry, instead of to foreign industry and foreign labor. Throughout my public career I have worked for the American laborer, and I am doing so now in trying to have the bill amended so as to protect American laborers against foreign labor.

Mr. LONG. Mr. President——

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

Mr. TRAMMELL. I yield.

Mr. LONG. I voted with the Senator from Florida on both of these propositions, and I am going to vote with him again on them; but I am wondering if the Senator has considered the fact that the silver and currency-expansion program which we are trying to bring up here today is one of the reforms, along with what the Senator is advocating, necessary to protect what we have right now. If we do not get some recognition of silver, with the English pound falling from 4.88 to somewhere around 3.28, with the oriental countries doing business with England on a silver basis, and, in fact 60 percent of the countries of the world doing business on a silver basis, it is not difficult for them, in view of their own depreciated currencies, almost to preempt the American market.

Mr. TRAMMELL. I think it is essential to do something to remedy that situation, and to me the tragedy of it is that nothing has been done previously, but, instead, it has been neglected up to the present time, though a remedy would, as I see it, help American labor and American industry.

Mr. BLACK. Mr. President——

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

Mr. TRAMMELL. I yield.

Mr. BLACK. I received this morning a letter from a manufacturer of lumber opposing this bill. I recall a very extended debate here in which it was contended that giving a tariff to the lumber industry would protect the American workman. There were most eloquent speeches made to the effect that it would keep up the standard of the wage of the American workman. This lumber manufacturer objects to this bill, and says he is now paying his employees 50 cents a day for a 11-hour day, and it will be impossible for him to maintain this 50-cent daily wage for 11 hours' work if the day is cut down to 6 hours. The Senator cannot see where the tariff on lumber is helping those workmen much, of course.

Mr. TRAMMELL. The tariff on lumber does not amount to very much. I would not pick out an isolated, extreme case like that and consider that it was representative of conditions that may prevail generally throughout the industries of the country. It is very regrettable if any lumber manufacturer only pays his laborers 50 cents for a 11-hour day. I do not know the particular situation to which he refers, but I know in Florida quite generally for a number of years after we were in the throes of the depression the sawmills strained a point to keep their people employed. They did this, although the lumberman had no market. These mills accumulated millions upon millions of feet of lumber in their yards with no market and no sale for it, but just so long as they could they tried to take care of their laborers far beyond the time when they were doing a business that was at all self-sustaining. A great many of them after they practically had to close down their mills or operate only 1 or 2 days a week gave the poor laborers who were working for them not a wage, for neither the manufacturer nor the men who received it considered it a wage, but they gave them something to keep body and soul together. The instance referred to by the Senator from Alabama may be one of those cases where the laborers were just given 50 cents a day in order to take care of them instead of having the Government take care of them. I am unalterably opposed to anything less than a good wage and reasonable hours of labor. I have always been one of those in public

life who believed in making industry conform to reasonable requirements in the interest of labor and I have fought shoulder to shoulder with organized labor for better wages and shorter hours, as well as others, for labor's betterment. I am in sympathy with the policy of the bill and voted for it in this bill, to impose a restriction upon the hours of labor, but because I favor a principle of that character does not move me to the point where I would totally ignore and not consider other conditions which prevail in the industry while we were attempting to assist labor.

I do not see any reason why we should have half-baked legislation when we can have it more thorough and helpful for labor. If I may be pardoned for this comment, too much of the legislation we have passed through this body from time to time has been half-baked and has only considered one side of the case instead of going into the entire issue. On the night when the Senate was considering the first banking bill at this session I ventured to say on this floor—and I said it in a rather low tone, although I meant every word—that I was disappointed that legislation had not been brought forward that dealt more thoroughly with the situation, that only a part of the situation had been dealt with, and that we should enact legislation of a more general nature that would deal with the different features which constituted the American banking system. Of course it was regarded as almost silly by some of those who heard me for me to say that I was disappointed, but it just happened that within 3 or 4 days amendments were offered for the purpose of trying to strengthen the new banking law in some of the features I had criticized, and some of those amendments were of a very beneficent nature and very much needed.

From time to time we have measures coming before the Senate with all kinds of misnomers in their titles. I will say that during the last Republican administration it was heralded all over the country that we were going to have legislation in behalf of the home owner, and such a measure finally came forth in the form of what was known as "the home loan bank bill. I do not blame citizens who live five hundred or a thousand or two thousand miles from the Capitol for thinking that if they have mortgages on their homes and are in distress, with foreclosures facing them and their families probably in poverty and expecting to be ejected from their homes and being compelled to live on public charity—I do not blame such citizens for thinking, when such legislation was enacted, from what they had heard about it, from what had been heralded by the press throughout the country relative to the bill, that we had enacted a law which would take care of them; but up to the present moment I have not heard of any private citizen who has received a loan under that legislation.

The main object and purpose of that legislation was to take care of insurance companies, building and loan associations, and banks, and the last thing in the world that it was ever intended—and a person who will read the measure intelligently will know that to be so—was to help the common, every-day home owner, the poor person who has a mortgage which is about to be forcelosed. I sometimes think that we get merely a general idea about legislation and do not go into its provisions or its details with sufficient particularity. We are swept off our feet with the idea that the legislation embraces an admirable purpose, a commendable purpose, such as the idea embraced in the bill proposing to shorten the hours of labor and making two jobs where there is now but one. That is a very laudable sentiment, a sentiment with which almost any person would feel in accord; but when one comes to look into the provisions of the measure or its details and finds that the bill lessens the opportunity of the American laborer to place the product of his labor on the American market; when he ascertains that under its provisions it curtails the opportunity of the American factory to place its products in a large part of the territory of this country, then he realizes that, instead of carrying out the very commendable purpose of helping American labor and American industry, while it starts out with a good purpose, a noble motive, yet, under the provisions of the legislation, the benefit which was really intended for American labor has been given to the foreign laborer and to the foreign manufacturer.

I have no apology to make for the entering of the motion to reconsider the vote whereby the bill was passed for the purpose particularly of having that question—and that is the one idea I had in mind—again considered by the Senate.

Of course, I do not like to take any time today. I have always been interested in the farmer. I was born on a farm; I spent considerable time in my boyhood upon a farm, probably until I was 15 or 18 years of age; and in my State during my public career I have devoted every endeavor within my ability to assist the farmer; I do not want to delay the pending measure one moment so far as the question of farm relief is concerned; but I did feel, with a motion staring me in the face to lay the motion made by me on the table, that I was thoroughly justified in occupying a few moments at this time in discussing the discrimination, as I see it, contained in the so-called "Black bill", which will work to the interest and benefit of the foreign laborer and to the detriment of the American laborer.

A good deal of discussion goes on in the Senate from time to time—and I have no criticism to make of it.

We often get in great haste here after we have finished our particular part of the program. I have seen it happen that Senators would speak for 2 or 3 hours, electrify the occupants of the galleries at least, even if they may have put some of their fellow Senators to sleep, and as soon as they got through with their speech they would suggest that we have a unanimous-consent agreement to end debate and vote on the pending question immediately. In other words, it seemed to be their idea that no one else could contribute any information or any enlightenment to the subject and that no other Senator had any right even to have his opinion recorded.

I have not talked 30 minutes altogether on the pending bill. I have heard a good deal of discussion in regard to it. I have heard Senators talk an hour or two and not say anything about the bill. I have heard others talk half an hour or an hour about the bill, and from what they said and the controversies which would arise among the experts we would be more confused when they finished than when they began.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. TRAMMELL. Certainly.

Mr. CONNALLY. The Senator is making comments on the methods followed in the debates in the Senate. The Senator knows in what bad repute, though undeserved, the Senate is over the country now. Does the Senator think he is raising our batting average any by his estimate of the deliberations of the Senate?

Mr. TRAMMELL. I do not think so, not since the controversy in which the Senator from Texas himself and the Senator from Kentucky [Mr. BARKLEY] indulged yesterday. I do not think that raised the batting average any. I am not sure, however, whether it was the Senator from Texas who engaged in the discussion about tobacco stems.

Mr. CONNALLY. I disclaim the implications of the soft impeachment which the Senator lays at my door. I have never discussed the question of tobacco with the Senator from Kentucky.

Mr. TRAMMELL. Then I beg the Senator's pardon. However, he was engaged in a controversy with someone.

Mr. CONNALLY. I trust the Senator will withdraw that very serious charge.

Mr. TRAMMELL. I will withdraw the charge so far as the Senator from Texas is concerned, and let it stand against the Senator from Kentucky.

Mr. CONNALLY. Mr. President, will the Senator yield for the purpose of enabling me to suggest the absence of a quorum?

Mr. TRAMMELL. Oh, no; I do not yield for that purpose.

Mr. CONNALLY. Oh, let us have a quorum!

Mr. TRAMMELL. Oh, no; I would lose the floor then, and I do not want to do that.

Mr. CONNALLY. I do not intend that the Senator should lose the floor, but I thought we ought to have a quorum present to hear the Senator.

Mr. TRAMMELL. I do not intend to talk very long.

Mr. CONNALLY. I think it is well for the Senators to whom the Senator has referred to be here and get the benefit of his observations about their methods of speaking 2 or 3 hours and then leaving the Chamber. I am sure the Senator does not mean his characterization to apply to any of the diligent Senators who are now here giving attention to their duties. I think the Senator from Florida must have in mind those Senators who rush up to the oratorical breastworks and fire a salvo and then retire to the cloakroom or to their private rooms in the Capitol to take a little nap, or go out to the golf course.

Mr. TRAMMELL. That would apply to many of the Senators.

Mr. CONNALLY. I think those Senators, if they are going to get any benefit from the speech of the Senator from Florida, ought to be here. I think it ought to soak into their minds. It does not do any good for the Senator from Florida to lecture those of us who are here and diligently applying our energies to the public business. Of course, however, I defer to the Senator's wishes.

Mr. TRAMMELL. I do not wish to occupy any unusual and distinguished position at all in regard to this matter. The Senator would apparently have it understood that other Senators would listen to me and pay attention to me, and he would thus apply to me a position which I do not occupy and which no other Senator occupies, so far as I know. While I have a great deal of respect and appreciation for them, I often think that Senators do not have that respect and appreciation which they should have for the utterances of other Senators or the position of other Senators.

But, Mr. President, I come back to the original subject. I had stated that we have a good many Senators who like to talk a good deal themselves and after they have finished they apparently think everything has been said that ought to be said and that it is then time to take a vote.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. CONNALLY. If I do not irritate the Senator, I should like to interrupt him again.

Mr. TRAMMELL. The Senator does not irritate me in the least, I assure him. I am glad to yield to him.

Mr. CONNALLY. What the Senator just said about Senators who take up a lot of time and then absent themselves only accentuates what he said a little while ago. I think, as to those Senators who lecture us for 2 or 3 hours, who make labored, uninteresting, dull, inane, colorless speeches and then rush out of the Chamber to play golf or retire to the lunchroom downstairs or for a nap in their offices, that good sportsmanship would suggest to them that they stay here and take their punishment, too. [Laughter.]

I do not mean by that remark to refer to the Senator from Florida. [Laughter.] I mean to refer to all of us. It is not fair to the rest of us who do stay here and listen to other Senators. They ought to remain here and listen to others when they speak. I am not referring to the Senator from Florida.

Mr. TRAMMELL. The only comment I have to make on that suggestion is that the Senator ought to set a better example than he does.

Mr. CONNALLY. But I am here listening.

Mr. TRAMMELL. Yes; the Senator is here part of the time.

Mr. CONNALLY. I am listening to the Senator with a great deal of interest.

Mr. TRAMMELL. I do not care whether Senators are here or out playing golf.

Mr. CONNALLY. I was speaking of absent Senators whose place is really on the floor of the Senate when it is in session. I think they ought to remain here and listen to the debates. I quite agree with the Senator from Florida. It is Saturday afternoon and many Senators are out on the golf course or at the baseball park. It is all right to play golf, it is all right to watch a baseball game, but the first duty of a Senator is here on the floor where the public business is being transacted. [Applause in the galleries.]

Mr. TRAMMELL. I fully agree with the Senator.

The PRESIDING OFFICER (rapping with his gavel). The Chair must admonish occupants of the galleries that they are here as guests of the Senate and that under the rule of the Senate no demonstrations of any kind are permitted in the galleries.

Mr. CONNALLY. O Mr. President, that applause in the galleries is the first response I have received to any remark I have made today. [Laughter.] Why should the Chair interfere?

Let me observe to the occupants of the galleries that what I said about Senators remaining on the floor and attending to the public business also applies to the occupants of the galleries. It is the business of the occupants of the galleries to be seen and not to be heard. Occupants of the galleries are here by courtesy of the Senate and are not permitted to make any demonstration. Were I in the chair and the occupants of the galleries should violate the rule, I would order the galleries to be cleared. But the Presiding Officer, as is the habit of our Presiding Officers, lightly taps with his little gavel and observes that occupants of the galleries must be quiet, and that is all that happens. The only way to enforce the rule is to enforce the rule. If I were in the chair and the occupants of the galleries violated the rule, I would order the galleries cleared and I would start with the Senators' private gallery.

The PRESIDING OFFICER. The present occupant of the chair would suggest to the Senator from Texas that it is time for the Chair to have lunch, and he would be glad to have the Senator from Texas relieve him and take the Chair.

Mr. CONNALLY. I am making no personal reference to the present occupant of the chair. I mean the occupant of the chair impersonally. All Presiding Officers do it. The present occupant of the chair is simply following the precedents when he taps lightly with his gavel. I know if the Senator from Iowa had his way, he would probably bring in a maul, such as we use in splitting rails, and would hammer violently on the desk with it, instead of tapping lightly with a little gavel. He is simply following precedents in tapping lightly with his little gavel and admonishing the occupants of the galleries as to what their duty is in the circumstances. I have great respect for the present occupant of the chair, and I hope he will not go to lunch. I would dislike to see him leave the chair, because of his very graceful and dignified manner of presiding over the Senate.

Mr. TRAMMELL. Mr. President, I have a little more sympathetic feeling toward the occupants of the galleries than is displayed on the part of the Senator from Texas.

Mr. CONNALLY. The Senator from Florida has more favorites in the galleries than has the Senator from Texas.

Mr. TRAMMELL. I have probably more in the galleries than I have on the floor of the Senate. I hope I have some somewhere. I should appreciate it very much if I did have. I have often seen the occupants of the galleries admonished in a very courteous way by the Presiding Officer when there was more noise and more disturbance on the floor of the Senate than there was in the galleries. I think the occupants of the galleries might be excused when such things happen occasionally. We have the rule, however. Of course, it is a good rule and we should not permit any general violation of it, but I do not think the galleries should be cleared by the Sergeant at Arms under any circumstances.

Mr. President, I did not intend to be diverted from the question I was discussing when I referred to what I thought was the fact about my friend from Texas debating the question of tobacco stems yesterday. I have apologized to him for that statement. Perhaps it was somebody else. Certainly some Senators were engaged in the debate. All I

really rose to do was to utter my protest against legislation that I do not consider sufficiently broad in its terms or sufficiently flexible to give the proper amount of protection and aid to American labor and to American industry.

Instead of having the beneficent purposes for which the bill was originated and for which it is sponsored by the Senator from Alabama [Mr. BLACK] and others given over to foreign labor and to foreign industry, I think it should be so broadened as to protect completely our own labor and our own industries. Let any Senator go down on the streets of the cities in any State, and he will meet hundreds of American laborers out of employment. Talk to them about their idleness and the unemployment situation and ask what they think about a law which permits foreign products, made by foreign labor working 12, 14, or 16 hours a day, to come into the United States in competition with the goods manufactured in factories where they formerly worked. Ask how they like that kind of protection of American labor. We well know what the response will be.

From time to time I come in contact with people, many of whom are laborers, mechanics, people engaged in different kinds of labor, and I have not yet found any men who do not think that they ought to get the benefit of this legislation and not have the intended benefits switched to foreign labor and foreign factories. The way for them to obtain the benefits of the legislation is to write into the bill a provision that goods made by foreign laborers, produced by foreign manufacturers, shall be subject to the same provisions as the goods which are made in America and sold in interstate commerce.

Of course, some will talk about an embargo, some will talk about the tariff. The old bugaboo of the tariff on either side has been absolutely overcolored and overdone for years and years by both the advocates of a high tariff, the advocates of a low tariff, and the free-traders. So far as I am concerned, I think we have to have a reasonable tariff in this country; what we might call a happy-medium tariff. Such a tariff as was defined in the Democratic platform of 1928. In our last platform we really had no definite and plainly set forth definition of the tariff favored by our party. I think we need a tariff of the kind mentioned in our platform of 1928. Some, however, want an unduly high tariff and others want it entirely too low. Some apparently do not want any tariff at all.

If anyone wants to bring in as a matter of criticism the suggestion that my proposal is an embargo, I deny it. There is no semblance of an embargo in it when it merely provides that foreign-made goods, made by foreign labor, shall be subjected to the same conditions as American-made goods made by American labor. There is no resemblance between my proposal and an embargo, and any claim that there is is a dodging of the issue. If we are going to speculate as to the manipulations brought about by legislation, it is just as reasonable, or more reasonable, to say that legislation which takes into consideration only American goods and only American labor in the American market may be used so as to discriminate against our home markets and our home people and American labor, and no tariff question is involved in it one way or the other.

I think, however, that we should safeguard our people who have protection, or did have some protection, from the tariff. They have some, in some respects, yet. There are mistakes in the tariff law. I do not question that. Those mistakes have brought about some conditions which we would have preferred avoiding; but I think American labor and American producers have already suffered enough as a result of the depreciated currency and the cost of exchange, when today the average American who had any protection—some of them had about what they needed, some had too much, and some had too little; that would be my description of it—the average American today has had whatever benefit he might have had from tariff protection reduced two thirds.

So I take the position that if we are going to bring the tariff question or the embargo question into this discussion, American labor, generally speaking, and American products, generally speaking, have already suffered a reduction of about 66⅔ percent. They have already suffered to that extent. I hope and pray, as a friend of the laboring man, that we are not now going to pass legislation that will give the foreigner another opportunity to take from the American laboring man his home market, to take from him his opportunity—I do not mean totally, of course, but partially—to take away from him his chance to keep this home market and sell American-made goods to the American people in American markets. That right should exist without having legislation passed under the guise of being in the interest of American labor which in operation will prove beneficial and helpful to foreign labor and to foreign industries.

I have made the motion to reconsider in order that that particular provision of the bill may be reconsidered. I have spoken today because a threat was made, a positive statement, that if no one else should do it, the Senator from Arkansas [Mr. ROBINSON] would call up this motion on Monday and would make a motion to table it, and therefore cut off debate entirely. Fortunately for me—not for anyone else—it happened that the Senate remained in session after he had made that threat to use gag rule where it is absolutely unnecessary to make a motion to lay on the table. That has always been characterized, and properly so, as gag rule. The Senate having been in session after that threat was made, again within my rights I have availed myself of the opportunity to occupy a few moments in expressing my views on this question, regardless of how the motion to reconsider may go.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. TRAMMELL. I do.

Mr. LOGAN. Do I understand the Senator to say that he does not think a gag rule ought ever to be applied?

Mr. TRAMMELL. I did not say that. I said except in extreme cases.

Mr. LOGAN. I just wanted to be perfectly clear about that. Does not the Senator think we have an extreme case now?

Mr. TRAMMELL. I do not think so. When we are going to convene on Monday, after an adjournment, for the purpose of giving this matter consideration, and we are to have a 2-hour session in which it can be considered, I do not think there is an extreme condition which justifies anyone in getting up 5 or 10 minutes after the morning hour begins and calling up a particular motion and then moving that it be laid upon the table.

Mr. LOGAN. But this is a matter, is it not, that has been discussed and passed upon by the Senate? Now the Senator is taking the time to talk about a motion to reconsider when the people are waiting for us to do something.

The only disagreement I have with the Senator from Arkansas is that he should have made the motion to lay this motion to reconsider on the table when it was originally made.

Mr. TRAMMEL. Fortunately, under the rules he could not do that.

Mr. LOGAN. Just as soon as he could, then, I mean.

Mr. TRAMMELL. That is the Senator's view. Of course, if we are going to indulge in matters of that kind; while the Senator from Kentucky and I have been good friends, I have often seen the time when I should have liked to have some of his motions or measures laid on the table.

MURIEL CRICHTON

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with amendments, Senate Resolution No. 60, to reimburse Muriel Crichton for certain expenses incurred because of injuries received in the Capitol Building; and since it will involve no debate, I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate proceeded to consider the resolution (S.Res. 60) submitted by Mr. COPELAND on the 10th instant.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, in line 4, after the word "sums", to strike out the comma and "not to exceed a reasonable amount", and in line 5, before the word "expenses", to insert "actual", so as to make the resolution read:

Resolved, That the Secretary of the Senate is authorized and directed to pay, out of the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1933, to Muriel Crichton, such sums as may be necessary to defray her actual expenses incurred for hospitalization and medical care as a result of injuries suffered in the Senate wing of the Capitol Building.

The amendments were agreed to.

The resolution, as amended, was agreed to.

AMENDMENT TO CONSTITUTION—PREVENTION OF PROFITEERING IN WAR

Mr. VANDENBERG. Mr. President, 2 years ago, by act of Congress, a so-called "War Policies Commission" was created, representing the House, the Senate, and the Cabinet, for the general purpose of taking the profit out of war. The Senate members were the Senator from Arkansas [Mr. Robinson], the then Senator from Virginia [Mr. Swanson], the Senator from Pennsylvania [Mr. Reed], and myself.

About 1 year ago a complete report and recommendation was submitted, together with certain legislation that was tendered for the purpose of accomplishing the objective, namely, to take the profit out of war so far as possible—a notable objective not only for peace but also for democracy.

The legislation died upon the calendar last year. I now ask, out of order, to resubmit the same legislation for appropriate reference; and I am introducing it in the name of the Senator from Arkansas [Mr. ROBINSON], the Senator from Pennsylvania [Mr. REED], and myself. The legislation addresses itself to a purpose fostered for a decade by the American Legion.

The joint resolution (S.J.Res. 42) proposing an amendment to the Constitution of the United States providing for the fixing of prices in time of war and the prevention of profiteering was read twice by its title and referred to the Committee on the Judiciary.

GREAT LAKES-ST. LAWRENCE DEEP WATERWAY

Mr. HEBERT obtained the floor.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Nevada?

Mr. HEBERT. I do.

Mr. PITTMAN. I thank the Senator.

Out of order, I ask leave to introduce a joint resolution for proper reference.

The PRESIDING OFFICER. The joint resolution will be received and properly referred.

Mr. COPELAND. Mr. President, is this joint resolution relative to the St. Lawrence Canal?

Mr. PITTMAN. Yes.

Mr. COPELAND. To what committee did the Senator ask to have it referred?

Mr. PITTMAN. To the Committee on Foreign Relations.

Mr. COPELAND. Mr. President, this is not a foreign-relations matter. This is purely a domestic matter. It has to do with the division of costs between the State of New York and the National Government. In my opinion, it ought to go to the Committee on Commerce.

Mr. PITTMAN. Mr. President, I am sorry that I cannot agree with the Senator; but the question involves a treaty, because the joint resolution refers to the treaty. It deals entirely with the conditions and terms of the St. Lawrence Treaty. The committee that has studied the St. Lawrence Treaty will have the information upon which to report favorably or adversely on this joint resolution. In fact, this joint resolution is referred to in the committee's report on the treaty.

Mr. COPELAND. Mr. President, in spite of what my friend has said, I am of the opinion that the joint resolution should be considered by the Committee on Commerce. It is a question which has nothing whatever to do with the relations between the United States and Canada. It has to do with the relationship between the State of New York and the Federal Government in the distribution of costs. Therefore, while I do not want to be disagreeable, I must be insistent that in my opinion reference to the Foreign Relations Committee is the wrong reference.

Mr. PITTMAN. Mr. President, the Committee on Foreign Relations have for a long time been dealing with the treaty between the United States and Canada relative to the use of the water of the St. Lawrence River for two purposes—for navigation and, incidentally, for power.

The whole question in the negotiations between the two Governments turned on a phase of the matter involved in this joint resolution. In other words, the use of the water for power purposes subsequent to its use for navigation was allocated to Canada on the one hand and the United States on the other hand upon the condition that the Province of Ontario would receive from Canada the use of the water for power and would pay a certain proportion of the costs of the project; and that if the United States allocated it to the State of New York, they would pay a certain proportion of the costs of the project.

The water has already been allocated to Ontario under the treaty. The question is, How much of the costs should be allocated to the State of New York, what are to be the terms of the treaty of allocation to New York if it is allocated to New York, how much New York should pay if it is allocated to New York, and to what extent, if any, the use of this water for power purposes by the State of New York will interfere with the treaty? The whole matter is interconnected to such an extent that the committee that has had it all under consideration should determine this question, which is collateral to the treaty.

The PRESIDING OFFICER. The Chair will suggest that this is a unanimous-consent matter; and that unless unanimous consent is given, the reference will have to be made by the proper motion.

Mr. PITTMAN. I move that the joint resolution be referred to the Committee on Foreign Relations.

Mr. COPELAND. Mr. President, this is a debatable motion that is made by the Senator, as I understand. If carried, it would displace the pending bill.

Mr. HEBERT. Mr. President, I cannot yield for anything that would have that effect.

The PRESIDING OFFICER. The Chair is of the opinion that if any Senator objects, the motion cannot be entertained at this time, because this is all a unanimous-consent matter.

Mr. COPELAND. Mr. President, I regret that I must object, and I want to say why—because this particular matter has nothing whatever to do with the treaty insofar as the relationship between Canada and the United States may be concerned. It has to do purely with a domestic matter—the question of how much New York State shall contribute to this particular undertaking.

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

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. HEBERT. I yield, though I do not want to lose the floor.

Mr. VANDENBERG. Will the Senator permit me to say to the Senator from New York that I completely agree with him that this is exclusively a matter of relationships between the State of New York and the Federal Government?

Will the Senator permit me also to say to him that I am perfectly sure he will facilitate the objective he has in mind if he permits the joint resolution to go immediately to the Foreign Relations Committee, for the following reasons:

The subcommittee of that committee which has been dealing with the entire St. Lawrence matter is in complete accord with the Power Authority of the State of New York. It has canvassed every phase of that relationship at great length. If the Senator will permit me to say so, it is wholly unnecessary, from the viewpoint of New York, to have the subject reopened de novo. I assure him that the way to procure the speediest possible consent to the precise viewpoint

held by the power authority of his own State is to proceed in the manner suggested by the Senator from Nevada.

Mr. COPELAND. Mr. President, I am much impressed by what the Senator from Michigan says. It may be, on further contemplation of the matter, that I shall agree with him; but in the meantime I object.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Objection is made.

The joint resolution (S.J.Res. 43) providing for the use of the water of the St. Lawrence River for the generation of power by the State of New York under and in accordance with the provisions of the Great Lakes-St. Lawrence Deep Waterway Treaty between the United States and Canada was read twice by its title and ordered to lie on the table.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate several messages from the President of the United States, submitting nominations (and also a message withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn see the end of Senate proceedings.)

RELIEF OF AGRICULTURE

The Senate resumed consideration of the bill (H.R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power.

Mr. HEBERT. Mr. President, I listened with more than ordinary interest to the discussion of the so-called "30-hour week bill" indulged in by the distinguished Senator from Florida [Mr. TRAMMELL]. I have been particularly interested in his observations as to the effect which that measure, if enacted into law, would have upon American workingmen and American manufacturers.

I am inclined to agree with many of his observations on that point. I should say more. I should be glad, of course, if the bill should pass and be enacted into law, to have it contain some provision to protect American labor and American manufacturers against importations from abroad, where labor may work almost limitless hours and be in serious competition with our people in the United States under the limited hours which are proposed. But at this time I desire to revert to the pending question, and to discuss some of the provisions of the farm relief measure now before the Senate.

We have had a Government of laws and not of men. This bill subverts that idea and makes of our Government one not of laws, but, to the extent of its application to our everyday lives, a Government dependents upon the whim, the caprice, the will, or the opinion not of a majority of our citizens, not even of anyone among us holding an elective office, and hence responsible to the people, but to that of a single individual—the Secretary of Agriculture.

I hesitate to think that the voters of this country ever had an idea that any such measure found lodgment in the mind of the President of the United States when he was a candidate for office. Nothing to which he voiced expression during the campaign of 1932 could lead one to such a conclusion. I propose, in the course of my remarks, to allude to the President's pronouncements on this subject during his campaign. I propose to show that in lieu of that definite, practical program which he promised the American people, he now offers a nebulous, chimerical, impractical scheme.

This bill creates a new Government bureau necessitating employment of thousands of agents under autocratic control, giving the Secretary of Agriculture power to make all rules and regulations having "force and effect of law" and exempting expenditures of money from review or audit by any other officer of the Government.

It provides for the erection of a political machine with limitless power to control elections by granting favors to either producers or processers and susceptible of flagrant corruption.

Section 8 of the bill defines the general powers of the Secretary of Agriculture. Paragraph 1 of section 8 gives to the Secretary of Agriculture the most sweeping dictatorial powers ever conferred upon any official in the United States, not even excepting the President. There is no limitation in this section to the powers which he may exercise in order to put into effect the general provisions of the law. Neither is there any definition of the manner in which he may exercise these unlimited powers. Moreover, paragraph (c) in section 10 provides that any regulations which the Secretary of Agriculture may make to carry out the policy set forth in paragraph 1 of section 8, or to carry out any of the other powers vested in him by this bill, shall have "the force and effect of law."

These powers are to be exercised not only in dealing with producers of the commodities named in the bill but also producers of any commodity which may be used as a substitute by the consumer in preference to the commodities named in the bill.

Moreover, these powers are to be exercised in dealing with all processors or cooperative farm organizations or any other agencies engaged in handling the commodities named in the bill, or with products of those commodities or substitutes for those commodities or substitutes for the products of those commodities, as, for example, rayon, which would be a substitute for cotton goods—the product of cotton.

The Secretary of Agriculture is empowered to use whatever means he desires to provide for the reduction in the acreage of cereals, cotton, and tobacco named in the bill, and for the reduction in production of dairy products and livestock named in the bill.

Several plans have been suggested to accomplish a reduction in the acreage planted in cereals included in this bill. These suggestions have appeared in similar bills introduced in previous Congresses, in public discussions, and in the public press and magazine articles. But every plan suggested depends upon a far-flung system of inspectors and agents to insure its being enforced. Paragraph (b) of section 10 recognizes this fact by authorizing the Secretary to establish State and local committees, or to delegate authority to cooperative farm organizations to do the policing necessary to bring about a reduction in the production of the commodities named in the bill.

The bill makes a further amazing provision that any money expended or any agreements entered into between any of these officers or agents of the Secretary of Agriculture and any producer shall not be reviewed by any officer of the Government other than the Secretary of Agriculture or the Secretary of the Treasury. In other words, this bill puts the Secretary of Agriculture above and independent of the Budget Bureau and the General Accounting Office.

Some idea of the vast army of agents or inspectors necessary to enforce merely those provisions of the act which look toward the reduction of production may be obtained from the fact that there are in the United States 3,072 counties. Over 2,500 counties are listed as raising wheat. Over 2,800 counties are listed as raising corn, 1,070 counties are listed as raising cotton, and every county produces some class of livestock enumerated in this bill. To see to it that any agreements entered into by the producers of all these commodities in any one county were lived up to would require the whole-time services of several agents. The number has been variously estimated from 3 to 10 per county.

Then there is another army of inspectors that must police the processors, cooperatives, and other agencies handling the commodities or products thereof mentioned in the bill. The bill gives the Secretary of Agriculture absolute power over all such processors. They cannot operate unless they are licensed by him. Being licensed, they must comply with the regulations laid down by him, and there is no possible way to ascertain whether they are doing this or not except through adequate inspection. According to the Industrial Census of 1931, there are 2,452 flour-milling and corn-products plants; 54 rice cleaning and polishing plants; 306 macaroni, spaghetti, and vermicelli plants; 124 tobacco factories; 1,310 cotton-textile plants; 1,209 meat slaughtering and packing plants; 209 creameries; and 2,383 cheese factories. Not only must there be an army of inspectors to see that these various processors live up to the regulations pre-

scribed by the Secretary of Agriculture, but the law provides processors shall install a system of accounts and keep records of the agricultural commodities or products thereof they buy and sell, the prices they obtain, and other trade practices. This calls for another army of accountants or auditors to see that these records are accurate.

The important point is the fact that the duties and powers of these two vast armies of inspectors are not defined by Congress but by the Secretary of Agriculture. This vast organization is answerable only to the Secretary of Agriculture. The House amended the bill so as to take all of these employees from under Civil Service and make them purely political appointments. The possibilities and potentialities of this vast organization as a political machine to play favoritism among both producers and processors in return for political support of the administration and political party of which these agents are the representatives is limitless, while the possibilities of graft are greater and easier than anything which disgraced the prohibition enforcement unit.

It does not require a far stretch of the imagination to picture a situation in a doubtful agricultural State where, by showing favors to the producers of commodities named in this bill, the vote of that State could be controlled. Neither does it require much vision to foresee what could happen in the way of campaign contributions from processors completely under the domination of an official of an administration who did not have to account for his actions to Congress and who was left with a free hand by Congress to make such rules and regulations as he saw fit in dealing with the processors.

Neither is it necessary to point out the hypocrisy of an administration which promises the elimination of bureaucracy, the reduction of the Federal pay roll, and the balancing of the Budget on the one hand, and then sponsors a bill setting up not merely a bureaucracy but an autocratic bureaucracy entailing an organization of tens of thousands of employees and its financial transactions with the millions of agricultural producers in the country exempt from any review by any officer of the Government other than the officer who directs this autocratic political machine.

WOULD MORE THAN DOUBLE LIVING COSTS OF CONSUMER

The plan would more than double retail costs of commodities and products of commodities named in the bill. Section 9, paragraph 1, of the bill stipulates the manner in which farm prices are to be advanced to the producer. They are to be advanced by giving the farmer the proceeds of a tax levied against the processors. That tax shall "equal the difference between the current average farm price for the commodity and the fair exchange value of the commodity."

The fair exchange value of the commodity, according to the bill—

shall be the price therefor which will give the commodity the same purchasing power, with respect to articles farmers buy, as during the pre-war period, August 1909–July 1914.

Testifying before the House Committee on Agriculture regarding the domestic-allotment plan, December 14, 1932, Frederick P. Lee, attorney on behalf of the farm organizations supporting the measure—see Hearings on Agricultural Adjustment Program before the House Committee on Agriculture, Seventy-second Congress, second session, December 14, 1932, page 9—explained to the committee how this formula was worked out. His explanation was as follows:

First, you obtain the current index of prices paid by farmers for all commodities which they purchase; second, you obtain the 1910–14 5-year average of actual farm prices paid to producers of the commodity to which the formula is to be applied; third, you multiply that 5-year average actual farm price by the current index of prices paid by farmers. The answer is the price which should be paid to farmers at present in order to bring the price of their products up to a fair exchange value of the commodity. The bill further states that in making this computation the Secretary of Agriculture shall use statistics of the Department of Agriculture.

The March issue of a bulletin issued by the United States Bureau of Agricultural Economics gives the index number of prices paid by farmers for commodities for the month of February 1933 as 104. The average of actual farm prices paid to producers for the 5-year period, 1910–14, is obtained from the United States Department of Agriculture's Yearbook. Multiplying that 5-year average of actual farm price of every commodity by the index number 104, we obtain what the farm prices of those commodities should be today, according to the domestic-allotment formula. The following table gives that computation:

Commodity	Index of price paid by farmers, February 1933	Actual farm prices, 1910–14 average	Prices to be paid as of today under allotment plan	Farm prices as of February 1933
Wheat	104	$0.881 per bushel	$0.916	$0.323
Cotton	104	$0.119 per pound	.124	055
Corn	104	$0.632 per bushel	.657	.194
Rice [1]	104	$0.838 per bushel	.871	.392
Tobacco [1]	104	$0.104 per pound	.108	.107
Hogs	104	$7.24 per hundredweight.	7.53	2.94
Cattle (prime beef)	104	$7.57 per hundredweight.	7.87	3.31
Sheep and lambs [2]	104	$4.91 per hundredweight.	5.11	[3] 2.16 [4] 4.19
Butter	104	$0.30 per pound	.312	.181
Cheese [1]	104	$9.156	.162	.10

[1] The farm prices in the last column of the above table for rice, tobacco, and cheese are not as of February 1933, but are the last available data obtainable at the U.S. Department of Agriculture.

[2] The Agricultural Yearbook gives the 5-year average farm prices of sheep and lambs combined, as indicated in the above table. However, current quotations separate sheep and lambs, as indicated in the last column.

[3] Sheep.

[4] Lambs.

In the above table the farm prices as of February 1933 are taken from a bulletin issued by the U.S. Bureau of Agricultural Economics, Mar. 1, 1933.

This table shows that were the domestic-allotment plan to become effective as of today, the farm prices of the commodities indicated would be increased, as follows: Wheat 183.6 percent, cotton 125.5 percent, corn 238.6 percent, rice 122.2 percent, tobacco 0.9 percent, hogs 156.1 percent, cattle 137.7 percent, sheep and lambs 59 percent, butter 69 percent, and cheese 62 percent.

Without taking into account any legitimate and necessary pyramiding which must take place in the handling of a commodity between the time it leaves the farm and the time it reaches the consumer, the prices of products made from commodities which I have enumerated would be more than doubled to the consumer. However, inasmuch as each middleman handling the commodity or the product thereof must take his profit on the basis of the cost of the commodity to him, prices of products made from those commodities would be doubled over present prices by the time they reached the consumer.

Furthermore, under the bill the consumers will have no recourse from this legislative hold-up. Section 15 of the bill is devoted to provisions whereby the consumer cannot escape from increased prices of processed commodities, due to the law. That section of the bill provides that whenever, by reason of high prices of products of any of the named commodities, the consumer attempts to escape by purchasing substitutes, such as oleomargarine in place of butter, or rayon and silk in place of cotton goods, and so forth, the Secretary of Agriculture shall stop any such attempt by levying a processing tax on the substitutes.

All of section 15, as well as paragraph B of section 9, makes the admission that, as a result of this plan, there will be a decrease in the consumption of the commodities brought under the plan, and the purpose of section 15 is to block, if possible, any such decrease in consumption by resorting to substitutes.

THE BILL VIOLATES ALL PRINCIPLES OF EQUITABLE TAXATION AND REPUDIATES ALL DEMOCRATIC PLATFORMS

Mr. President, it is axiomatic that the smaller the wage or income of a family, the greater the proportion of that income which must be spent for food and clothing.

In other words, every family must first provide for food, clothing, and shelter—the three prime necessities of life. These items must be taken out of every family budget before anything else is purchased. Consequently, the smaller the family income the larger the percentage of that income which must go for food, clothing, and rent. Those who are "merely existing" take practically all their income for these three items.

A survey made by the United States Labor Bureau about 3 years ago of the manner in which the average industrial worker of the United States spends his dollar showed the following division of the average working man's budget:

	Percent
Food	32.3
Rent	22.6
Clothing	12.2
Fuel and lights	6
Household furniture and fixtures	5.2
Doctors and medicine	3.8
Insurance	3.4
Car and bus fare	2.2
School expenditures	0.4
Miscellaneous	11.9

From this analysis it is seen that food and clothing, under normally prosperous conditions with the wages and the standard of living which prevailed at that time, took 44.6 percent of the income of the industrial workers of the United States.

As wages decrease, the items contained in the classification of "miscellaneous", which includes recreation, travel, and so forth, and the other items, with the possible exception of doctors and medicines, must necessarily decrease, and it takes a larger and larger percentage of the family income to provide food and raiment.

Under the present industrial conditions it is safe to assume that practically all the income of industrial workers is consumed in an effort to provide food, clothing, and shelter. This is evidenced by the decrease in the purchase of other commodities not classified as necessities, such as automobiles, radios, household furniture, and so forth.

It is a fundamental principle of taxation that taxes should be levied according to the ability of the individual to pay. That is the principle followed in the formulation of the income tax.

The opposition to the general sales tax was based upon the argument that it taxed the poor man out of all proportion to his ability to pay. To rectify this inequality the sales tax as presented to the House proposed to exempt from its provisions all articles of food and clothing.

The domestic-allotment plan is a sales tax confined exclusively to food and clothing. It, therefore, is a violation of the fundamental principles of just and equitable taxation, in that under present conditions it would levy upon practically all of the income of industrial wage earners and other wage earners who are working on greatly reduced salaries. Under the provisions of the bill as introduced the prices paid the farmer for cattle, sheep, hogs, wheat, cotton, corn, butter, and cheese would be from 150 percent to 300 percent greater than the prices now paid, without allowing any pyramiding, which is inevitable in the processing and merchandising of any agricultural commodity. These figures mean that the cost of food and clothing made from the agricultural commodities named would be increased by that much to the consumer.

Furthermore, the bill allows the consumer no escape from this increase in living costs by the substitution of other articles. For example, if he seeks to avoid an increase in the price of butter by buying oleomargarine, the bill provides the Secretary of Agriculture shall stop such substitution by levying a processing tax on oleomargarine. Section 15 of this bill is designed to prevent the consumer's resorting to substitutes in order to escape high living costs.

Or take clothing made from cotton. If, by reason of this bill becoming a law, cotton goods would double or treble in price and the ultimate consumer endeavored to escape this increase by switching to rayon or other textiles, the bill provides the Secretary of Agriculture shall immediately levy a tax on such substitutes.

This proposal is not only a violation of the fundamental principles of equitable taxation, but it is a repudiation of practically every Democratic platform that has been written since the Civil War. All such platforms have demanded that all general taxes should be levied upon wealth. The Democratic platform of 1924 states that any system of Federal taxation should not "take from the poor any part of the necessities of life", and that all Federal taxes should be—

> so adjusted as to lay the burden of government upon the taxpayers in proportion to the benefits they enjoy and their ability to pay. We oppose the so-called "nuisance taxes", "sales taxes", and all other forms of taxation that unfairly shift to the consumer the burdens of taxation.

The same thought has found place in practically every Democratic platform.

For instance, in 1888 the platform said:

> All unnecessary taxation is unjust taxation. It is repugnant to the creed of Democracy that by such taxation the cost of the necessities of life should be unjustifiably increased to all our people.

The Democratic platform of 1884 was almost prophetic in its denunciation of this very bill, for it said:

> We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes, to be distributed among the States or the citizens thereof.

And the Democratic platform of 1880 was scarcely less prophetic in its denunciation of the present Democratic proposal, for it said:

> The Democrats of the United States in convention assembled declare opposition to centralization and to that dangerous spirit of encroachment which tends to consolidate the powers of all the departments into one, and thus to create, whatever be the form of government, a real despotism.

DOMESTIC-ALLOTMENT PLAN WOULD ABSOLUTELY DESTROY FOREIGN MARKETS FOR ANY OF THE PROCESSED COMMODITIES INCLUDED IN THE PLAN

It is not necessary in an analysis of the bill to reason why there has been a decrease in the foreign markets of America's agricultural products. But if such analysis were made it could be summed up as follows: Agricultural products from other agricultural countries, such as the Argentine, South Africa, Russia, Australia, and New Zealand, are entering the world markets at a price so low that the American farmer cannot meet that price, and therefore is driven from foreign markets by the operation of the law of competition.

European countries which are large importers of food supplies are exerting every effort to increase their domestic supply of foodstuffs. One of the methods generally adopted is the application of antidumping regulations against food imports and other manufactured goods. Section 17 of the bill not only provides for but encourages and puts a premium upon the exportation of the processed commodities named in the bill and their sale in foreign markets at a lower price than they are sold in this country. It does this by providing for a rebate or refund of the processing tax to the exporter of such products.

The moment the bill became a law, European countries having antidumping provisions would instantly put up the bars against the importation of such products.

A BILL TO PUT MANUFACTURERS OUT OF BUSINESS

The domestic allotment bill might well be entitled "A plan to put processors of agricultural commodities out of business." Paragraph 2 of section 8 of the bill admits that the taxes levied against the processors of the commodities named in the bill will be so heavy that the processors affected may not be able to pay those taxes out of their own corporate income. The bill provides that such processors may borrow enough money to pay the processing tax from the Reconstruction Finance Corporation at a rate of interest of 3 percent per annum. Incidentally, that adds that much more to the ultimate cost of living to the consumer.

It would seem that when comparatively few industries of any kind are operating at a profit, even after they have cut wages and all overhead to the bone, and when hundreds of our industries have been unable to weather the storm, this

would be a most inopportune time to add to the staggering burdens industry is carrying by adding a tax which is variously estimated at from $1,500,000,000 to $2,000,000,000.

It would seem when the railroads of this country are facing the most critical period of their existence, when they are exerting every effort to increase their car loadings and freight revenue, it is a most inopportune time to pass a law that will reduce by 20 percent to 25 percent car loadings of the agricultural commodities named in this act.

The bill not only is oppressive to the degree of extortion upon the processors who handle commodities after the bill has become effective, but it is retroactive in its provisions. Section 16 of the bill provides the processing tax must be levied against handlers of the agricultural commodities named on all products they have on hand at the time the bill becomes effective. Some idea of what this means may be obtained from a story in the Chicago papers that, if the bill were to become effective at present, the floor tax or stock tax provided for in section 16 would cost the packing industry of this country $200,000,000.

It would be difficult to imagine a more disastrous blow to our already crippled industrial activities or a more effective measure to prevent a restoration of prosperous industries and the increase of employment in those industries.

SOVIETIZATION OF AGRICULTURE

The bill provides no definite plan for bringing about a reduction in the acreage of cereals, cotton, and tobacco named in the bill, or in the reduction of livestock and dairy products. Those details are left entirely to the Secretary of Agriculture in paragraph 1 of section 8. Several plans have been suggested whereby reduction of acreage may be obtained through agreements with those farmers who already are engaged in growing the commodities named. Assuming, for argument's sake, that all such agricultural producers would enter into an agreement to reduce acreage and would live up to that agreement, the question arises, what of those farmers who have not been engaged in raising the cereals named in the bill, or in raising cotton or tobacco? How are they to be prevented from engaging in the growing of such products?

The agricultural census shows every State in the Union grows wheat and corn. It further shows that in many States the acreage planted in wheat and corn has constantly increased over a period of years. For example, Ohio's acreage of wheat harvested steadily increased from 872,000 acres in 1928 to 1,723,000 acres in 1931. Indiana's acreage of wheat harvested increased from 910,000 acres in 1928 to 1,678,000 acres in 1931. Kansas, the largest wheat-growing State in the Union, which produces over 25 percent of the total wheat harvested in the United States, had an average acreage of less than 10,000,000 acres in the period 1924 to 1928, but in 1928 it harvested 10,473,000 acres of wheat, and this acreage steadily increased to 1931 when the acreage harvested was the record-breaking total of 12,632,000. Texas has more than doubled its wheat acreage in the last 5 years and is still developing. What is to prevent a continuation of this development of wheat acreage all over the country by farmers who hitherto have raised no wheat, going into the wheat-raising industry in order to avail themselves of the bonuses provided in this bill? Suppose, for example, that when the plan is finally worked out it is provided that all wheat growers must reduce their acreage 25 percent from the acreage they have had in wheat for the last 3 years, or 5 years, or even from the acreage they had last year.

If they do this in all good faith, they become beneficiaries under the law of whatever bonuses are paid to wheat growers complying with the law. A farmer who has grown no wheat could put 100 acres in wheat this year, and there would be no way in the world to stop him except by the arbitrary power and ruling of the Secretary of Agriculture. He could, under the provisions of this bill, make a rule or regulation prohibiting any farmer who has hitherto not raised wheat from engaging in production of wheat, and, under the provisions of this bill, such rule or regulation would have "the force and effect of law" and any violation of such a rule or regulation would subject such a farmer to a fine not in excess of $100. This same argument exactly could be applied to the farmer who wanted to engage in raising corn or cotton or tobacco, or who, not having engaged in any livestock industry, decided to begin raising hogs or cattle or sheep.

This is Russian sovietization pure and simple. It is not only the theory of the Soviet Government, but it is the practice of the Soviet Government in dealing with its agricultural producers. If our Government, through an arbitrary rule of the Secretary of Agriculture, can forbid any farmer's raising wheat or corn or hogs or cotton or tobacco under penalty then it can also compel him to raise wheat or corn or any other commodity, even though he does not care to do so, and it can compel him to deliver all or part of that production to the Government or to any processor for a fixed price. The power to forbid any farmer's engaging in production is also the power that can compel him to engage in production. The power of the Government to increase the price of any agricultural commodity by an arbitrary ruling of an officer of the Government having the full force and effect of law, carries with it also the power to decrease the price of any agricultural commodity.

FUTILITY OF ATTEMPTING TO CONTROL PRODUCTION BY REDUCING ACREAGE

Assuming that the plan set up by the Secretary of Agriculture for the reduction of acreage of cereals, cotton, and tobacco should be both practicable and foolproof and that it would be honestly administered upon the part of the Government officials and honestly observed upon the part of the producer, there yet remains the uncontrollable factor of the elements of weather and pests, which render it absolutely impossible for the most perfect human plan to determine how much of a crop may be harvested from a given number of acres planted.

Mr. President, I have prepared a table showing acreages in the different agricultural commodities over a period of years, which I shall not take the time to read, but which I ask may be inserted in the RECORD.

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

The table is as follows:

CORN

1928, acreage 100,673,000; yield, 2,818,901,000 bushels.
1930, acreage 100,829,000; yield, 2,081,048,000 bushels.

WHEAT

1928, acreage 58,272,000; yield, 914,876,000 bushels.
1929, acreage 62,671,000; yield, 812,573,000 bushels.
1931, acreage 54,949,000; yield, 892,271,000 bushels.
1924, acreage 52,535,000; yield, 864,482,000 bushels.
1925, acreage 52,367,000; yield, 676,765,000 bushels.

TOBACCO

1917, acreage 1,517,800; yield, 1,249,276,000 pounds.
1924, acreage 1,537,843; yield, 1,106,340,000 pounds.
1923, acreage 1,877,000; yield, 1,515,110,000 pounds.
1930, acreage 2,110,330; yield, 1,510,308,000 pounds.

COTTON

1927, acreage 40,138,000; yield, 12,955,000 bales.
1931, acreage 40,495,000; yield, 16,918,000 bales.

Mr. HEBERT. Mr. President, from these figures it is readily seen that there is no definite relation between acreage and yield, and any plan for the reduction of the quantity of any harvested crop which depends upon its acreage for its success, is certain to fail.

IS THE PROBLEM ONE OF DECREASING PRODUCTION OR OF INCREASING CONSUMPTION?

A statement issued by the department of rural economics of Ohio State University shows that production of agricultural products has been steadily declining, until today it is at a lower ebb than it has been for many years. It does not need statistical tabulation to establish the fact that consumption of food products, as well as of other commodities, is at the lowest point today of two generations, due to the industrial depression. Conservative figures place the number of unemployed wage earners at 10,000,000. Counting two individuals dependent upon each wage earner, we would have 30,000,000 people today without any income. The other 90,000,000 of our population are on a greatly reduced income,

no matter whether they are wage earners or capitalists, employers or employees.

Moreover, it is a matter of historical record as well as of statistical record that every industrial depression in the United States which has resulted in any appreciable number of unemployed has been inevitably followed by a decrease in the consumption of farm products and a corresponding decrease in the price of farm products. Furthermore, the economic history of the country shows that when the industrial wage earners were put back to work, almost immediately there resulted an increase in the consumption of farm products and an increase in the prices thereof.

Apparently, then, the way to attack the farm depression is not by still further decreasing an already low level of farm production but to increase employment in industrial centers. We cannot starve an individual or a nation into prosperity and higher price levels by attempting, through curtailment of his food supplies, to compel him to pay higher prices for what little food he does buy.

THE PROMISE AND THE PERFORMANCE

As a candidate for the Presidency, Governor Roosevelt repeatedly informed the country that he had a very definite agricultural relief program which he would submit to the Congress if he were elected, and if he were given a Democratic Congress would guarantee its speedy enactment into law.

At San Francisco, September 23, in his address at the Civic Auditorium, Governor Roosevelt said:

> The farm problem is probably the most serious that faces our Government today, and you people in the cities know how dependent you are for your prosperity on the purchasing power of the farmer of your Nation. Until the purchasing power of the farm is restored industry itself will never revive. * * * And I propose as a temporary measure, until we reestablish world trade through a sensible method of tariff by negotiation, to provide for the farmer what he calls a tariff benefit.
>
> That, my friends, in simple terms means that the farmer is to receive a price for his product, that portion of his product that is consumed in the United States, a price equal to the world price on these commodities plus the amount of the tariff.
>
> Now, my friends, that is something definite. It is something that intelligent farm leaders have been asking for and advocating year after year. It is not visionary. It is practical.

Referring to his Topeka speech of September 14, Governor Roosevelt at Sioux City, Iowa, September 29 said:

> The meeting of the farm problem is going to be successful only if two factors are present. The first is a sympathetic administration in Washington, and the second is the hearty support and cooperation of agriculture itself and its leaders.
>
> The proposals I made in Topeka were set forth in this spirit. * * * I have set up these proposals as a definite standard to which men and women of all parties could repair, to the end that the desperate plight of agriculture may be remedied.

At Wheeling, W.Va., October 19, he said:

> I have suggested a program for the rehabilitation of agriculture. * * * This program is practical and I pledge to you that it will be carried out with speed and dispatch.

At Springfield, Ill., October 21, Governor Roosevelt said:

> I want to call your attention to one of the aspects of the great American agricultural problem. More than a month ago at Topeka, Kans., I set forth a comprehensive national program for agriculture. * * * This program is conceived to meet a condition which cannot longer be endured in a nation endowed with so much natural wealth. I indulge in no magic formula. * * * May I also add that I would be the last person to claim sole credit for the program which I enunciated at Topeka. * * * It is a program worked out in cooperation with the wisest leaders of agriculture itself.

At Atlanta, Ga., October 24, he said:

> I wish to outline tonight the cardinal points in my agricultural program. * * * Another principle of farm relief is to make it possible for the farmer to get a larger return for his product. * * * The basic purpose of my farm program is to raise prices on certain agricultural products by some form of what the farmers of this country know as a tariff benefit. There is nothing mysterious about this and nothing visionary. It is recognized by the leaders, not only of agriculture but of the industrial world as well, that this is a perfectly sound method.

Later on in the same speech, he said:

> During these weeks I have made it abundantly clear that I propose a national agricultural policy which will direct itself not only to the better use of our hundreds of millions of acres of every type of land in the United States, but also to the rehabilitation of that half of our population which is living on, or directly concerned with, the products of the soil.

In closing his campain, in a speech at the Metropolitan Opera House, New York City, November 4, Governor Roosevelt reviewed what he had promised the people in the way of a definite program of reconstruction which would lift them out of the depression. The following is an excerpt from that speech:

> I have sought during these months to emphasize a broad policy of construction, of national planning, and of national building, in harmony with the best traditions of the American system. * * * At Topeka I outlined a complete national plan for the restoration of agriculture.

So much for the promises which he made.

What is his definite plan, which he repeatedly stated during the campaign had been worked out, that it was practical, that it was not visionary, that it had received the endorsement not only of agricultural leaders but of industrial leaders, that it was workable? He submitted this plan to Congress in a special message Thursday, March 16. The best he could say for it was as follows:

> Deep study and the joint counsel of many points of view have produced a measure which offers great promise of good results. I tell you frankly it is a new and untrod path, but I tell you with equal frankness that an unprecedented condition calls for the trial of new means to rescue agriculture. If a fair administrative trial of it is made and it does not produce the hoped-for results, I shall be the first to acknowledge it and to advise you.

Quite a difference between the President's official presentation of the measure to the Congress and the definite, unequivocal promises he made during the campaign!

His message indicates he does not know whether or not it is workable—although in the campaign he said he had a plan which was workable.

In his message he clearly states he does not know whether it is practical—although in the campaign he said the plan he had worked out was practical.

In his message he clearly indicates that he does not know whether or not it is visionary—although in the campaign he assured the people it was not visionary.

In his message he clearly indicates there is nothing definite in his mind as to whether or not it will bring about the desired results—although in his campaign he repeatedly told the people his plan was definite.

I am not unmindful of the results which will flow from the operation of this bill, as I interpret its provisions. I am convinced that, so far as cotton textiles are concerned, the bill is most discriminatory.

The bill admits, as I see it, that the operations of the law would undoubtedly raise the price of cotton goods to such an extent that buyers would seek substitutes, such as rayon, linen, and so forth. Then it attempts to set up preventives or safeguards against such substitutions by authorizing the Secretary of Agriculture to impose a processing tax.

There is nothing in the bill, however, and there can be no provision that would prevent the American buyer from substituting foreign cotton goods for domestic cotton goods; and with cotton goods increased in price by reason of this bill, as they would be—for the bill would double the price of raw cotton—foreign manufacturers of cotton textiles would be able to jump our tariff walls and undersell our cotton manufacturers in this market. Even at the present price of raw cotton and the corresponding present price of cotton textiles there are many cotton textiles being imported and sold at a profit to the importer. Increase our domestic prices and the imported cotton goods would drive the domestic cotton goods out of the market.

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

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. HEBERT. I do.

Mr. HATFIELD. Has the Senator given any consideration to the farmers who own farms in a State that has within it cities of large population, and what advantage the millers or processors in those States would have over the millers or processors in States where the population is small?

Mr. HEBERT. Mr. President, undoubtedly an advantage may come under those conditions in a State like my own, for instance, where most of the farmers do not have to travel more than 20 or 30 miles to an ideal market. That is not true all over the country.

Mr. HATFIELD. For instance, take the State of New York. Would not the farmer in the State of New York fare far better than a farmer out in the Central West or out in the Northwest who produced like commodities, in that the New York farmer could sell his products within the State of New York and not come under the processing law at all?

Mr. HEBERT. Of course, Mr. President, so far as the commodities produced and consumed in a given State are concerned, as I understand the operation of this measure, they would not be subject to its provisions; and, therefore, to that extent, the local producer would have a marked advantage over a producer in another State transporting his goods there for sale.

Mr. HATFIELD. Then the far-away farmer in the West or the Northwest would have a very great disadvantage in selling his products in the thickly populated sections—in the eastern sections, say—that he could not very well overcome, as compared with the local conditions that exist respecting the preference given to the local farmer.

Mr. HEBERT. Unquestionably there would be that differential.

It should not be difficult to convince the American farmer who produces foodstuffs that he would not gain by destroying the cotton-textile industry in this country.

In my consideration of this measure I have not been unmindful of the failures which have been met in previous attempts of Congress to relieve the distress of the farmers. I voted for the appropriation of $500,000,000 which was made in 1929 for the relief of agriculture. I then had some misgivings about the success of the proposal. I was never convinced that we could change by legislative fiat the laws of supply and demand. Experience has again shown that to be true. My only hope in supporting that measure was the possibility of affording some relief to agriculture through the organization of cooperatives and some sort of marketing arrangements which would give to the farmer the full benefit of the price of his product. That, in a measure, I think, has resulted; but clearly every attempt to fix prices of actual commodities has met with abject failure. I am convinced that the provisions of the pending bill, looking to similar action, will meet with a like failure and will leave the farmer in a worse plight than that in which he now finds himself. Not only that, but the burdens which will be imposed upon the other three fourths of our population will be unbearable if my analysis of the bill is in any way correct.

We speak of the necessity of increasing the buying power of the people of the Nation. I wonder how that is to be done if, as I understand the provisions of this bill, we are to raise the price of foodstuffs to the consumers. It is to be borne in mind that approximately 32 percent of the wages of the people engaged in industry goes to the purchase of food. If that be so, and I do not think it will be denied, then manifestly if this bill becomes a law and the price of foodstuffs is doubled, it goes without saying that people engaged in industry must either devote twice as much of their earnings to the purchase of foodstuffs, or reduce their consumption to one half the volume they now use. I am convinced they will not do the former. Rather will they limit themselves, and in limiting themselves the markets for farm products will be destroyed, at least to a very considerable extent.

And so I have reached the conclusion that this bill will not benefit the farmer. Then too, as was well stated by the Senator from Pennsylvania [Mr. REED] in his argument yesterday, the allocation of costs to the various States offsetting the benefits to the farmers in those States, is worthy of very serious thought. For example, the State I have the honor to represent, will pay into this fund from 75 to 100 times as much as it will receive back. The farmers of Rhode Island themselves will pay approximately as much as they get out of it, and the urban population of my State will pay 7½ millions of dollars without any corresponding return.

While I have not studied the measure with the view of satisfying myself as to its constitutionality, I am not unfamiliar with some of the cases to which reference has been made in the course of this debate, and I have reached the conclusion that it will not stand the test of constitutionality if submitted to the Supreme Court for an opinion.

Throughout this special session of Congress I have repeatedly said to my constituents that I desired to support the administration in the measures it proposes, in the hope that some relief may come to the people of this country. I have done that insofar as it has been possible for me to reach the conviction that those measures would be beneficial. If I could be convinced that this bill would benefit the country in any way, or benefit any considerable group of our citizens without doing a most serious injustice to all of the other groups, I should hesitate to oppose it; but my conviction is that its enactment is not going to be beneficial to that class of our citizens in whose interests it is proposed, and most assuredly it will impose very onerous burdens upon the great majority of the citizens of the country.

Because we are faced with an emergency there is no valid reason why we should disregard all the lessons of the past. It will not serve any useful purpose to have action without knowing what will be the result. It were better to know the probable effects of any action we propose to take before taking it than to be forced to the necessity of retracing our steps later on out of the morass in which I am convinced this measure is bound to lead us.

Mr. AUSTIN. Mr. President, I shall vote against this measure so long as there are contained in it parts 2 and 3.

I regret that I am obliged by my conscientious convictions to vote against this measure, because such conduct might imply that I am not in sympathy with the objectives of the measure, whereas in fact I would support, and if I had the intelligence to do so I would draft a measure that would accomplish those very objectives, namely, the limitation of production and the elevation of the purchasing power of agricultural products.

There are two main reasons why I cannot vote for this measure in its entirety.

In the first place, I am firmly persuaded that in letter and in theory these two parts of the measure to which I object are unconstitutional.

The other reason is that if this law were so put into operation in the wisdom and the sacred regard for the Constitution which characterize that great man who is now our Secretary of Agriculture, and in whom personally I have great confidence, so as to avoid the faults which are written out plainly on the face of it, and which permeate the theory of it entirely, it is my opinion that it would bring utter disaster to that great class of our inhabitants for whom it is designed, the farmers of this country.

I hope, in the few moments which I shall take of the time of the Senate, to adhere to those two grounds of objection to the enactment of the bill. As to the first one, regarding its constitutionality, I am not criticizing any other Member of the Senate when I take the position which I do take here regarding the constitutionality or unconstitutionality of the measure which is before the Senate for adoption. I feel bound to exercise my very best judgment at the first opportunity to ascertain whether any and every measure which is proposed in the Senate will stand the test of constitutionality, and if, in my opinion, it does not bear that test, I feel conscientiously bound to oppose the passage of the measure, and not to pass it up to the judiciary to determine that we have enacted a law which is unconstitutional.

Mr. President, I find myself not taking a new position in that regard. I cite, for the consideration of Senators, a very distinguished authority for that stand. I call attention to what a President of the United States stated, and I refer to William Howard Taft, in his veto message to the Congress on February 28, 1911. This was a veto message on the

Webb-Kenyon bill. I read a short extract from the CONGRESSIONAL RECORD proceedings of the Senate at page 4292, as follows:

It is said that it should be left to the Supreme Court to say whether this proposed act violates the Constitution. I dissent utterly from this proposition. The oath which the Chief Executive takes and which each Member of Congress takes, does not bind him any less sacredly to observe the Constitution than the oaths which the Justices of the Supreme Court take. It is questionable whether the doubtful constitutionality of the bill ought not to furnish a greater reason for voting against the bill or vetoing it than for the Court to hold it to be invalid. The Court will only declare a law invalid where its unconstitutionality is clear, while the lawmaker may very well hesitate to vote for a bill if of doubtful constitutionality because of the wisdom of keeping clearly within the fundamental law. The custom of legislators and executives having any legislative function to remit to the courts entire and ultimate responsibility as to the constitutionality of the measures which they take part in passing is an abuse which tends to put the court constantly in opposition to the legislature and executive, and, indeed, to the popular supporters of unconstitutional laws. If, however, the legislators and the executives had attempted to do their duty, this burden of popular disapproval would have been lifted from the courts, or at least considerably lessened.

For these reasons, and in spite of the popular approval of this bill, I have not felt justified in signing it, because I feel that under principles of proper constitutional construction it violates the interstate-commerce clause of our fundamental law.

Mr. President, I adopt that as a clearer and better statement of my position than I can make myself, and, being under that conscientious devotion to duty, I could not, even in the name of emergency, support a measure which, like this, has glaringly set out on the very face of it and in its very language unconstitutional provisions or provisions which violate in their exact words the simple terms and provisions of the Constitution of the United States.

Mr. President, it is not necessary to construe its words or to seek the objective of this legislation in order to find this bill in conflict with the Constitution of the United States. It expressly transgresses that clause of the Constitution which forbids the laying of any tax or duty upon articles exported from any State.

The learned Senator from Alabama [Mr. BANKHEAD] adverted to that subject yesterday and cited a case. I have no conflict whatever with the position he took, nor do I disagree with the case he cited. It is true, in my opinion, that that section of the Constitution relates to goods which are transported without the dominion of the United States and is not applicable to those transactions interstate. So there is, in fact, no conflict between him and me in this respect.

My objection is that by subdivision (b), found on page 23 of the proposed act, a bond is required "satisfactory to the Secretary of the Treasury for the faithful observance of the provisions of this title requiring the payment of taxes" from any person who wishes to export, in the sense of the interpretation by the Senator from Alabama; that is, transport without the United States any of these commodities or any commodities which are in competition with them. That part of the bill is not subject to the claim that it does not relate to exports, because it says it does relate to exports, in the following terms:

Upon the giving of bond satisfactory to the Secretary of the Treasury for the faithful observance of the provisions of this title requiring the payment of taxes, any person shall be entitled, without payment of the tax, to process for such exportation any commodity with respect to which a tax is imposed by this title, or to hold for such exportation any article processed wholly or in chief value therefrom.

There is no need of trying to interpret that. It means the processing of an article that is to be transported across the Canada line, or across the Atlantic Ocean, or across the Mexican border, or across the Pacific Ocean. All the men who are exempt from the power of Congress to tax must, under the terms of this bill, give a bond to the Secretary of the Treasury of the United States that they will conform to the terms of this proposed law; and those terms are extraordinary. Not even in time of war have there been any terms of any law which equal these in exposure of the people of this country to the tyranny of one individual.

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

Mr. AUSTIN. I yield.

Mr. BANKHEAD. I would like to have the distinguished Senator point out where there is any provision in the bill which would lay a tax or a duty upon exports. The Senator's objection to the bill formerly was that it violated clause 5 of section 9 of article I of the Constitution, which prohibits the imposition of a duty or tax on articles exported from any State. I take it the Senator does not claim that because a processor is put under bond when he is engaging in the export business that he will not sell the goods elsewhere on account of not being required to pay the tax; that then there is no duty or tax placed upon the exported article; and the bond to which the Senator refers, I doubtless assume he will concede, is for his protection, because of the fact that the export tax does not apply.

Mr. LONG. Mr. President, will the Senator yield that I may ask for a quorum? I suggest the absence of a quorum and ask for a roll call.

The PRESIDING OFFICER. Does the Senator from Vermont yield for that purpose?

Mr. AUSTIN. No; I think, if the Senator does not insist upon it——

Mr. LONG. I certainly hope the Senator will let us have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Copeland	Johnson	Pittman
Ashurst	Costigan	Kean	Pope
Austin	Couzens	Kendrick	Robinson, Ark.
Bachman	Cutting	Keyes	Robinson, Ind.
Bailey	Dickinson	King	Russell
Bankhead	Dieterich	La Follette	Schall
Barkley	Dill	Logan	Sheppard
Black	Duffy	Lonergan	Shipstead
Bone	Erickson	Long	Smith
Borah	Fletcher	McAdoo	Steiwer
Bratton	Frazier	McCarran	Stephens
Brown	George	McGill	Thomas, Okla.
Bulkley	Glass	McKellar	Thomas, Utah
Bulow	Goldsborough	McNary	Trammell
Byrnes	Gore	Murphy	Vandenberg
Capper	Hale	Neely	Van Nuys
Caraway	Harrison	Norbeck	Wagner
Carey	Hastings	Norris	Walcott
Clark	Hatfield	Nye	Walsh
Connally	Hayden	Overton	Wheeler
Coolidge	Hebert	Patterson	White

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

Mr. AUSTIN. Mr. President, at the time when a quorum was called an interrogatory had been propounded by the distinguished Senator from Alabama [Mr. BANKHEAD], who asked, as I recall, what part of this proposed law laid a tax upon any goods that were to be exported from any State. My answer now is that that part of the bill providing for a tax lays such a tax as I have indicated. That provision will be found on page 10, section 9, of the bill. It requires no particular acumen to understand the bond provision of the bill with respect to exported goods, and clearly to observe that if no bond shall be given, then the goods will not be exempt from the tax, because the only condition in the bill which prevents such goods from taxation is that a bond shall be filed by the exporter.

If it needs any further interpretation, one has only to turn back one paragraph to find a provision for refunding of taxes already paid on exported products of a State. However, take other provisions of the bill, which have been so ably argued here already and which I do not intend to reargue, and consider how they will operate. We discover that it is perfectly clear that this bill cannot operate as to intrastate transactions, because Congress has no power to regulate commerce in intrastate transactions. We see, of course, as I have tried to point out, that it cannot operate as to exports from a State, because no tax can be levied by Congress on exports from a State. Therefore, this bill must be so administered by the distinguished Secretary of Agriculture as it shall apply only to interstate transactions.

Now, Mr. President, theoretically apply the measure to such transactions, and where do we arrive? We arrive at

one of the major reasons why the bill should not pass and become a law, and that is that in the commerce conducted inside the boundaries of every sovereign State no tax can be collected upon the commodities transported in such commerce.

For instance, take milk. Can Congress collect a tax upon the producers of milk in the State of Massachusetts who sell their milk within the confines of that State? Oh, no; that is absolutely prohibited by the Constitution; and the great Secretary of Agriculture will not try to enforce any such collection. If, however, he should do so, do you think, Mr. President, that the citizens of Massachusetts would pay the tax? I am suggesting the thought that there would be a conflict over the execution of this proposed law in the State of Massachusetts. On the other hand, the milk producer in the State of Vermont who undertakes to market his milk in the city of Boston, which is one of his largest markets, must pay the tax. In other words, there is a tax on Vermont milk in Boston and there is freedom from that burden for milk produced in Massachusetts and marketed in Boston. I ask whether that is going to produce a stabilization of the price and of the buying power of milk in New England? Senators know the answer. And when that situation is extended to every commodity that may be classed as one of the basic commodities included in the bill, and to all the substitutes therefor, I suggest to the consideration of the Senate that that kind of commerce will be thrown into chaos. It was to prevent just that kind of chaos and to obviate disaster to the farmers of the country and to all its liberty-loving citizens that the great convention which met in Philadelphia framed the Federal Constitution, which we are now invoking.

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

Mr. AUSTIN. I yield to the Senator from Michigan.

Mr. VANDENBERG. May I say to the Senator, confirming the hypothesis which he now lays before the Senate, that the very able ex-Senator from Wisconsin, Mr. Blaine, takes practically the same view, and has said to me that the milk producers of Wisconsin now contemplate the complete loss or the possibility of the complete loss of their Chicago market as a result of this legislation, if it shall be enacted?

Mr. AUSTIN. I thank the Senator from Michigan for his suggestion.

Mr. STEIWER. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Oregon?

Mr. AUSTIN. I yield.

Mr. STEIWER. With reference to the question of the power of the United States to deal with intrastate traffic, has the Senator considered the application of the rule employed in rate making by the Interstate Commerce Commission? I have in mind the *Minnesota Rate cases* and the proposition that the Interstate Commerce Commission may properly regulate intrastate rates as an incident to the power to regulate interstate rates. Does the Senator feel that that principle has application here?

Mr. AUSTIN. It is some time since I read those cases, but I have read them; and I am familiar, I believe, with the principle upon which those decisions rest. They rest upon the ground of the public service and the public welfare and upon the peculiar control which the Government has over the transportation of persons and goods. They are not parallel at all with the proposition of reaching over the boundary of a sovereign State and saying, "I will tax your transactions of purchase; I will license your contracts of sale; I will put in the penitentiary all who do not conform to my regulations prescribing how the business inside State lines shall be conducted."

Mr. STEIWER. In other words, the Senator is contending that the difference is in the diverse character of the two proposals?

Mr. AUSTIN. I believe so, Mr. President. The rate cases obviously are affected with a public interest. In respect to the products of the farm the only way we can possibly save our faces in undertaking to enact such a bill as would regulate their transportation in interstate commerce by a tax upon them is to declare and to force through the proposition that farm products in interstate commerce are also affected by a public interest. To that I do not agree, and that ought to be one reason for opposing this bill, because I understand the bill expressly declares that doctrine in its opening paragraph.

Since the question has been asked, I wish to add to the list of serious cases, well considered, which already have been put in the RECORD here, supporting the proposition that the Government of the United States cannot exceed the powers which have been vested in it by the sovereign States. The people of the country who ordained that Constitution were the people of the sovereign States. It has been so first, last, and all the time. They retain in themselves the great reservoir of power, and Congress only has those powers which have been delegated to it. When they delegated to Congress the power to regulate commerce between the States, they said to all the world, "We save unto ourselves the power and the right to regulate the commerce within our sovereign States respectively." The Supreme Court of the United States, which they set up as that unique feature of our form of Government to have the exclusive, final, absolute word upon whether a law transgresses that power, said in this case which I wish to add to the other cases in the RECORD—that is, the case of *Bailey* v. *Drexel Furniture Co.* (259 U.S. 39), as follows:

> Out of a proper respect for the acts of a coordinate branch of the Government—

Meaning the Congress, of course—

> this Court has gone far to sustain taxing acts as such, even though there has been ground for suspecting from the weight of the tax it was intended to destroy its subject.
>
> But in the act before us the presumption of validity cannot prevail, because the proof of the contrary is found on the very face of its provisions. Grant the validity of this law and all that Congress would need to do hereafter in seeking to take over to its control of any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subjects and enforce it by a so-called "tax" upon departures from it. To give such magic to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

Mr. President, I have referred to my own dear State. I cannot help but recognize the traditions of her people, her remarkable history of independence, and her wonderful struggle against hostile neighbors and against the Continental Congress and against British tyranny in order that she might found in the Green Mountains a republican form of government. I cannot fail to take cognizance of the fact that we are inspired by the spirit of those pioneer forefathers who carved out an independent republic which endured for 14 years, carried on its own public affairs, coined its own money, conducted international negotiations, financed its own army, contributed a well-equipped and very dextrous regiment to the Continental Army, and by means of international negotiations known as "the Haldimand negotiations" kept 10,000 British Regulars north of the Canadian line for 2 whole years until Cornwallis surrendered at Yorktown.

I cannot forget, as I sit here and try to do my duty humbly, that there is nothing more sacred to them than the sovereignty of the little State of Vermont, and any attempt to break down the safeguards which they erected in that Constitution excites me to battle. I predict that any attempt to enforce this bill when it becomes a law, as the indications are that it will, by the collection of a tax, by the levying of a license against an individual, by the imprisonment of a Vermont citizen on account of anything that he may do which is the sole jurisdiction of the Government of the State of Vermont, will meet with that opposition, which will be effective. Of course, it will be by due process of law, but it will be determined; and I believe that every other State in the

Union will take the same position and will fight for its rights as a sovereign State and will not submit to any dictatorship being placed over the power and the right of the citizens of its State to contract among themselves freely and to transfer from one to the other their own property. I believe they will resist to the last ditch any attempt by the Federal Congress to lay a direct tax upon the stocks of merchandise in their warehouses and in their grocery stores throughout the several States.

That is another feature of the bill which I regard as a direct violation of the Constitution. That is another feature of the bill which undertakes to shear away from the several States a power that is very essential to them and which must be saved unto them in order that they may be able to operate their governments effectively, for they must have the right of direct taxation. We cannot take it away from them by an act of Congress unless we do it in the manner pointed out by the Constitution, and that is by the method of apportionment according to the census.

Mr. HASTINGS. Mr. President——

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

Mr. AUSTIN. I am glad to yield.

Mr. HASTINGS. I desire to inquire of the Senator in order that I may be certain that I understand his contention. Do I understand the Senator to contend that it will be impossible for the Secretary of Agriculture to require of the processor in Kansas a license before he can process the wheat grown and sold to him by a grower in Kansas?

Mr. AUSTIN. That is my interpretation of the bill—that is, if it is executed according to the Constitution. On the other hand, if it is executed according to the letter of the law and according to its theory he can do so, and then the Kansas taxpayer will probably assert his rights.

Mr. HASTINGS. Does the Senator contend that it is impossible under our Constitution for the Congress to enact any law that will force upon a processor in Kansas the necessity for taking out a license before he can process the wheat grown in Kansas?

Mr. AUSTIN. That is my contention.

Mr. HASTINGS. If that be true, it may be necessary for the Kansas wheat grower to transfer his wheat to some other State in interstate commerce before it can possibly be brought within the terms of the bill.

Mr. AUSTIN. Yes, Mr. President, that is my theory, and that is one of my objections to the bill. Although there is much to be said upon it, I have said enough.

Let me now consider the conditions generally as they stand today in this country with reference to like commodities produced in other countries. Of course, it is natural for a person who lives right close to a friendly foreign country to consider the competition that flows over the line. We all know—it is a matter of public knowledge, it is a matter of common knowledge, every workman in this country knows, every employer of labor in this country knows, and every consumer knows—that all of the protection which was designed by tariffs for our labor and for our producer has been borne down and in some cases destroyed by the difference in the value of our gold dollar and the sterling pound.

Senators have noticed a gift from someone, laid on our desks within a few moments, a copy of the Saturday Evening Post for April 15, 1933, of which there should be one in every family, in which the leading article, written by Garet Garrett, calls emphatically to the attention of the world the fact that against the economic pressure of all the countries whose dollar or whose other unit of exchange has been depreciated we have nothing, not even a compensating tariff in the United States, to protect and defend the commerce, the industry, and the labor of this country. He quotes on page 36 from a bulletin of the Department of Commerce, which I wish to read, as follows:

> Imports of many commodities are increasing, particularly of dutiable or largely competitive products. * * * Commodities numbering 232 were imported in greater volume during 1932 than in 1931. Of this number, 75 were free of duty (largely noncompetitive products), and 157 were dutiable (largely competitive products). * * * Imports accounting for 18 percent of the total value of dutiable goods were received in increased quantities.

The writer calls attention, Mr. President, to the fact that the first result of that tremendous change in the situation is bad, namely, the lowering of the price which we are trying to support in part by this bill; but he also points out an evil that is still greater than that, and that is the promise or the threat of an increase in that condition, and he quotes from the Department of Commerce as follows regarding that. I suppose one could not summon here to the Senate a more reliable witness upon the fact than the Department of Commerce, could he? It is as follows:

> The extent to which import competition in our domestic trade has developed during the past year, as a result of depreciated currencies, is not an adequate indication of the potential development. * * * With conditions as they are today—more than half of the world's trade being carried on by depreciated-currency countries and stocks of important raw materials and foodstuffs exceedingly large—costs of production and prices in gold-standard countries tend to seek the levels prevailing in nongold countries. Until the costs of production and prices of some of our commodities are further reduced, or some tariff adjustments are made, imports should tend to supply an increasing proportion of our domestic needs.

And right in the face of that condition, which I say is known to every one in this country, we have to consider a bill of this character, which lays an additional burden upon the producer and upon the processor in this country in his competition with foreign goods!

Of course, this bill contains a provision that the man who will be the dictator of its administration may lay upon the imported product a tax similar to the tax that is laid upon the domestic product; but what provision is there in this bill or any other bill which will put the domestic products in a position of fair or equal competition with the foreign product which is now getting in here over the tariff wall as a result of the depreciated currencies of foreign countries? Absolutely nothing.

Mr. GORE. Mr. President, what was the Senator reading from?

Mr. AUSTIN. I was reading from page 36 of the Saturday Evening Post, which someone brought in here a few moments ago. I had previously read that article, and was struck by those facts, because I think they are evidence to be taken into consideration in determining the policy of passing this bill.

What I am trying to say is that in this condition of affairs, in this general depression, and in this special depression of agricultural products caused by the competition of such products from abroad, we now have a bill introduced to increase the chaotic conditions of commerce and agriculture. We have a bill introduced which is going to provide one price for the Government cotton—and that is a large quantity, and will last for a long time—and another price for the cotton which the grower sells from his farm; is it not? Yes, indeed. We are going to bring about that result because we expressly exempt the Government cotton from this tax, and do not exempt the grower from this tax. We are also going to have two different prices on cotton for the reason that the cotton which is transferred from the producer to the processor in the State where it was grown is exempt from this tax by the Constitution, and if the Secretary of Agriculture administers this law according to the Constitution—as we are promised he is likely to do—those transactions will be free from the tax, and we will have a tax-free price in that State; but over the border, in the next State, where that cotton is transferred to a processor, we will have another price, because there the tax must be added.

That is true of every one of these commodities. There will be two prices—the domestic price, using the word "domestic" as meaning intrastate, and the foreign price, using the word "foreign" as meaning the price in interstate commerce. Add to that this international confusion, and I submit that in the administration of this bill by any intelligent man who designs to prevent the bill from transgressing the Constitution of the United States there can be but one result on the farmer, and that is further disorder, further chaos, further instability in his price level; and goodness

knows that every one of us here desires something else, and that that is what we should be glad to vote for if we had the opportunity to do it.

Mr. President, I shall not take the time of the Senate further.

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

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Texas?

Mr. AUSTIN. Yes.

Mr. CONNALLY. Has the Senator any suggestions along the line of farm relief which he thinks would give the farmer these benefits?

Mr. AUSTIN. No; I stated earlier in my remarks that I professed no special skill; that I wished I did have the intelligence to devise a measure that would stabilize farm prices, that would increase the purchasing power of farm products, and that would limit the production; but I cannot offer any such suggestions. Unfortunately, I have not the honor of being a member of the committee to which this matter was referred. I would readily accept a measure which was experimental, as this is declared to be, if it were apparent that it would help the farmer, provided it did not clearly and on its face transgress the Constitution.

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

Mr. AUSTIN. Yes.

Mr. CONNALLY. In other words, the Senator confesses that he has no plan at all, he has no idea as to what will be helpful, but he is against this plan, and will be against any other plan unless it is apparent in advance that it is helpful and beneficial and sure to be constitutional, and unless he is sure that it will be workable, and sure that it will be practicable, and sure that it will be popular, and sure that it will be something else.

Does the Senator think we will ever solve the farm problem, or any other problem, if Senators approach such questions in the mental attitude of the Senator from Vermont—one of negation and of opposition?

Mr. AUSTIN. Mr. President, I realize that that question is not a fair question. Nevertheless, I shall try to answer it.

Mr. CONNALLY. I beg the Senator's pardon. If the question is unfair I withdraw it.

Mr. AUSTIN. No; the Senator from Texas need not beg my pardon in that connection. I think I am able to understand the implication of that question, which charges that the state of mind of the Senator from Vermont is not favorable to aiding the farmer.

Mr. CONNALLY. Oh, no, Mr. President! I think I have a right to have the Senator yield to me. The Senator says my question is unfair. Therefore, I withdraw it. I do not want to be under the implication of propounding an unfair question.

Mr. AUSTIN. The Senator may withdraw his question, but the Senator from Vermont is going to reply to it.

I say that I am not competent, and I know it, to do the thing suggested by the Senator from Texas; and I am not willing to go out before the people of the United States and support a measure which I feel certain is destined to damage my neighbors.

I will say that I have seen tried with some degree of success a measure of cooperation in the marketing of farm products which did tend to stabilize the price and to raise its level, and I favor that; and if I stay in the Congress of the United States I am likely to try as best I may to attain that objective by some other measure which will be constitutional, and which will seem to me more likely to accomplish the objective. What I am trying to do here at this instant, however, is to interpose such objection to the passage of this measure as I have uttered here, because I believe that the paramount thing for us to do is to save the blessings of liberty to our people, and to keep government free at a time when the excitement of a great people, caused by distress and suffering, has such an appeal to our emotions that it may sweep us off our feet and make us do things which, upon sober consideration, we would not do.

Mr. LONG. Mr. President, if some other Senators desire to speak at this time I do not want to debate my amendment, for which the Senator from Montana [Mr. WHEELER] has offered a substitute. I gladly will yield the floor, because I do not want a vote taken this afternoon, and I am not anxious to have the Senator from Montana speak to the very light membership that has stayed around the Senate on this late Saturday afternoon. I would rather hear from some other Senators on this farm legislation for the remainder of the evening, or I would rather suggest to the Senators from South Carolina and Arkansas and Oregon that they consider the question of taking a recess at this time.

Mr. SMITH. Mr. President, if no Senator is desirous of speaking on or pressing the amendment, or the substitute for the amendment that has been offered, I think we ought to address ourselves to some of the other amendments. There are quite a number of them here that should be disposed of.

Mr. WHEELER. Mr. President, I should much prefer to do that. I had intended to speak today, but I was not able to get the floor earlier in the day because of the fact that other Senators did. It is late now. This is an important subject, and many Senators are absent who want to be here when it is discussed. I should much prefer not to be compelled to go on and speak this afternoon.

Mr. LONG. The Senator will not be compelled to go on this afternoon, because I can speak a while myself.

Mr. WHEELER. I do not want to take up the time of the Senate, nor do I want to do anything which will prolong the discussion. I do not intend to speak for a long time, but I do want to speak Monday, when we are apt to get a vote on it.

Mr. ROBINSON of Arkansas. Mr. President, there are a number of perfecting amendments.

Mr. SMITH. That is what I had reference to.

Mr. ROBINSON of Arkansas. Those amendments may very readily be disposed of, and I think will not require a great deal of time. I think we ought to consider them, and then perhaps it will be approaching the time when we shall discontinue the session for the day.

If the Senator will permit me at this juncture to offer a perfecting amendment——

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. LONG. I have no objection, Mr. President.

The PRESIDING OFFICER. The Chair assumed that the Senator from Louisiana had yielded the floor.

Mr. LONG. I had, but I understand that my amendment is before the Senate.

Mr. ROBINSON of Arkansas. It is temporarily laid aside for the consideration of other amendments.

Mr. LONG. I have no objection to its being temporarily laid aside for the cosideration of other amendments.

Mr. ROBINSON of Arkansas. Mr. President, I offer the following amendment:

On line 2, page 17, of the bill, after the word "title", insert the following:

and expansion of markets and removal of surplus agricultural products.

Mr. President, the effect and purpose of this amendment are to broaden the use permitted by the proposed statute of the funds acquired under the bill, so that a portion of the same may be used for expanding markets. I think the purpose will meet with general approval.

Mr. SMITH. Let me understand, Mr. President. The purpose of this amendment is that part of the proceeds of the tax collected may be used for the purpose of expanding our markets in foreign countries?

Mr. ROBINSON of Arkansas. Yes.

Mr. SMITH. That has been brought to my attention, and there was an amendment other than this one—of course, I shall not object to the pending amendment—looking toward putting a tax on certain articles for that specific purpose. I shall not object to the adoption of the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. McNARY. Mr. President, I should like to have the amendment stated.

Mr. ROBINSON of Arkansas. I will have to read it. I propose to add the words "and expansion of markets and removal of surplus agricultural products."

Mr. McNARY. Mr. President, is that calculated to affect wholly the surplus, over and above the domestic consumption?

Mr. ROBINSON of Arkansas. Yes.

Mr. McNARY. Where is the tax to come from; is it on the processor?

Mr. ROBINSON of Arkansas. Yes.

Mr. McNARY. From processing products domestically consumed or importations of products?

Mr. ROBINSON of Arkansas. The provision is attached to section 12. The language is:

The proceeds derived from taxes imposed under this title—

which would mean, any kind of tax imposed under the title may be used in addition to the payment of the benefits under the administration expenses for this additional purpose.

The suggestion was made that the language employed in the amendment should be "such other purpose as shall, in the discretion of the Secretary, affect the purpose of the Secretary of Agriculture under this title." I thought it better, however, to propose to amend in this restricted form. It is not a probability that a greater proportion of the proceeds will be used for any other purpose than those originally stated in the bill.

Mr. McNARY. The contemplation of the proposed act is that a processor's tax will go to the farmer in order to guarantee him the difference between the current base price and the current average price and the base price pre-war, 1909 to 1914. If that be true, there will not be any money left for the purpose of exporting any surplus to foreign markets, and, without additional provisions, it occurs to me that the Senator's amendment would be wholly futile to accomplish the purpose which he now indicates.

Mr. ROBINSON of Arkansas. I should like to have the amendment incorporated.

Mr. McNARY. I suggest that the amendment be studied further and let the Senate take up another amendment.

Mr. ROBINSON of Arkansas. Very well.

Mr. SMITH. Mr. President, I have been requested to offer the following amendment—and it seems to me to be a good one—on page 11, after line 12, to insert the following:

No processing tax shall be levied under this law on articles purchased by a State or political subdivision thereof for use solely in the exercise of an essential governmental function.

The PRESIDING OFFICER. That amendment is not in order unless the vote by which the committee amendment was agreed to is reconsidered or unless the Senator desires to ask unanimous consent that notwithstanding that vote, his amendment may be considered.

Mr. SMITH. Taking the parliamentary suggestion of the Chair, I ask unanimous consent as indicated.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the amendment he has just offered may be considered notwithstanding the previous adoption of the committee amendment. Is there objection?

Mr. McNARY. I probably shall not have any objection, but I want to ask a question of the Senator from South Carolina. His amendment reads:

No processing tax shall be levied under this law on articles purchased by a State or political subdivision thereof for use solely in the exercise of an essential governmental function.

What does the Senator mean by that latter expression?

Mr. SMITH. Mr. President, as explained to me, there might be certain food products, or certain clothes, which it might be essential for the State or a subdivision of the State to purchase, either for those in its eleemosynary institutions or its penal institutions, and the tax should not be imposed in such cases.

Mr. McNARY. Does the Senator mean contributions to the poor by the Red Cross, for instance, of flour or bread or pork or cotton goods?

Mr. SMITH. Wherever it is essential for the use of the State.

Mr. McNARY. The Senator is doing the thing attempted to be done a moment ago. He is proposing to reduce the processing tax, which may not, according to my opinion, be adequate to do the things the Senator wants done, namely, to give the farmer his pre-war purchasing power.

Mr. SMITH. Mr. President, the Secretary of Agriculture will certainly be conversant with the terms of the measure, and he can so regulate this processing tax as to take care of whatever is incorporated in the bill.

Mr. McNARY. He certainly cannot do it at all. That processing tax is fixed; it is just as definite as words could make it, namely, to add to the average price the value the farmer received for his products from 1909 to 1914. They cannot get any higher than that, and when the farmer has reached the ultimate price, it stops there, and there is no more money to come from the processing.

Mr. SMITH. Mr. President, my colleague from Oregon, who collaborates with me perhaps as sympathetically as any other member of the committee, knows that in connection with this bill we worked for a long time over one section that would give the Secretary the right, within the exercise of the power delegated here, to take into consideration unemployment in the cities, the amount of the reduction in any given article where the tax had reduced the consumption, and so forth and so on.

Mr. McNARY. Mr. President, the Senator well knows that he has a right to decrease the tax from the maximum period, but he cannot go above the purchasing power which the farmer had during the base period.

Mr. SMITH. But I am calling the Senator's attention to the fact that the Secretary has the power to determine what that amount is during the period selected. Who is to determine it but his experts and those who have sent us in tables? I have one which I am going to put into the RECORD.

It seems to me, without quibbling over this, that where a sovereign government, such as a State or a subdivision of a State, wants to purchase certain necessary articles for use by the State in its penal institutions or its eleemosynary institutions, things which are carried on every day, they should not be forced to pay this tax.

Mr. McNARY. I have just one purpose, and that is to keep inviolate the source from which the farmer is to receive his benefit, and I know, and the Senator from South Carolina knows, that there is a maximum benefit he can receive. There is a maximum charge that can be made against the processor, and that is as definite as can be, and beyond it we cannot go. But if there is a diminution in the sale of commodities by reason of this tax, it can be lowered by the arbitrary power of the Secretary of Agriculture.

If we are to make exceptions, and let eleemosynary institutions have some of these articles for nothing, if we are going to use part of the money for exporting wheat and cotton and other basic commodities mentioned in the bill to foreign markets, we are going to deplete the sum until we will not have the required amount of money in the fund to give the farmer the benefit the Senator is now holding out to him. That is the only interest I have in the proposition. There is a limited fund, and why draw upon it to make exceptions which will be repeated from day to day?

Mr. SMITH. Mr. President, all of us understand both the amendment offered by the Senator from Arkansas and the one I have offered by request. They raise a question which we could debate here for some time.

There are some men who are tremendously interested, have tremendous investments in certain articles produced in this country, a major portion of which is exported, and they have said that they believe that, with what assistance Congress could give, they would levy a tax voluntarily on their

goods in order to create a fund to be used for the purpose of exploiting American goods in foreign countries. In connection with the amendment introduced, coming under a farm relief bill, with the Senator from Arkansas, I thought that if we could find that we could use some of this tax money to better advantage in expanding foreign markets than we could in reflecting it in the domestic price, it might be well used, and, by the same token, the people pay the taxes for the States and the subdivisions thereof, and if we could relieve the taxpayer to the extent that we used these goods, we would be aiding the farmer and a part of the taxpayers as well.

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

Mr. SMITH. I yield.

Mr. VANDENBERG. May I ask the Senator how the processor is to know that the commodity he is processing is intended ultimately for some of these favored municipal agencies?

Mr. SMITH. When an order is given, it would be very easy for him to ask for a remittal of the fund to that amount.

Mr. VANDENBERG. In other words, he would have to get a refund?

Mr. SMITH. A refund.

Mr. VANDENBERG. The Senator does not figure that he has further complicated the situation and made it almost incomprehensible?

The PRESIDING OFFICER. The Chair thinks that the question ought to be put as to whether there is any objection to the consideration of the amendment. Is there objection?

Mr. LONG. Reserving the right to object, I want to ask the Senator this question: The Senator from Michigan has suggested what appears to me to be the difficulty with this amendment, which is this: We have to have a deadline by which to enforce the collection of the processing tax. If a large quantity of goods is not to come within the processing tax, how are the penal provisions to be enforced? A man comes in with a shipment of milk and he does not pay the tax. His defense is that he intended to sell it to the charity hospital. Another man comes in with a large amount of cotton goods, and he does not pay the tax. His defense is that he intended to sell it to the State penitentiary. Another man comes in with a large shipment of flour, and he does not pay the tax. His defense is that he intended to sell that flour to the asylum for the insane. The Senator would add further complication, which I do not think we could enforce, even if we could enforce the complications now in the measure.

Mr. SMITH. The bill as it stands provides for the machinery whereby on whatever is exported abroad there will be a refund; on whatever proportion the producer exports he will get a refund. It is a very easy matter. When an order as large as a State or subdivision of a State would send in were given, the State perhaps would get the refund and the subdivision would get what it was entitled to through the State. It will be a very easy matter to ascertain on what proportion of the goods the tax was paid or what was diverted, and to pay the refund on that proportion.

Mr. LONG. But how is a man going to know that those goods are bought for convicts at the penitentiary? He has got to pay the processing tax when he manufactures cotton goods, he has got to pay the creamery tax when he makes the butter, and he has got to pay the processing tax on the hog when he kills it. How does he know when he gets the bacon cured and smoked and salted down that 3 months later it is going to be sold to a charity hospital?

Mr. SMITH. If it is thus sold a rebate will be paid.

Mr. LONG. Does the amendment provide that the State shall get a refund?

Mr. SMITH. It amounts practically to the same thing. It says there shall be no tax on it.

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

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. CAREY. I should like to ask how when this refund is granted it will be possible to know its amount? As I understand, the tax will vary from day to day. Say, the tax on cotton is 7 cents today and 8 cents tomorrow and a State buys some cotton goods; now, would anyone know the amount of the tax on the particular goods the State bought on which a refund would be made under the bill?

Mr. SMITH. The tax would be computed on the day the order was issued; the tax would be levied according to the cost of the material on the day the order was given.

Mr. CAREY. Then, would the manufacturer have to keep track of the raw material in order to know what the tax was?

Mr. SMITH. Not necessarily. He would know what he had to pay on the raw material, and out of the raw material he would make certain goods to order, and would file his claim for refund according to that.

Mr. CAREY. But the tax would vary from day to day.

Mr. SMITH. Suppose it did; the order would not vary from day to day. On whatever day the order was made, I assume, the claim for the refund would be based upon the cost of the material on that day.

Mr. CAREY. I cannot see how the manufacturer would know just the amount of the tax.

The PRESIDING OFFICER. The amendment has to be considered by unanimous consent. The debate is more or less out of order unless there is consent given to the consideration of the amendment.

Mr. HASTINGS. Mr. President, I should like to have the amendment printed, so that we may have notice of it before it is considered, and therefore I object.

The PRESIDING OFFICER. The Senator from Delaware objects.

Mr. SMITH. Mr. President, it seems to me that it is not worth while for us to be quibbling over it. We understand the principle, and, if necessary, I can offer the amendment to a part of the bill that has not been passed upon; I can offer it to another part of the bill, because it certainly is germane to any part of the bill. So I will just ask the clerk to insert the amendment at any appropriate place in the bill which we have not considered.

The PRESIDING OFFICER. The Senator from South Carolina offers an amendment to be inserted at the proper place in the bill. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert in the proper place in the bill the following:

> No processing tax shall be levied under this law on articles purchased by a State or political subdivision thereof for use solely in the exercise of an essential governmental function.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

Mr. CONNALLY. Mr. President, the Senator from South Carolina knows that I am supporting this bill. Other Senators have raised the question of the impracticability of the administration of the drawback and all that. I desire to raise the more fundamental questions: Why should we exempt States and eleemosynary institutions? Why should we make exceptions of anybody under this proposed law? We are proposing to pass an act to raise the price of agricultural commodities, and at the same time it is proposed to make preferences and discriminations. That, in my opinion, is unsound. Why should any State government buy something from the farmer at a lower rate than I buy it from him or you, Mr. President, buy it from him?

Mr. SMITH. For the reason that the charitable spirit throughout the country caused us to give about 250,000,000 bushels of wheat and about 3,000,000 bales of cotton to the Red Cross. Why should we donate such commodities free of any benefits to the farmer? The fact of the business is that it was detrimental, because the 250,000,000 bushels of wheat were used for purposes that ordinary wheat in the market would have been used for and the 3,000,000 bales of cotton came in competition with the cotton being produced by the planter. That is why.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CONNALLY. In just a moment I shall do so. Let me answer the Senator from South Carolina. He wholly misses the point that I undertook to make. He is complaining that we gave away wheat and cotton to the Red Cross and thereby hurt the farmer's market. Now the Senator from South Carolina is proposing to increase the misery of the farmer by providing that charitable institutions and States and subdivisions of States shall buy the farmer's goods more cheaply than an individual or other institutions may buy them. I think there should be no discrimination.

Mr. SMITH. If the Senator will allow me, I do not want him to interpret to me what the amendment proposes.

Mr. CONNALLY. The Senator will have his own time. I do not want to take up too much time. I have yielded to the Senator once.

Mr. SMITH. In this connection I do not want the Senator to misinterpret my spirit toward the Red Cross and the effort to aid people who needed help.

Mr. CONNALLY. Is this a bill in aid of charity or is this a bill to raise the price of agricultural commodities?

Mr. SMITH. It is a bill to aid the farmers of the country, and I am simply asking that a provision be put in the bill under which, along with the main idea, the States—and we all know that it is a notorious fact that the farmers pay the taxes—will not be charged a double tax, a tax on the processing and then a tax on what they use for State institutions.

Mr. CONNALLY. That goes to the fundamentals of the bill. If it is unjust to tax the States and charitable organizations in behalf of the farmers, then it is unjust to tax you and me and everybody else in favor of the farmer.

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

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. CONNALLY. I yield first to the Senator from Oregon, who asked me to yield a few moments ago, if he now desires me to do so.

Mr. McNARY. I want to make this observation: The amendment offered by the Senator from South Carolina refers only to States or political subdivisions thereof. I say the Red Cross is neither. We are dealing not with charitable organizations; we are dealing with political organizations for political reasons. It is a noble sentiment which the Senator from South Carolina so eloquently expresses; but if he wants it written in the bill, he had better change his amendment.

Mr. CONNALLY. Let me say that the statement of the Senator from Oregon does not change my attitude at all. If we are going to pass this bill, it ought to apply to everybody—States, subdivisions of States, and everybody else.

Mr. HASTINGS. Mr. President——

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

Mr. CONNALLY. I yield to the Senator from Delaware.

Mr. HASTINGS. I want to say to the Senator from Texas that I thoroughly agree with what he has said and I want to ask him this question: Would it not be just as reasonable to exclude all persons earning under $10 a week and each having five people to support as it would be to make the exemption provided by the amendment?

Mr. CONNALLY. To be sure it would. It would be just as reasonable to say, "Provided, however, That no man who has but one leg shall be taxed on any bread he buys, and he shall get a refund of the tax he pays because he has only one leg and is crippled and cannot work", and so forth and so on. We might just as well say, "Provided, however, That all widows that have been married twice or all women who have sorry husbands shall be exempt from paying any tax because to pay it will be a hardship on them." We might just as well say that all poor folks shall not pay any tax and we shall tax only bread and food that the rich have to buy. It is wholly inconsistent with the purposes of a bill of this kind to make exemptions of Tom, Dick, and Harry.

Mr. HASTINGS. It certainly ought to include the unemployed; they ought to be exempted.

Mr. CONNALLY. Surely it ought to include the unemployed.

Mr. SMITH. Mr. President, may I say to the Senator, if he will allow me, it did include the unemployed—this very bill.

Mr. CONNALLY. If it does, it only makes the bill more vulnerable.

Mr. SMITH. It did include them in the first draft, because it provided that before the tax was fixed there should be considered the number of unemployed and the ability of the people to buy the commodity.

Mr. CONNALLY. If the Senator keeps on whittling, he will not have any bill or any processing tax left.

Mr. SMITH. I have not whittled at all. I have simply tried to make it as acceptable as possible. I have not made much headway, but I am still trying.

Mr. CONNALLY. The Senator will whittle his bill away if he permits great numbers of people to evade the processing tax, because the processing tax is the heart of the bill. We are either going to have a bill that will do some good and will work or we are going to have just another old makeshift bill for the farmer. [Laughter.]

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

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. CONNALLY. I yield.

Mr. RUSSELL. I should like to call the attention of the Senator from Texas to the fact that there is already an exemption in the bill providing for a refund of this tax. I read from the bill, as follows:

> (c) Any person delivering any product to any organization for charitable distribution or use shall, if such product or the commodity from which processed, is under this title subject to tax, be entitled to a refund of the amount of any tax paid under this title with respect to such product so delivered.

Mr. CONNALLY. That ought to be taken out of the bill.

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

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Connecticut?

Mr. CONNALLY. Let me first answer the suggestion and then I shall yield. Mr. President, if we want to give anything to charity, the way to do it is to go down in our pockets and give it. The Government has given the Red Cross cotton and wheat and commodities of that kind; and if we are going to pass a law to exempt from it everybody who has some particular plea, then we are not going to have any law that will be worth very much when we get through with it. It is all right to talk about charity, but let us not legislate charity out of other people's money. If we want to give something to charity, to the Red Cross, give it to them out of our pockets or out of the Treasury if that is desired, but we make this kind of legislation a cheap affair when we exempt this fellow and that fellow. The result will be we shall destroy it by exemptions and exceptions.

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

Mr. CONNALLY. I yield.

Mr. LONERGAN. On June 22, 1932, the House of Representatives passed a joint resolution amending the Revenue Act of 1932 and providing an exemption in the case of articles used in the exercise of governmental functions. I read the joint resolution, as follows:

> That section 621 (a) of the Revenue Act of 1932 is amended by adding at the end thereof a new paragraph as follows:
> "(3) To a State or political subdivision thereof, in the amount of any tax under this title which has been paid with respect to the sale of any article purchased by it for use solely in the exercise of an essential governmental function."

As I have said, that joint resolution passed the House of Representatives on June 22, 1932.

Mr. CONNALLY. What act did it propose to amend?

Mr. LONERGAN. The Revenue Act of 1932.

Mr. CONNALLY. Notwithstanding the merriment of the Senator from South Carolina, that is a wholly different situation from that which now confronts us. That amendment had reference to a tax law passed under the Constitution for taxation purposes and for the maintenance of the Government. That is a different thing from passing a

bill levying a processing tax, which has nothing on earth to do with the general expenses of the Government but is for the benefit of some particular industry. Under the Constitution the Federal Government cannot lay a tax on any State agency for the purpose of collecting revenue from that agency to support the Federal Government, and, of course, that is why the act to which the Senator referred was enacted. McCulloch against Maryland, an early case of Judge John Marshall on constitutional powers, laid down the principle that the Federal Government cannot tax the agency of a State nor that a State can tax Federal agencies; but when a commodity is being sold to a State just as it is being sold to everybody else and at the same price at which it is sold to everybody else, the State is not being taxed, nor is the agency of the State being taxed.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. LOGAN. I do not know that I understand just how it is proposed that this amendment shall work. I gather from what has been said that it is proposed that there shall be refunded to the processor the amount of the tax. I do not see how it will work. I want to know what becomes of the tax after it goes to the processor? Does he keep it, and thereby make a profit by the amount of the tax over and above what he would otherwise have made?

Mr. CONNALLY. I assume the Senator from South Carolina will contend that he would hunt up the individual from whom he bought the product and give him the benefit of it.

Mr. LOGAN. I do not see how it will work.

Mr. CONNALLY. The Senator will have to ask the Senator from South Carolina.

Mr. LOGAN. It is not known what portion of a commodity is going to be sold to a charitable institution when it is processed, and, therefore, of course, it cannot be exempted at the time it is processed. After it is bought by a State, the State will have to make a refund to someone. Does the processor get that refund?

Mr. CONNALLY. I do not know.

Mr. LOGAN. I should like to know what becomes of it. I agree with the Senator from Texas that there ought to be no exemption of that kind.

Mr. CONNALLY. I thank the Senator from Kentucky. While I cannot answer his question as to where the refund would go, I think his observations emphasize the objections which I am urging against making any exceptions.

If we should adopt an amendment of this kind, it might be necessary to brand articles so that they might be traced to their ultimate source. Where is this pair of cotton underclothes going to be sold? Is it going to be sold to a State? Nobody knows. And when the State finally buys that pair of underclothes for one of the convicts at the State prison farms, it has got to be traced to where it came from. The State bought it from a retailer, perhaps, and the retailer bought it from the wholesaler, and the wholesaler bought it from the factory; and more money would be spent tracing the source of one pair of cotton underclothes than would be obtained by the processing tax.

Mr. LOGAN. Mr. President, will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. LOGAN. That seems to be true, but another thing I should like to suggest to the Senator is that the tax is on the individual who produces any commodity which has been processed. If we are going to exempt anyone from the payment of the tax, why should we not exempt the individual citizen rather than the State or the county?

Mr. CONNALLY. I think the Senator was not in the Chamber a while ago when the Senator from Texas undertook to suggest that there was no reason on earth why, if we are trying to raise commodity prices, the commodities should be sold to a State or county at a lesser price than is made to one of its citizens.

Mr. BANKHEAD. Mr. President——

Mr. CONNALLY. I yield to the Senator from Alabama.

Mr. BANKHEAD. I rose a moment ago with the intention and purpose of explaining the provisions of the bill in response to the inquiry of the Senator from Texas. I am in accord with the philosophy of the Senator. I am opposed to the exemption. The tax is paid by the processor. If the purchaser is given a rebate or refund, of course that would go back to the processor and he would then be relieved from the payment of that amount of processing tax. That is the basis of the processing fund.

Mr. CONNALLY. But it would have to be traced back to the original processor.

Mr. BANKHEAD. Undoubtedly.

Mr. CONNALLY. When the State bought a pair of overalls for one of its convicts it would have to go back and find the factory that actually made those overalls.

Mr. BANKHEAD. That is true. The Senator wanted to know who gets the tax, and so far as the provisions of the bill are concerned I wanted no one to misunderstand them.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. CONNALLY. I yield.

Mr. COUZENS. So far as I understand the amendment of the Senator from South Carolina, it would have nothing to do with the processor nor with the producer on the farm. In other words, the State or municipality that purchased the goods would pay the tax and make application to the Treasury for a refund. There is no other way for them to get the refund. In effect the refund would come out of the Treasury. The Treasury would not be able to go out and collect from the farmer to whom the processing tax was paid.

Mr. CONNALLY. It would have to come out of the processing fund in the Treasury.

Mr. COUZENS. Yes; that is true. The Treasury having paid the farmer, it cannot go back to the farmer and collect it again.

Mr. CONNALLY. I am opposed to the exemption.

Mr. COUZENS. I do not think it is workable.

Mr. CONNALLY. It is not workable and it is not sound. One thing about the drift of the Government today is that the trend is to exempt Bill Jones and Sam Smith. Why should not everybody stand on the same level? We want to do this for this group and that for that group and the other for the other group, and interest and enthusiasm are generally measured by the size of the group and the number of people in the group who may vote at the next election. There is no reason on earth why a State or county should be exempted from paying the same price for wheat and bacon and sausage and every other agricultural product that Bill Jones, who is a taxpayer and a citizen, has to pay. There is no reason for it.

I am not hostile to the bill. I am not hostile to the Senator from South Carolina. I am going to vote for the bill. But let us make a bill that is sound and that is workable. Let us not put on its forehead at the very outset a blazing brand that it is unfair and discriminatory and merely a little gallant gesture to the farmer that "we have been promising to do something for you for 12 years, and we have not done it, but here we are going to do something for you again", and then fill it up with a lot of contradictions and exemptions and denials of its efficacy at the very outset.

I hope the Senator from South Carolina will withdraw his amendment. It is unsound. If we are going to exempt cities and counties, why not exempt municipalities? Why not exempt irrigation districts? Why not exempt school districts? Why not exempt road districts? Why not exempt railroads? Why not exempt the Reconstruction Finance Corporation?

Some Senator asks me sotto voce if I think the Reconstruction Finance Corporation is a charitable institution. Yes, I do! [Laughter.] I think it is charitable to the extent that when we get through with the Reconstruction

Finance Corporation the Government will own a lot of railroads, and it will own a lot of banks that have played out and handed over to the Government a lot of old notes that nobody will ever be able to collect. I think the life-insurance companies are going to unload on us a lot of bad debts and obligations. I believe we are going to have mortgages and debts against a lot of other corporations.

Mr. President and Senators, as I observed on the floor some time ago, since the Reconstruction Finance Corporation has come into existence promoters and others are busy trying to work up some new scheme to get the Government to finance it, when they never dreamed of having such a project financed in normal times out of normal money.

Mr. COUZENS. Mr. President——

Mr. CONNALLY. I yield to the Senator from Michigan.

Mr. COUZENS. Does not the Senator recognize it is the greatest three-ball institution in America?

Mr. CONNALLY. It has not the sound judgment of the man who hangs out three balls. The man who hangs out three golden balls in front of his shop sees to it that we put up a dollar's worth of security in order to borrow a dime. [Laughter.] He gets his money back. We have to leave our watch in his shop until the money is forthcoming.

I am not attacking the Reconstruction Finance Corporation as it is constituted. I am not blaming the members of the Board. I am blaming the conception of the plan. I am blaming the scheme that Mr. Hoover and those who voted for the bill devised. Everybody was taught to believe that the Government was to be their "uncle." It was said, "Come up and get all you want." The Board is not entirely to blame. They think they are under the mandate of Congress and they will tell anyone so. "Congress passed this bill and said we had $3,500,000,000 to loan. We were told to loan it. Congress told us to loan it to certain concerns that were eligible." Consequently they are loaning it. They are probably performing their duties with greater industry than any other department of the Government. [Laughter.]

Mr. COUZENS rose.

Mr. CONNALLY. I yield again to the Senator from Michigan.

Mr. COUZENS. We all understand the Senator's viewpoint of the qualifications of the members of the Board, because they have at the head of the Board one of the finest men from Texas. There is no question about it.

Mr. CONNALLY. I do not think the Senator from Michigan, who is ordinarily most gracious and considerate, ought to advance the implication that because I said the Board was not entirely to blame I had reference to the fact that one of its members is from Texas. It is true that one of the members of the Board is from Texas.

Mr. COUZENS. I am complimenting him. I am not condemning him. He is the finest man I ever knew from Texas. [Laughter.]

Mr. CONNALLY. I thank the Senator. Entertaining the estimate that the Senator from Michigan evidently does of the Reconstruction Finance Corporation and its member from Texas, and considering his knowledge and estimate of the junior Senator from Texas, and then his statement that the Reconstruction Finance Corporation has as a member of its board the finest men he ever knew from Texas, I am rather at a loss to know just where the Senator from Texas stands in the estimation of the Senator from Michigan.

But that is mere pleasantry. Seriously, I am glad to have the Senator from Michigan testify regarding the member from Texas. I have a very high regard for the member of the Reconstruction Finance Corporation from Texas, but I did not have him in mind when I said the Board is not to blame. He is only one member of the Board. He could not control the Board. I understand, in fact, that he has been in the minority on many of the issues, with which the Senator from Michigan is no doubt more familiar than I.

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

Mr. CONNALLY. The Board is composed of seven members, is it not?

Mr. COUZENS. It is skeletonized now to all Democrats.

Mr. CONNALLY. They have a very able member from Arkansas and an able member from New York. They had the former Vice President of the United States, Mr. Dawes, who is a neighbor, of course, of the Senator from Michigan. I am not criticizing the personnel of the Reconstruction Finance Corporation. I am criticizing the system. It is the wrong system. I am not defending them, because I do not know about all their loans. I am criticizing the policy of making Uncle Sam the banker for the rest of the people in the United States, because we are going to rue the day. On final settlement the Treasury of the United States will be the loser by a billion or more dollars, and Congress and our people will have to liquidate a lot of the concerns that are borrowing.

I am glad to yield now to the Senator from New York.

Mr. COPELAND. I am sorry the Senator did not yield earlier, because I did not want him to get into a battle with the Senator from Michigan.

Mr. CONNALLY. Oh, Mr. President, that is impossible!

Mr. COPELAND. The other day the Senator from Michigan said he thought more of a Democratic Senator than any other Senator in this body. I asked him who that Senator might be, and he said it was the junior Senator from Texas, who is now speaking. He even intimated to me that he would lend the Senator from Texas money!

Mr. CONNALLY. Let me say to the Senator from New York that nothing would impel the Senator from Texas ever to draw the sword, intellectually or otherwise, against the Senator from Michigan.

Mr. SMITH. After that statement?

Mr. CONNALLY. After the statement or before the statement, I shall say to the Senator from South Carolina. The Senator from South Carolina comes from a State that is always bristling with belligerency. He seems to be thoroughly saturated with the traditions, the fussy, quarreling, fighting qualities of South Carolina.

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

Mr. CONNALLY. Oh, Mr. President, I should prefer not to yield.

Mr. BYRNES. I have been enjoying the speech of the Senator from Texas up to this time.

Mr. CONNALLY. Does the Senator from South Carolina deny the fine and splendid traditions of South Carolina as being willing to fight whenever she felt like it?

Mr. BYRNES. I was objecting solely to the "fussy" part. [Laughter.]

Mr. CONNALLY. When the junior Senator from Texas cannot speak without both Senators from South Carolina inserting their objections into the middle of his speech, I think the fair implication is that South Carolina is fussy! [Laughter.]

Mr. President, I regret the Senator from New York made the observation he did with reference to the Senator from Michigan because of the inability of the Senator from Texas in any wise to express in fitting terms his gratitude to the Senator from Michigan for what the Senator from New York reports as having been his sentiments.

I am sure the Senator from Michigan is aware of the limitations of the Senator from Texas to express the very tender and high regard which he entertains for the Senator from Michigan. Having been a member of the Senate Finance Committee with the Senator from Michigan for some years, the Senator from Texas has learned to place a high valuation on his ability, his integrity, his courage, his character, and, above all, upon his fine personal qualities.

Mr. COUZENS. I thank the Senator.

Mr. COPELAND. Mr. President, will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. COPELAND. I am sure the Senator from Michigan now will not only lend money to the Senator but actually give him money. [Laughter.]

Mr. CONNALLY. No; the Senator from Michigan has many possessions, but I regard his money, of which he has much, as the poorest one of them. The Senator from Michi-

gan knows that the Senator from Texas does not want any of his money.

The Senator from Texas does not even want to borrow any of his money; and the Senator from Texas, notwithstanding the statement of the Senator from New York, has no idea on earth that if he did he would be able to get any out of the Senator from Michigan—not because he would not feel impelled to do it, but because, entertaining as the Senator from Michigan does and as the Senator from Texas does the belief that a loan never ought to be made unless there is adequate security, the Senator from Texas would not be able to meet the requirements of eligibility. [Laughter.]

Mr. SMITH rose.

Mr. CONNALLY. I yield to the Senator from South Carolina.

Mr. SMITH. No; I am just waiting for the Senator from Texas to get through. I desire to speak in my own time.

Mr. CONNALLY. Mr. President, the Senator from Texas was about to conclude, and he thought the Senator from South Carolina wanted him to yield. The Senator from South Carolina has used some little time on the bill heretofore; and I did not realize that his standing in juxtaposition to the Senator from Texas here, in a rather belligerent attitude, was really a threat as to what little time I am undertaking to consume. Does the Senator desire that I yield?

Mr. SMITH. No; I just wanted to preempt the floor to keep others from getting it in case the Senator from Texas stopped.

Mr. CONNALLY. I will say that the Senator is not entirely without success in that regard.

Mr. President, there ought not to be any exemptions in this bill. There is no reason to exempt States or counties or municipalities or charitable organizations or cripples or widows or anybody else if it is going to work. I oppose the amendment of the Senator from South Carolina.

Mr. SMITH. Mr. President, every time I attempt to do a kindly deed, I catch the dickens. [Laughter.] A new Senator brought that proposal to me, and I wanted to help him out. It looked to me like a reasonable thing, and about the easiest way in which I could show him that I appreciated his efforts to try to add something to the bill. Therefore, I did not mention his name, and assumed all the violent wrath that has been poured on my devoted head. [Laughter.]

Mr. CONNALLY. Mr. President, I think the Senator misunderstood the spot where that wrath was poured.

Mr. SMITH. Anyhow, it was wrath.

Mr. CONNALLY. It was not poured on his head.

Mr. SMITH. Well, that would have been the most vulnerable spot [laughter]; and I thought the Senator had such a keen appreciation of a battle that he would instinctively know the vulnerable spot.

This request was made, and in good faith I have presented it; but in listening to this debate, if it may be called that, I am reminded of what Josh Billings told his nephew. He said, "My son, come to the Capitol and see how great an amount of conjecture they can get out of so little fact"; and that characterizes most of these debates.

I still think that there is in this amendment that I have offered an element of equity; and I have done the very best I could for my new, unfledged comrade on this floor. I do not think it will detract anything from this bill. The fact of the matter is, Mr. President, that if time were not so limited, I might have taken occasion to point out in this bill provisions to which there may be greater allegiance with less justification of fact than could be found in this amendment.

I am going to take the time of the Senate to call attention to the fact that for 24 long years I have not only worked here for the farmer, but being one myself and having suffered all of the intolerable ills of Federal legislation, I think I can speak with some authority. I have worked, and am working now, for the benefit of the man who makes his living solely and entirely by his efforts in the field. He is now losing the power to do other than keep body and soul together. It is notorious that on the farms and on the cotton fields in the South the negroes and the whites have actually patched their overalls until they look like one of these jigsaw puzzles. [Laughter.] I defy any man from the South to rise up and contradict that statement. They are making so much cotton that it has lost the power of even giving the fellow who makes it a suit of overalls, just as the wheat people have made so much wheat that 12,000,000 of them have to get in the road and go hungry.

Then we are accused here of trying to inject into a bill for the benefit of the farmers something that would take something away from them. They are down to the irreducible minimum now. To exempt the institutions enumerated in my friend's proposed amendment would not have subtracted one nickel from the power of the Secretary of Agriculture.

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

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

Mr. SMITH. I do.

Mr. LONG. I begin to see more virtue and logic in what the Senator has been saying. I notice that on page 19, in subdivision (c), all the things that are sold to charitable and eleemosynary institutions are exempted. The subdivision reads:

> Any person delivering any product to any organization for charitable distribution or use—

Without reading further, he is entitled to have the tax refunded. That is a great deal broader than the exemption to the State.

Mr. SMITH. Do not mention it, and start another outpouring of sympathy for the man in the field. I am supposed not to have any.

I heard a man say the other day that he had planted, I believe, 3,000 acres; and I wondered how in the name of God he ever got to Washington, if he had that much liability.

This amendment was a simple request to this body to exempt States and municipalities in the discharge of their sovereign functions from paying the tax.

Mr. President, I fear that if I should go on I might make an assault with intent to make a speech, and I might not be convicted on the evidence after I did so; but I do not feel disposed to go any farther with this matter. I am willing now to have a vote taken, and let us try to get to the farmer the blessings that are in this bill that will relieve him of his ills.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. SMITH].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Austin	Carey	Logan	Russell
Bachman	Clark	Lonergan	Schall
Bailey	Connally	Long	Sheppard
Bankhead	Copeland	McCarran	Shipstead
Barkley	Couzens	McGill	Smith
Black	Duffy	McKellar	Stephens
Bone	Frazier	McNary	Thomas, Okla.
Brown	George	Murphy	Thomas, Utah
Bulow	Hastings	Overton	Trammell
Byrd	Hebert	Pittman	Vandenberg
Byrnes	Kendrick	Pope	
Capper	King	Robinson, Ark	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present.

ADJOURNMENT

Mr. SMITH. Mr. President, in view of the situation, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and (at 4 o'clock and 45 minutes p.m.) the Senate adjourned until Monday, April 17, 1933, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 15 (legislative day of Apr. 11), 1933

SOLICITOR GENERAL

James Crawford Biggs, of North Carolina, to be Solicitor General to succeed Thomas D. Thacher.

UNITED STATES DISTRICT JUDGE

James A. Donohoe, of Nebraska, to be United States district judge, district of Nebraska, to succeed Joseph W. Woodrough, nominated to be United States circuit judge, eighth circuit.

UNITED STATES ATTORNEY

Clifton Mathews, of Arizona, to be United States attorney, district of Arizona, to succeed John C. Gung'l, whose term expired March 2, 1933.

COMMISSIONER OF INDIAN AFFAIRS

John Collier, of California, to be Commissioner of Indian Affairs, vice Charles J. Rhoads.

PROMOTIONS IN THE NAVY

Pay Director Christian J. Peoples to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, from April 29, 1933, for a term of 4 years.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 15 (legislative day of Apr. 11), 1933

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

James Michael Curley, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

SENATE

MONDAY, APRIL 17, 1933

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

Blessed Savior, who in Thy earthly life didst reveal the innocence of perfect holiness and, like some river born among the snows in the sunshine of the mountain top pouring its transparent waters into the turbid, tumultuous current of our humanity, didst refresh us by the love and purity of God; grant that we may know the joy and power of Thy resurrection, as through the avenue of sense we behold the earth mantling herself anew in robes of loveliness.

In the conviction of our immortality, set us free from the worldly tyrannies that bind us, and from every disposition to be cowardly and mean, that we may be consecrated to each new duty that confronts us, thus binding ourselves by a new chain to eternity, strong and confident in Thee, for Thou hast said: "Fear not; I am the first and the last; I am He that liveth and was dead; and behold I am alive for evermore." Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday, April 15, 1933, when, on request of Mr. ROBINSON of Arkansas and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I note the absence of a quorum and request a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Bone	Capper	Couzens
Ashurst	Borah	Caraway	Cutting
Austin	Bratton	Carey	Dickinson
Bailey	Brown	Clark	Dieterich
Bankhead	Bulkley	Connally	Dill
Barbour	Bulow	Coolidge	Duffy
Barkley	Byrd	Copeland	Erickson
Black	Byrnes	Costigan	Fletcher
Frazier	King	Nye	Stephens
George	La Follette	Overton	Thomas, Okla.
Glass	Lewis	Patterson	Thomas, Utah
Goldsborough	Logan	Pittman	Townsend
Gore	Lonergan	Pope	Trammell
Hale	Long	Reed	Tydings
Harrison	McAdoo	Reynolds	Vandenberg
Hastings	McCarran	Robinson, Ark.	Van Nuys
Hatfield	McGill	Robinson, Ind.	Wagner
Hayden	McKellar	Russell	Walsh
Hebert	McNary	Schall	Wheeler
Johnson	Metcalf	Sheppard	White
Kean	Murphy	Shipstead	
Kendrick	Neely	Smith	
Keyes	Norris	Steiwer	

Mr. REED. I desire to announce that my colleague [Mr. DAVIS] is absent on account of illness, and I desire that this announcement may stand until his recovery has so far progressed that he will be able to leave the hospital.

Mr. McKELLAR. I desire to announce that my colleague the junior Senator from Tennessee [Mr. BACHMAN] is necessarily detained attending the funeral of the late Mr. Meehan, a distinguished citizen of Tennessee.

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

5-DAY WEEK, 6-HOUR DAY—MOTION TO RECONSIDER

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that at the conclusion of the morning business the Senate proceed to the consideration of the motion to reconsider the vote by which Senate bill 18, regulating the hours of labor, was passed, and at not later than 1 o'clock and 50 minutes p.m. the Senate proceed to vote on said motion without further debate.

The VICE PRESIDENT. Is there objection?

Mr. TRAMMELL. Mr. President, I did not hear the latter part of the Senator's request.

Mr. ROBINSON of Arkansas. I requested that at not later than 1:50 o'clock p.m. the Senate proceed to vote on the motion to reconsider.

Mr. HATFIELD. At 1:50 o'clock?

Mr. ROBINSON of Arkansas. Yes; at 1:50 p.m.

Mr. McNARY. Mr. President, I objected Saturday, as I did the day before, to a unanimous-consent agreement of this kind. I have now just one suggestion to make, namely, that the hour be fixed at not later than 1:30 p.m.

Mr. ROBINSON of Arkansas. Very well; I modify my request so as to fix the hour at not later than 1:30 p.m.

The VICE PRESIDENT. Is there objection to the request as modified? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Education and Labor:

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA,
ELEVENTH SESSION.

Senate Joint Memorial 4 (by the committee on mines, manufacturing, and labor)

To the President of the United States, to the Congress, and to the Committees on Labor in the House and Senate of the Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, has learned with consternation that Alaska is included in the provisions of a bill introduced into the Congress of the United States by Representative CONNERY known as House bill No. 2867; and

Your memorialist respectfully represents:

That more than 95 percent of all laborers in Alaska are employed in seasonal occupations and that the average working hours for the year do not exceed 4 hours per day;

That more than 25,000 of these laborers are engaged in the fishing industry covering a coastal distance of more than 3,000 miles; that fishing operations in Alaskan waters are by regulation of the Bureau of Fisheries arbitrarily limited to a period less than 60 days for each season, which obliges the fishing industry to concentrate the year's effort within that short period, involving the production of some $50,000,000 worth of fishery products; that 80 percent or more of the revenues of the Territory are derived from the fishing industry; that many of the companies have operated at a loss for the past 2 years, and the enactment of the proposed legislation would compel them to discontinue operations, and the Territory of Alaska would be bankrupt and unable to support its schools, dependents, and indigent persons and to continue other essential activities;